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HEARING PROCEEDINGS

November 15, 2021

JUDICIAL MERIT SELECTION COMMISSION

REPORTER: Patricia Bachand

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

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8 BEFORE: G. MURRELL SMITH, JR., CHAIRMAN

9 SENATOR LUKE A. RANKIN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 REPRESENTATIVE JEFFERY JOHNSON

14 ANDREW SAFRAN

15 LUCY GREY MCIVER

16 HOPE BLACKLEY

17 PETER STROM

18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 * * * * *

20 DATE: November 15th, 2021

21 LOCATION: Gressette Building

22 1101 Pendleton Street

23 Columbia, South Carolina 29201

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25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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1 CHAIRMAN SMITH: I'm going to call the
2 Commission to order and we're going to get started here.
3 And I want to welcome everybody. So I look forward to
4 another two weeks of screening.

5 With that being said, Senator Sabb moves
6 that we go into executive session. All in favor signify by
7 saying "aye."

8 (The members audibly say "aye.")

9 CHAIRMAN SMITH: All opposed?

10 (Hearing none.)

11 CHAIRMAN SMITH: The ayes have it. We are
12 in executive session.

13 (Off the record.)

14 SENATOR RANKIN: Good morning, Ladies and
15 Gentlemen, this is the Judicial Merit Selection Commission.
16 Our meeting is now called to order. And we are here
17 pursuant to Chapter 19 of Title 2 Section code of laws
18 requiring the review of candidates for judicial office.

19 We all know, but the function of this
20 commission is not to choose between candidates but rather
21 to declare between -- or rather whether or not the
22 candidate who offers for positions on the bench in our
23 judgment are qualified to fill the positions they seek.

24 The inquiry we undertake is a thorough one.
25 It is centered around the Commission's nine evaluative

1 criteria. It involves a complete, personal, and
2 professional background check on each candidate, and the
3 hearings are convened for the purpose of screening
4 candidates.

5 This session we will screen one seat for
6 reelection on the South Carolina Supreme Court -- good
7 morning, Justice -- one seat for reelection, and one open
8 seat for the South Carolina Court of Appeals, eleven seats
9 for reelection, and two open seats for the Circuit Court,
10 seventeen seats for reelection, and six open seats on the
11 Family Court, one seat for reelection on the Administrative
12 Law Court, six seats for reappointment, and one open seat
13 for Master-In-Equity, and four retired judges.

14 Now I'm going to turn it over to Erin
15 Crawford to get us started. And for a matter of
16 housekeeping, as you know, we were in executive session.
17 And during that no votes were taken and no decisions were
18 made. So now, Erin, I'll turn it over to you and then we
19 will soon be -- Justice Hearn.

20 MS. CRAWFORD: We have a few housekeeping
21 matters. I'd just like to introduce -- and most of them
22 have left now, but I'll mention the screening attorneys and
23 staff. From the Senate we have helping with screening this
24 year, Heather Anderson, Bob Maldonado, Maura Baker, Madison
25 Faulk, Sharon Wilkinson, John Hazzard, Brian Cohl, and

1 Donna Barton.

2 From the House we have Emma Dean, Jimmy
3 Hinson, Roland Franklin, Patrick Dennis, Haley Mottel,
4 Julia Foster, Bryan Triplett, Richard Pearce, Meredith
5 Ross, Dustin Stimson, and Emma Hall. And Senate staff we
6 have Maxine Henry and Lindi Putnam.

7 Mr. Chairman, at this time I'd like to
8 request a vote on the cover page for the draft report; it
9 shows that the report will be delivered on Thursday,
10 January 13th, 2022. The 48-hour period ends Tuesday at
11 noon, January 18th, 2022, and the election is currently
12 scheduled for -- and that's pending passage of a concurrent
13 resolution -- noon Wednesday, February 2nd.

14 SENATOR RANKIN: All right. Will there be a
15 motion for that?

16 REPRESENTATIVE RUTHERFORD: So moved.

17 SENATOR RANKIN: Seconded?

18 MS. MCIVER: Second.

19 SENATOR RANKIN: All in favor, say "aye."

20 (At this time the members audibly say "aye.")

21 SENATOR RANKIN: Any opposition?

22 (Hearing none.)

23 SENATOR RANKIN: There being none. All
24 right.

25 MS. CRAWFORD: Mr. Chairman, I'm going to

1 ask if Lindi can please distribute the signature page for
2 the draft report at this time.

3 SENATOR RANKIN: And as that's going around,
4 I want to have everybody introduce themselves for the
5 record. We all know who you are. But we do have one new
6 person, Jeff Johnson. We'll get his -- not speak but just
7 say his name in a minute. So we're going to start on the
8 front here. Introduce yourself for the record, and welcome
9 back.

10 MS. MCIVER: Thank you very much. I'm Lucy
11 Grey McIver.

12 MR. SAFRAN: Andy Safran.

13 MS. BLACKLEY: Hope Blackley.

14 MR. STROM: Pete Strom.

15 SENATOR TALLEY: Scott Talley.

16 REPRESENTATIVE RUTHERFORD: G. Murrell Smith
17 --

18 SENATOR RANKIN: -- has left the building.

19 REPRESENTATIVE RUTHERFORD: Todd Rutherford.

20 SENATOR RANKIN: And Murrell is meeting with
21 the Governor. He'll be right back. Luke Rankin.

22 SENATOR SABB: Ronnie Sabb and Jeff Johnson.

23 SENATOR RANKIN: All right.

24 MS. CRAWFORD: Okay. Thank you, Mr.
25 Chairman. I'd also like to present the Commission -- in

1 your notebooks, I believe, is the judicial seats we expect
2 to screen for 2022 elections.

3 At this time I'd like to offer and have made
4 exhibits to the record the following: The 2021 Citizens
5 Committee Reports from the Low Country, Midlands, Pee Dee,
6 Piedmont, and the Upstate -- and that includes the
7 amendments to the report to the Piedmont Citizens Committee
8 Report -- as well as the 2021 South Carolina Bar's Judicial
9 Qualifications Committee Report.

10 SENATOR RANKIN: All right. Motion for
11 that? Moved and seconded. All those in favor say "aye."

12 (At this time the members audibly say "aye.")

13 SENATOR RANKIN: All in favor. And there be
14 no opposition, so ordered.

15 (EXHIBIT NO. 1 - CITIZENS COMMITTEE REPORTS)

16 (EXHIBIT NO. 2 - PIEDMONT CITIZENS COMMITTEE
17 REPORT REGARDING JUDGE DANIEL HALL)

18 (EXHIBIT NO. 3 - SOUTH CAROLINA BAR REPORTS)

19 MS. CRAWFORD: That's all the business I
20 have.

21 SENATOR RANKIN: All right. Justice Hearn,
22 come on up. Welcome. Good morning. Please raise your
23 right hand.

24 WHEREUPON,

25 KAYE G. HEARN, being duly sworn and

1 cautioned to speak the truth, the whole truth and nothing
2 but the truth, testifies as follows:

3 SENATOR RANKIN: Good morning.

4 JUSTICE HEARN: Good morning.

5 SENATOR RANKIN: And you are offering again,
6 thankfully, for reelection to the Supreme Court. You have
7 provided lots of things again for us. Let me just list
8 that and make sure that there's nothing that needs to be
9 amended. The personal data questionnaire and the sworn
10 statement that you've submitted, are they correct?

11 JUSTICE HEARN: Yes, sir.

12 SENATOR RANKIN: Any additions, deletions,
13 modifications that need to be made?

14 JUSTICE HEARN: No.

15 SENATOR RANKIN: And do you object to our
16 making these documents and any amendments, if applicable, a
17 part of the record of your sworn testimony?

18 JUSTICE HEARN: Not at all.

19 SENATOR RANKIN: And Lindi will hand those
20 in. And, Patricia, we'll get that to you.

21 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
23 HONORABLE KAYE G. HEARN)

24 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION
25 COMMISSION SWORN STATEMENT OF THE HONORABLE KAYE

1 G. HEARN)

2 SENATOR RANKIN: As you know, the Judicial
3 Merit Selection Commission thoroughly investigates
4 qualifications for candidates for the bench, including you.
5 We focus, as you just heard, on nine evaluative criteria
6 which includes a ballot box survey, a thorough study of
7 your application materials, verification of your compliance
8 with the state ethics laws, a search of newspaper articles
9 in which your name appears, a study of previous screenings,
10 and a check for economic conflicts of interest.

11 No affidavits have been filed in opposition
12 to your election and no witnesses are present to testify.
13 Though, I do note you came with a few people. Do we want
14 to swear them, or would you just like to introduce them?

15 JUSTICE HEARN: I'd just like to introduce
16 them.

17 SENATOR RANKIN: All right.

18 JUSTICE HEARN: I have with me my former law
19 clerk, Whitney Boykin Harrison. And she's also a close
20 family friend.

21 SENATOR RANKIN: Stand up, please, ma'am.
22 Good morning.

23 MS. HARRISON: Good morning.

24 JUSTICE HEARN: And I have my two present
25 law clerks, Brian Critzer and Nolan Webb, who are with me

1 today.

2 SENATOR RANKIN: Very good. Welcome. And
3 if you would like to submit an affidavit, just call us and
4 we can see Erin later. All right. Now, you have the
5 opportunity to make a brief opening statement, if you like.
6 If not --

7 JUSTICE HEARN: I would just like to thank
8 the Commission for your work and for your time today.

9 SENATOR RANKIN: All right. Erin.

10 EXAMINATION BY MS. CRAWFORD:

11 Q. Good morning, Justice Hearn.

12 A. Good morning.

13 Q. Patrick had a conflict, so I'm going to -- I know
14 you've been talking to him.

15 A. Yes. I saw them as they were leaving.

16 Q. Okay. Great.

17 A. They explained. The Governor called.

18 Q. Yes. Why do you want to continue serving on the
19 Supreme Court? And can you offer the Commission some
20 insight on your desire to serve -- to run for an additional
21 term which is only five months, essentially?

22 A. Yes. Well, initially, I just -- I love what I
23 do. I really feel so privileged and honored to have been a
24 judge this long. I believe I am the longest-serving judge
25 in South Carolina. And, honestly, it just happened like

1 that. It really did.

2 I had always assumed that I would be able to
3 serve until December of the year I turned 72, and I will
4 turn 72 in January. And then I happened to look at when my
5 term ended and I saw that it ended on June 30th. And I
6 very much wanted to keep serving as long as I could.

7 And I still have a lot of energy. I certainly
8 respect mandatory retirement, but I just love what I do.
9 And I don't have any other explanation. I apologize to the
10 Commission for taking your time for such a short term, but
11 it's very important to me. Thank you.

12 Q. Thank you, Justice Hearn. Justice Hearn, as far
13 as the ballot box questionnaire we sent out, the Commission
14 received 1,664 surveys regarding you. There were 124
15 additional comments. The survey comments were
16 overwhelmingly positive and in support of your continued
17 service.

18 However, there were several comments concerning
19 your involvement in the Episcopal Church case. Almost all
20 indicated that you should have recused yourself from the
21 matter, and criticized the fact that you didn't. How would
22 you respond to this criticism?

23 A. Well, that was a very difficult time for me. By
24 then I had been on the bench for over thirty years, and I
25 had always thought to myself if anyone ever asked me to

1 recuse myself, I would. Whether I felt that I needed to or
2 not, because I would not want to -- I would not want to sit
3 on a case if any of the parties or any of the lawyers felt
4 that I couldn't be fair.

5 But no one had ever asked me to recuse myself.
6 And in that case it only happened after our opinion had
7 been issued, which was a little unusual. Nothing had
8 changed. I had been Episcopalian for some years. I was
9 not a cradle Episcopalian. I grew up Presbyterian. But my
10 husband and I ended up being Episcopalian when we married
11 and moved to Conway.

12 I did discuss it with the members of my court
13 before sitting, to make sure that they felt comfortable,
14 and the Chief Justice who was Jean Toal then, said, "Well,
15 I sat on cases involving the Catholic Diocese."

16 She didn't see a problem with it. So hearing no
17 motion to recuse myself -- because I would have honored my
18 personal rule and I certainly would have recused myself.
19 And, indeed, when it was requested that I do so, I did so
20 immediately.

21 And that case is still going on. I'm not sure in
22 what form. It's being heard in December by our court, and
23 of course I have -- I am not sitting on it. Because once
24 it was requested that I recuse myself, I did so.

25 So I guess I can only say I wish they would have

1 made the motion in a more timely fashion. It would have
2 saved me some heartache and grief, and my family too.

3 **Q. Thank you, Justice Hearn.**

4 MS. CRAWFORD: Mr. Chairman, I note that the
5 Pee Dee Citizens Committee reported that Justice Hearn is
6 well qualified as to the evaluative criteria of ethical
7 fitness, professional and academic ability, character,
8 reputation, experience, and judicial temperament.

9 The committee also found Justice Hearn
10 qualified as to the criteria of constitutional
11 qualifications, physical health and mental stability.

12 BY MS. CRAWFORD:

13 **Q. Justice Hearn, since submitting your letter of**
14 **intent to run for this seat have you contacted any members**
15 **of this commission about your candidacy?**

16 A. I have not.

17 **Q. And I assume you're familiar with Section 2-19-**
18 **70, including the limitations on contacting members of the**
19 **General Assembly regarding your screening.**

20 A. Yes, I am.

21 **Q. Since submitting your letter of intent, have you**
22 **sought or received the pledge of any legislator prior to**
23 **the date -- this date, or pending the outcome of your**
24 **screening?**

25 A. I have not.

1 **Q. Have you asked any third parties to contact**
2 **members of the General Assembly on your behalf, or are you**
3 **aware of anyone attempting to intervene in this process?**

4 A. I have not asked anyone to do so nor am I aware
5 that anything like that has been done on my behalf.

6 **Q. Thank you.**

7 MS. CRAWFORD: I would just note for the
8 record that any concerns raised during the investigation
9 regarding this candidate were incorporated into the
10 questioning today. And, Mr. Chairman, I have no further
11 questions.

12 SENATOR RANKIN: Questions by any of the
13 Commission members?

14 (Hearing none.)

15 EXAMINATION BY SENATOR RANKIN:

16 **Q. As they try to formulate a few, perhaps -- or**
17 **maybe none -- would you say that the Episcopal Church case**
18 **may have been the most difficult case that you've sat in?**
19 **Or just the -- I'll say it, perhaps, fairly or unfairly,**
20 **the politics of that case?**

21 A. The politics were difficult; the legal issues
22 were not. And the opinion -- the majority opinion that was
23 issued by our court was by no means an outlier. It's very
24 consistent with other Supreme Court opinions on the same
25 issue across the country. So the issues weren't that

1 difficult. The politics of it became very difficult.

2 **Q. Is there a parallel decision in your thirty-plus**
3 **years of serving on various courts, and countless and**
4 **countless and countless decisions over time, that you can**
5 **offer?**

6 A. We've had so many tough decisions. I've been on
7 the Supreme Court now for more than ten years, and, you
8 know, I -- we had the -- what was called the "education
9 decision," the Abbeville, Allendale -- you know, that case.
10 That was tough.

11 Originally, when it was argued I wasn't even on
12 the court. But then it was -- a rehearing was granted and
13 it was -- we argued -- that was argued again. Many of the
14 death penalty cases have been extremely difficult, as they
15 should be. But that's a -- that's the nature of the beast.

16 I remember when I came to the Supreme Court,
17 after being on the Court of Appeals for fifteen years and
18 Chief Judge for ten, I thought that I pretty much knew the
19 way things worked in the appellate world.

20 But it's a different world at the Supreme Court.
21 We have a lot of hot-button issues, political issues,
22 issues that generate a great deal of interest. The mask
23 cases we've had recently.

24 And, you know, sometimes the lay-people could not
25 understand how we reached two, what seemed like very

1 different results dealing with higher education, and
2 whether or not institutions of hiring -- of higher learning
3 could impose a mask mandate or whether public schools
4 could.

5 But that's just the nature of being on the
6 Supreme Court. But it's exhilarating. It's fascinating.
7 I love the guys that I serve with. It's great.

8 **Q. And as you've acknowledged, the time of your**
9 **remaining service is limited by a crazy rule. You say**
10 **you're the oldest-serving. I would put you up against any**
11 **young person -- or younger in years, perhaps -- and say**
12 **"you need energy like Kaye Hearn."**

13 **But the top most rewarding case for you that was,**
14 **perhaps, least known? And it can be from your days as a**
15 **Family Court judge --**

16 A. Oh, golly. Well, there are really two that I'm
17 very proud of. One at the Court of Appeals, Middleton v.
18 Johnson, that involved a gentleman who had been the
19 psychological parent of a child. He had been told he was
20 the biological father, and he just stepped up to the plate
21 and did what we would always hope men would do when they
22 were told that.

23 And he was the dad in every way. And then it
24 turned out later, after blood tests much later, that he was
25 not the father. But he still became very involved in the

1 child's life until Momma got a new boyfriend and wanted him
2 out of the picture.

3 So he then brought an action in the Family Court
4 for -- first for custody -- of course that couldn't happen
5 under the state of the law then -- then at least for
6 visitation. And even that was denied to him, because he
7 had no biological link to the child.

8 Meanwhile, the child was really suffering. The
9 child had to be placed in a focus group for -- at school
10 for children who had lost a parent, because he no longer
11 had any access to this man who had been his coach, just
12 been the father figure -- the only father figure he'd ever
13 known.

14 So it came to us. And, fortunately, I had
15 Justice Kittredge on the panel with me, another Family
16 Court judge. And we stepped out a little bit, and said
17 that even though there was no statute that would give
18 someone like him rights to this child, he had been the
19 psychological parent to this child, and he deserved to have
20 visitation rights.

21 It went on up and so it was denied. And in a
22 later case the Supreme Court adopted our view on
23 psychological parents. But fast-forward to Mr. Middleton,
24 he eventually got custody of that boy. And there was a big
25 article on the front page of the Post and Courier about

1 them.

2 So I'm personally very proud of that case.
3 Because if we -- if Justice Kittredge and I hadn't been on
4 that case, had Family Court experience and had the courage
5 to do something that was a little outside the parameters,
6 that young man would not have had that father. And he was
7 the father in his life. So that case I'm proud of.

8 The other one was when I was on -- when I --
9 since I've been on the Supreme Court. And it was Stone v.
10 Thompson, where we were able to eliminate common law
11 marriage. You all may have some views of that -- and I
12 know that isn't a decision that you love, my senator -- but
13 I will tell you the probate judges -- I am the darling of
14 the probate judges.

15 **Q. Oh, you are.**

16 A. So those are the two cases I'm most proud of.

17 SENATOR RANKIN: Very good.

18 MR. STROM: Justice Hearn, you know, when I
19 think about you and your legacy, and this will be the last
20 time that you're up here, I don't think about the Episcopal
21 Church. I think about your leadership. And, obviously,
22 you know, Justice Toal bust through the top of a lot of
23 things, but no one would call her nurturing or a mentor.

24 You know, what I've seen, and I know this,
25 that you've taken a lot of women around the state who are

1 smart young lawyers and you've helped them mature. And,
2 you know, now they're mentoring people.

3 And I think that, that is going to be your
4 legacy going forward, what you've done for particularly the
5 women of the Bar in South Carolina. I want to thank you
6 for that.

7 JUSTICE HEARN: Well, thank you, Pete. I
8 always say that my law clerks are the best part of my job.
9 And they do become like family to me. And I love mentoring
10 them, watching them grow, become great lawyers. Helping
11 some of the women find their voice, because that was never
12 a problem for me, but it is hard for some women to find
13 their voice.

14 I'm so proud I've had two of my law clerks
15 who have gone on to be circuit judges, Tanya Gee and Kristi
16 Curtis. I have one in the General Assembly, Max Hyde. I
17 have one who's head of the Bar examiners, Michael Tims.

18 I have a lot of superstars in my cadre of
19 clerks, and you're looking at three of them right here. So
20 it's been my pleasure to be able to do that. I love
21 mentoring them. And I've learned so much from them. And
22 they've helped me look good all these years.

23 SENATOR RANKIN: Very good. Anything else?

24 (Hearing none.)

25 SENATOR RANKIN: I do want to give you the

1 invitation to speak to the judges that are coming up, and
2 those who would want to serve -- again, thirty-plus years,
3 whether folks read these transcripts hereafter or not, we
4 do. And but I want to give you the opportunity to coach-up
5 potential judges, or those that are on the bench right now,
6 that may need to learn some bravado and steel in making
7 tough decisions.

8 JUSTICE HEARN: Well, Mr. Safran and I
9 learned from the best, J.B. Bubba Ness, and he had some --
10 he taught me a lot. When I went on the bench, he had me
11 come to Bamberg for the day, and he taught me how to be a
12 judge of the day. And I still remember a lot of things
13 that he told me.

14 The thing that I remember most about that
15 day was he said, "Murphy," that was his nickname for me,
16 "you've got to be able to go home at night, look in the
17 mirror and like what you see."

18 And that always stuck with me. And whatever
19 I've done in my thirty-plus years, I have made my decision
20 based on what I thought the law required and what I thought
21 was right. And I have no regrets for that. And I can look
22 at myself in the mirror.

23 But another favorite saying of Justice Ness
24 was, "I may be in error but I'm never in doubt." And I
25 think I got that from him. And I don't look back. I mean,

1 I rule and I move on. And you've got to be able to do that
2 in this job.

3 I think "patience, patience, patience" is
4 probably the most important thing I would -- I would advise
5 all judges, anyone who wants to become a judge. And some
6 of our sitting judges. Because, honestly, from the records
7 I read, it looks like they've got some kind of a stopwatch
8 or something. They're trying to move along, move along,
9 hurry up. I always thought that was my job when I was a
10 trial judge, to sit on the bench and let the lawyers try
11 their cases.

12 So I would hope they would remember -- well,
13 never forget what it's like being a lawyer trying your
14 first case. And I always tried to help lawyers along. I
15 never tried to embarrass a lawyer in front of his client.
16 I hope I have -- I hope I haven't done that. And I think
17 that's good advice.

18 Justice Ness said, "Oh, if you are angry
19 with a lawyer, you take him back in your chambers, take
20 your court reporter, too, so you'll have a record of it,
21 and you cuss him for everything you want to. But don't
22 ever embarrass that lawyer in front of his client."

23 And I think that's a good piece of advice
24 too. So a lot of things that I learned from "the boss" as
25 I called him, I carry -- I carry with me today.

1 I think we've got a great group of judges,
2 though. Let me say that. I do. And I believe in our
3 system. I was very active in the Council of Chief Judges,
4 it's a network of Chief Judges from across the country.
5 And so I interacted with chiefs all over when I was Chief
6 Judge of the Court of Appeals.

7 And they're elected all different ways.
8 Like in Texas, they have to raise millions of dollars to
9 get a job that pays them a couple hundred thousand a year.
10 And those kinds of systems for election of judges are just
11 ripe for problems.

12 And I thank you for what you do. I love the
13 layers of merit-based review we have in this state. And I
14 think, overall, we have a really great group of judges and
15 judges we can be proud of.

16 Another thing I'm proud about being a judge
17 in South Carolina, if you need to talk to a judge, you and
18 the opposing counsel, you can get a judge on the phone. Do
19 you know how rare that is in some states? It just can't be
20 done.

21 But I think we have a committed group of
22 judges. And I think part of the reason they're so
23 committed is you've got to want this to do it. This isn't
24 as easy as getting a call from the Governor saying, "Would
25 you like -- the Governor might like to appoint you as a

1 judge. Would you like to consider that?"

2 This is work. Now, it hadn't been work for
3 me this time. But when you are running in a contested
4 judicial election, it's work. I know it's work for you and
5 it's work for the candidates. But as a result, I think we
6 get a really great end product. And I'm very proud to be a
7 member of this judiciary.

8 SENATOR RANKIN: Andy Safran.

9 MR. SAFRAN: Thank you, Mr. Chairman.

10 As you were saying that, you know, I was thinking about how
11 proud he would be. We had some fun times back then. And,
12 unfortunately, I can't say what my nickname was 'cause it's
13 not for public consumption.

14 Basically, I do really think that what he
15 set as a standard in terms of how a law clerk should be
16 trained, and really given the opportunity to flourish and
17 become a lawyer, you have taken that and you have
18 perpetuated it in a way that most don't. And, again, it's
19 priceless.

20 We do appreciate your offering. It means a
21 lot to me that you've done that for somebody who's dear to
22 me. And, again, I appreciate just that legacy which has
23 meant so much to me in terms of my life, that you've been
24 somebody that never let it die. Thank you.

25 JUSTICE HEARN: Thank you, Andy. I love you

1 too.

2 SENATOR RANKIN: All right. If there are no
3 other comments. Justice Hearn, again, thank you so much
4 for this time and your testimony today.

5 And this will conclude this portion of our
6 screening process. As you know again -- been here, done
7 this -- pursuant to our evaluative criteria, we expect
8 candidates to follow both the spirit and the letter of the
9 law -- of the ethics law. Any violations or the appearance
10 of impropriety, we deem as serious and potentially
11 deserving of very heavy weight in our screening
12 deliberations.

13 As you know, this record will remain open
14 until the formal release of our report of qualifications,
15 and you could be called back at such time were to arise in
16 the future. And you know that, correct?

17 JUSTICE HEARN: I do. I do. Thank you so
18 much, Senator. Thank you, everybody.

19 SENATOR RANKIN: Thank you for offering.
20 And clerks, current and former, did you all -- have you all
21 heard of a play called "Ann"? Your boss didn't need to
22 find her voice. She had that before Ann Richards ever did.

23 JUSTICE HEARN: But I loved wearing that
24 blonde wig. Thank you all.

25 (Candidate excused.)

1 SENATOR RANKIN: Good morning, Judge
2 Williams. Welcome. And thank you for being right out
3 there, rearing and ready to go. Let me first ask you to
4 raise your right hand.

5 WHEREUPON,

6 H. BRUCE WILLIAMS, being duly sworn and
7 cautioned to speak the truth, the whole truth and nothing
8 but the truth, testifies as follows:

9 SENATOR RANKIN: You've been here, done this
10 before. You know the routine. First, let me ask you, the
11 personal data questionnaire and the sworn statement that
12 you have provided, are they ready to go into the record?
13 Or do you need to make any corrections or additions to
14 those?

15 JUDGE WILLIAMS: They're fine, sir.

16 SENATOR RANKIN: And you don't object to
17 them being made a part of this record, do you?

18 JUDGE WILLIAMS: No, sir.

19 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION
20 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
21 HONORABLE H. BRUCE WILLIAMS)

22 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION
23 COMMISSION SWORN STATEMENT OF THE HONORABLE H.
24 BRUCE WILLIAMS)

25 SENATOR RANKIN: You know our process here,

1 and the JMISC's investigation of your qualifications. The
2 evaluative criteria of which there are nine, we focus on
3 and include a ballot box survey, a study of your
4 application materials, verification of your compliance with
5 the state ethics laws, a search of newspaper articles in
6 which your name appears, a study of previous screenings,
7 and a check for economic conflicts of interest.

8 No affidavits have been filed in opposition
9 to your election. No witnesses are present to testify
10 against you. You now at this time have the opportunity to
11 make a brief opening statement, if you'd like. Or if not,
12 we'll turn it over to Mr. Hazzard, who will begin the
13 questions for you.

14 JUDGE WILLIAMS: Thank you. I don't have an
15 opening statement, per se. But I do, as I have in the
16 past, would like to thank the staff of the committee over
17 the years, and this time as well, has always been so
18 gracious and courteous in working with them. And, again, I
19 compliment them to you for what they do in the process.
20 And other than that, sir, I'd say thank you to them.
21 That's all I have.

22 SENATOR RANKIN: Very good. All right. Mr.
23 Hazzard.

24 MR. HAZZARD: Thank you, Mr. Chairman. I
25 would start by noting for the record that based on the

1 testimony contained in the candidate's PDQ, which has been
2 included in the record, with the candidate's consent, that
3 Judge Williams meets the constitutional requirements for
4 this position regarding age, residence, and years of
5 practice.

6 EXAMINATION BY MR. HAZZARD:

7 Q. Judge Williams, kind of to start with a multi-
8 pronged question which would be: Why now do you want to
9 serve as the Chief Judge for the Court of Appeals? How do
10 you feel that your experience on the Court of Appeals has
11 prepared you for this -- you for this role? And what plans do
12 you have for the administration of the court if you should
13 be elected as Chief Judge?

14 A. I guess as to the first part of your question
15 it's -- I think I have something to contribute. And,
16 hopefully, I can do some things. And I say "I," but the
17 truth is it's the court. And the court can look at what we
18 do and how we do it, as we should in everything, and learn
19 how to do it better.

20 And I think to some degree, we're already
21 starting a little bit of that already. Some new members of
22 the court and some discussions that are already taking
23 place of looking at what we do, and how we do it, with the
24 idea of doing it better.

25 As to, you know, the plans or a thought system,

1 what I'd like to do is what I think most recognize now from
2 the practitioners, as well as members of the court, is we
3 want the court to be timely in what it does, to be
4 responsive to Bar and the litigants, to make certain the
5 citizens know we care about what we do.

6 Our ultimate goal is to try to get it right. And
7 that's what we do. And for that, hopefully, we present
8 that when we're having argument. But at other times as
9 well, I hope that's something the Bar will appreciate. But
10 that's a -- that's our goal to -- that we do care about
11 what we do and make every effort to try and get it right in
12 the cases that we hear.

13 So it's a -- the other part would be continue to
14 -- being in Columbia, I get to spend a lot of time with the
15 staff. I get to go wander down and visit, sometimes, and
16 you see what we're doing and how we do it. And I think
17 they feel the same way.

18 And, certainly, we need to make certain we
19 appreciate everyone who works in the court. So we talk
20 about the judges and law clerks, but certainly our clerk's
21 office, with the volume of cases and what we do, they do a
22 tremendous -- a tremendous job in making certain they know
23 that we appreciate that, and appreciate the effort time
24 they spend in trying to serve the citizens of this state.

25 And that's a -- so I think it's just -- to answer

1 your question, hopefully, I have something to contribute
2 in maybe the way that the court will work together and look
3 at how to do things better, whatever that might be. And
4 I'm including me in that and not just the court.

5 The other part would be include the Bar, I think,
6 in some of the discussion, too, as to how we do things and
7 look at it. It hasn't been done in a while as to how we do
8 business. And, again, I think some of the discussions have
9 already started, but to do that in more depth and more
10 detail as to what we do, how we do it, and maybe some
11 suggestions for improvement.

12 Some things we could do as a court, and some
13 things it may be that the Supreme Court has to do. Some
14 things maybe the Legislature has to do, ultimately, you
15 know, after we go through this. But I think that's
16 something that will be healthy for the court to do and
17 something we've already started, as I said, to some degree.

18 **Q. Thank you, Judge. Judge Williams, the Commission**
19 **has received 1,090 ballot box surveys regarding your**
20 **candidacy, with 79 additional comments. The ballot box**
21 **survey, for example, contained numerous positive comments**
22 **including the following:**

23 "There is no better judge on the Court of Appeals
24 than Judge Williams. He will make a great Chief Judge.
25 Great temperament. Extremely thoughtful. Smart and a

1 wonderful jurist. Judge Williams is possibly the best
2 judge in the State of South Carolina."

3 Out of the 79 additional comments, only two of
4 the written comments expressed concerns. One comment
5 indicated that, based on a comment when you first ran for
6 the Court of Appeals, that you held yourself out as a -- as
7 the business candidate. And based on that, the commenter
8 was concerned that you are not fair in cases that come
9 before the Court of Appeals. How would you address that
10 concern?

11 A. As to the last concern, I think my record
12 indicates that, that's not the case. I think that what
13 I've done over the years is try to be fair. And that's
14 what my record shows. I don't recall holding myself out as
15 a -- I didn't hold myself out, as has been represented. I
16 think that I'm running the same way I'm running right now.

17 It's what I said earlier, as you hear the cases
18 you're trying to get them right and you do what's right.
19 And that's what you -- that's what you do. After that it's
20 the -- the who's and who's before you, that can't be
21 something that is a consideration. It's looking at the
22 law, interpreting it the best way that we know how, and
23 trying to make the right decision.

24 Q. The other comment was generic as to you, and I
25 guess the other members of the court, that you all lack

1 **understanding of real estate law in order to be qualified**
2 **for appellate service.**

3 A. You know, I think the last time I ran for
4 reelection, there were two negative comments. And they had
5 the same comment is that -- you know, in doing what we all
6 do is, how do you do it better? And probably, I think that
7 we're qualified to hear the case, we look at the law and,
8 again, we interpret the law.

9 But at the same time, I think when we met prior
10 to this, that comment came up. And I'll probably go to
11 some more real estate seminars that maybe I haven't
12 attended in the past or to -- I don't -- I don't think as
13 far as what we've done in the past, that I was not
14 qualified to hear the case, that I couldn't look at the law
15 and make a decision as to how best to interpret it. But at
16 the same time, that's probably something that I would do as
17 a result of hearing that.

18 Years ago someone asked the question if someone
19 leaves court upset. I never want anyone to leave the
20 courtroom upset. I don't want a lawyer to leave the
21 courtroom upset and feel like they didn't get a fair day in
22 court. And if it's because their fear of maybe the judge
23 didn't have experience in a certain area, well, my response
24 to that is maybe, probably, try to be seen more at real
25 estate seminars and CLEs in the future, you know, to

1 address that, if that's -- but at the same time, I think
2 the panel and me would have the appropriate ability -- or
3 have the ability to move it along, interpret it, and make a
4 good decision.

5 **Q. Thank you, Judge Williams.**

6 MR. HAZZARD: I would note that the Midlands
7 Citizens Committee reported Judge Williams as well
8 qualified in ethical fitness, professional and academic
9 ability, character, reputation, experience, and judicial
10 temperament.

11 The Committee reported that Judge Williams
12 is constitutionally qualified, and he is qualified in both
13 physical health and mental stability. The Committee
14 commented that, "He is an excellent appellate judge."

15 BY MR. HAZZARD:

16 **Q. Judge Williams, since submitting your letter of**
17 **intent to run for this seat, have you contacted any members**
18 **of the Commission about your candidacy?**

19 A. No, sir.

20 **Q. Are you familiar with Section 2-19-70, including**
21 **the limitations on contacting members of the General**
22 **Assembly regarding your screening?**

23 A. Yes, sir.

24 **Q. Since submitting your letter of intent, have you**
25 **sought or received the pledge of any legislator, either**

1 prior to this date or pending the outcome of your
2 screening?

3 A. No, sir.

4 Q. And have you asked any third parties to contact
5 members of the General Assembly on your behalf, or are you
6 aware of anyone attempting to intervene in this process on
7 your behalf?

8 A. No, sir.

9 MR. HAZZARD: I would just note for the
10 record, Mr. Chairman, that any concerns raised during the
11 investigation regarding the candidate were incorporated
12 into the questioning of the candidate today. Mr. Chairman,
13 I have no further questions.

14 SENATOR RANKIN: All right. Representative
15 Rutherford had a question.

16 REPRESENTATIVE RUTHERFORD: I'm good. Thank
17 you.

18 SENATOR RANKIN: Oh, you got it.

19 REPRESENTATIVE RUTHERFORD: Yes, sir.

20 SENATOR RANKIN: Okay. Any other questions?

21 (Hearing none.)

22 MR. STROM: Senator Sabb, I want to tell you
23 a story about Judge Williams. We went to the same high
24 school, Columbia High. It was a -- about a 50/50 mixed
25 high school. Judge Williams is a couple years older than I

1 am. And we were in this service organization, Key Club.
2 And we had an outstanding sponsor that really helped form,
3 I think, a lot of us.

4 But what I remember about Bruce is when I
5 first got in this thing. And I think he was probably a
6 junior, maybe a senior. And we all had little buddies that
7 we had -- I don't know how they identified them. They came
8 out of a very destitute part of Columbia. And every
9 Saturday we would go get our little buddies and take them
10 for ice cream or do whatever, be a male figure for people.

11 And one of the first stories that I recall
12 about him is that his little buddy fell and broke his arm.
13 And when that happened he was not there, the little fellow
14 called and asked for Bruce instead of his mother. And that
15 kind of tells you what kind of person he is.

16 And I don't know whether the rest of you all
17 know this, but obviously he was one of the people who
18 started the Drug Court in Columbia when he was on the
19 Family Court bench. And that's night court. And that's
20 stuff you don't have to do, that's stuff you don't get paid
21 to do.

22 And he's now, you know, going to be the
23 Chief Judge of the Court of Appeals, and he's still drug --
24 does drug court. And I've had lunch with him on more than
25 one occasion where people will come up to him, that have

1 been before him on this drug court, and thanked him for
2 helping them get off drugs. So this is the guy who's
3 walked the walk from the time he was 17 years old.

4 And, you know, the last thing that I'll say
5 is -- you talk about the Bar, and our Bar is getting so big
6 and we don't know each other, and with that comes less
7 civility, but he's the guy if three or more lawyers are
8 gathering at a Bar event, he's there, he's talking to the
9 young lawyers. And that's important.

10 And so I think he's going to be a wonderful
11 Chief Judge. And I'm proud of you.

12 SENATOR SABB: Thank you for that, Pete.

13 SENATOR RANKIN: Did you all go to
14 Fayetteville, by chance, during your Key Club days in high
15 school?

16 JUDGE WILLIAMS: I think we did go at one
17 point to a district conference in Fayetteville, Charlotte,
18 Charleston, Columbia.

19 MR. STROM: Tell them who our most famous
20 member is.

21 JUDGE WILLIAMS: Craig Melvin. Craig --
22 Craig -- it's a small world. When I finished Wofford -- I
23 never could grow up, so I went back and was -- I was a
24 Kiwanis sponsor for our old Key Club. Craig Melvin came
25 along, and Craig expressed an interest in getting more

1 engaged. Craig Melvin ended up being president of Key Club
2 International, got to meet the president, got to travel a
3 little bit, and ended up going to a very fine school in the
4 Upstate called Wofford -- there were some connections to
5 that as to Wofford, and he visited. And we can watch him
6 on television every day. So but that's the -- he's an old
7 Columbia High School Key Club.

8 SENATOR RANKIN: Wow, very good. All right.
9 Anything else?

10 (Hearing none.)

11 SENATOR RANKIN: All right. Judge Williams,
12 again thank you for participating and being here and being
13 patient with us.

14 This will conclude this portion of our
15 screening process. Again, you know how this works, so I'm
16 not stating this to you, but I will need an affirmation
17 that you acknowledge this, that pursuant to our evaluative
18 criteria, that we expect the candidates to follow both the
19 spirit as well as the letter of the state ethics law. Any
20 violation or the appearance of impropriety, would be deemed
21 very serious and potentially deserving of very heavy weight
22 in our screening deliberations.

23 The record does remain open until the formal
24 release of the report of qualifications. And in the event
25 of any appearance of that or any indication of that, we

1 would -- you acknowledge would call you back to ask you
2 about that, correct?

3 JUDGE WILLIAMS: Yes, sir.

4 SENATOR RANKIN: All right. Again, thank
5 you so much, Judge Williams, for being here and offering
6 for continued service in our state's judiciary.

7 JUDGE WILLIAMS: Again, thank you for your
8 courtesy and your kindness.

9 SENATOR RANKIN: Very good.

10 JUDGE WILLIAMS: I appreciate it.

11 (Candidate excused.)

12 SENATOR RANKIN: We can go off the record
13 now.

14 (Off-the-record.)

15 SENATOR RANKIN: Good morning, Judge Hill.

16 JUDGE HILL: Good morning.

17 SENATOR RANKIN: Welcome. And let me ask
18 you to raise your right hand.

19 WHEREUPON,

20 DAVID GARRISON HILL, being duly sworn and
21 cautioned to speak the truth, the whole truth and nothing
22 but the truth, testifies as follows:

23 SENATOR RANKIN: You have finished --
24 prepared a personal data questionnaire and a sworn
25 statement. And the question is: Do you need to make any

1 changes to those, or are they ready to be put into the
2 record as is?

3 JUDGE HILL: I believe they're ready to be
4 put in the record.

5 SENATOR RANKIN: And you don't object to
6 them being included in the record? If you do, you better
7 hurry 'cause Lindi will grab them.

8 JUDGE HILL: No, sir. I have no objections.

9 SENATOR RANKIN: Time waits not long for
10 Lindi Putnam, and records going into the record.

11 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION
12 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
13 HONORABLE DAVID GARRISON HILL)

14 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION
15 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
16 THE HONORABLE DAVID GARRISON HILL)

17 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION
18 COMMISSION SWORN STATEMENT OF THE HONORABLE DAVID
19 GARRISON HILL)

20 SENATOR RANKIN: So, Judge Hill, again,
21 you're familiar with this process. But for the record, we
22 need to put this in that record. And so as we have
23 investigated your qualifications, we focus on nine
24 evaluative criteria which include the ballot box survey, a
25 thorough study of your application materials, verification

1 of your compliance with the state ethics laws, a search of
2 newspaper articles in which your name appears, previous
3 screenings of which you've had a few, and then a check for
4 economic conflicts of interest.

5 No affidavits in opposition to your
6 candidacy have been filed and no witnesses are present to
7 testify against you, today, or for you -- which is a good
8 thing. And thank you for that in the interest of time.

9 You have the opportunity, if you'd like, to
10 make an ever-so-brief opening statement. Otherwise, Haley
11 Symmes will be asking questions of you. But, again, the
12 floor is yours if you'd like to make a statement.

13 JUDGE HILL: Mr. Chairman, all I'd like to
14 say is to thank Ms. Symmes and Ms. Putnam and Ms. Crawford
15 for their kind professionalism.

16 SENATOR RANKIN: Very good. Thank you.

17 MS. SYMMES: Thank you, Mr. Chairman. I
18 would note for the record that based on the testimony
19 contained in the candidate's PDQ which has been included in
20 the record, with the candidate's consent, that Judge Hill
21 meets the constitutional and statutory requirements for
22 this position regarding age, residence, and years of
23 practice.

24 EXAMINATION BY MS. SYMMES:

25 Q. Judge Hill, why do you want to continue serving

1 as a Court of Appeals judge?

2 A. Well, I've enjoyed the service so far. I think
3 it's a good way, of course, to give back to the legal
4 profession. And I think I'm interested in moving our
5 judiciary forward and helping modernize some things. And,
6 hopefully, streamline some things down the road. But the
7 time I've been in this job has given me an appreciation for
8 how it works and how some things could be improved.

9 Q. Thank you. Judge Hill, the Commission received
10 853 ballot box surveys regarding you, with 71 additional
11 comments. They were overwhelmingly positive. The ballot
12 box survey, for example, contained the following positive
13 comments:

14 "Judge Hill is one of the most intelligent people
15 I have ever known. He has a beautiful grasp of the law and
16 a dedication to uphold it. Judge Hill is a phenomenal
17 writer and has elevated the quality of opinions of the
18 Court of Appeals. He has also had a stellar judicial
19 temperament and enjoys" -- excuse me -- "a wonderful
20 judicial temperament and enjoys a stellar reputation among
21 the bench and Bar. We are very lucky to have him on the
22 appellate bench."

23 And, finally, "It would be difficult to find a
24 finer example of an appellate court judge than Gary Hill.
25 His temperament is excellent and his opinions are

1 thoughtful and educational. He listens before he speaks.
2 His logic is sound. We need more people like Judge Hill
3 serving on our judiciary."

4 Only two of the written comments expressed
5 concerns. One comment questioned your knowledge of real
6 estate law, and the other was a criticism of the writing
7 abilities of the court -- of you and court, overall. What
8 would you like to offer in response to these comments?

9 A. Well, first of all, as to the positive comments
10 they're very gratifying. It's nice to be recognized in a
11 positive way. And I'm very humbled by the generosity of
12 those remarks. I know the comments are anonymous, but
13 they're also not mandatory. People don't have to make the
14 comments. So I'm very glad to hear the positive comments.

15 As to the negative comments as to my knowledge of
16 real estate law, that's probably true. We get a wide
17 variety of cases, as you all know, and it's hard to be up
18 to speed on all of them. But we strive very hard to do our
19 best. I don't know what specific case the person is
20 talking about. I could have a better answer if I knew
21 that.

22 But I was taught property law by Dean Wilcox, so
23 I think I have a grasp of it. I did not practice in that
24 area. And the one real estate closing I do remember doing,
25 I occasionally still have nightmares about. So I would

1 have to say that's not my strong suit for sure. But I
2 certainly endeavor to do my best and fully research the
3 areas of law that we are faced with to the best of my
4 ability.

5 **Q. Thank you, Judge Hill.**

6 MS. SYMMES: I would note that the Upstate
7 Citizens Committee reported Judge Hill as well qualified in
8 ethical fitness, professional and academic ability,
9 character, reputation, experience, and judicial
10 temperament, and qualified in the constitutional
11 qualifications, physical health and mental stability.

12 BY MS. SYMMES:

13 **Q. Judge Hill, since submitting your letter of**
14 **intent to run for this seat, have you contacted any members**
15 **of the Commission about your candidacy?**

16 A. No, ma'am.

17 **Q. Are you familiar with Section 2-19-70, including**
18 **the limitations on contacting members of the General**
19 **Assembly regarding your screening?**

20 A. Yes, ma'am.

21 **Q. Since submitting your letter of intent, have you**
22 **sought or received the pledge of any legislator, either**
23 **prior to this date or pending the outcome of your**
24 **screening?**

25 A. No, ma'am.

1 Q. Have you asked any third parties to contact
2 members of the General Assembly on your behalf, or are you
3 aware of anyone attempting to intervene in this process on
4 your behalf?

5 A. No, ma'am.

6 MS. SYMMES: I would just note for the
7 record that any concerns raised during the investigation
8 regarding Judge Hill were incorporated into the questioning
9 of the candidate today. Mr. Chairman, I have no further
10 questions.

11 SENATOR RANKIN: All right. Thank you,
12 Haley. Any other members of the Commission have questions
13 of Judge Hill?

14 (Hearing none.)

15 SENATOR RANKIN: Your father, Leo, and my
16 father -- and we've done this on the record before --
17 practiced for how long, approximately?

18 JUDGE HILL: Probably fifty-five years, or
19 close to it. My father got out of law school, I think, in
20 '52.

21 SENATOR RANKIN: They were contemporaries
22 for sure. So your desire to continue serving, aside from
23 the answers you've given -- not that those are insufficient
24 answers, but is there -- is there more to it than that for
25 you?

1 JUDGE HILL: Well, I suppose if you -- when
2 you get to this stage of your life, you're wanting to do
3 the best you can at what you've been called to do. And I
4 don't think I've completed that. I mean, I still think
5 there are things that can be accomplished.

6 You know, the thing about being on the
7 Appellate Court to me that's challenging, and I think
8 allows it to be fulfilling, is you do get an opportunity to
9 write the opinions about certain areas of the law that may
10 be unclear, and to try to do that and give some clarity to
11 the law of South Carolina, to the parties and to the
12 lawyers.

13 That's quite an honor to be in that
14 position. And it is something I take very, very seriously.
15 But I know there are ways I can do it better. But to me
16 that -- in my life's journey, I think that is where I am in
17 the terms of trying to make that a better process for
18 myself, and sharing that with the members of the public.
19 So that's the public service that I've been called upon to
20 do, I believe.

21 SENATOR RANKIN: All right. Questions by
22 anybody else?

23 (Hearing none.)

24 SENATOR RANKIN: And please know that these
25 -- the lack of a question is, more than anything, an urging

1 for me to not ask as many questions. Not personal to you,
2 because your record is well established.

3 So with that I will -- again, this will
4 conclude this portion of our screening process. And,
5 again, thank you for your willingness to continue serving
6 and offering for reelection.

7 And also to remind you that part of our
8 evaluative criteria, as we've talked about before, that
9 being the ethics law, we expect candidates to abide by both
10 the spirit and the letter of the ethics law. And any
11 violation or the appearance of impropriety would be deemed
12 very serious and potentially deserving of very heavy
13 consideration in deliberations.

14 So you know that this record does not close
15 until the formal release of the qualifications, and that we
16 could call you back in the event of certain questions,
17 correct?

18 JUDGE HILL: Yes, sir.

19 SENATOR RANKIN: All right. Very good.
20 Judge Hill, again, thank you for offering and for being
21 with us this morning.

22 JUDGE HILL: Well, thank you. And thank you
23 all for your service as well for being on this committee.

24 SENATOR RANKIN: Take care. Happy November
25 to you.

1 (Candidate excused.)

2 SENATOR RANKIN: All right. We are now
3 going to go into executive session on motion of lots of
4 folks. Thank you.

5 (Off the record.)

6 CHAIRMAN SMITH: We're back on the record
7 and Senator Sabb moves that we come out of executive
8 session. All in favor signify by saying "aye."

9 (The members audibly say "aye.")

10 CHAIRMAN SMITH: All opposed?

11 (Hearing none.)

12 CHAIRMAN SMITH: The ayes have it. Let me
13 state while we were in executive session there were no
14 votes taken and no matters decided.

15 Judge Cooper, welcome. I appreciate you
16 being here this afternoon. I'm sorry to make you wait. As
17 usual we run way, way behind.

18 JUDGE COOPER: My time is yours, Mr.
19 Chairman.

20 CHAIRMAN SMITH: That's why we have these
21 hearings over in the Senate, 'cause we run on what's called
22 Senate time over here.

23 Judge Cooper, will you raise your right
24 hand, please, sir.

25 JUDGE COOPER: Yes, sir.

1 WHEREUPON,

2 THOMAS W. COOPER, JR., being duly sworn and
3 cautioned to speak the truth, the whole truth and nothing
4 but the truth, testifies as follows:

5 CHAIRMAN SMITH: And before you, you have
6 your personal data questionnaire and the sworn statement.
7 Are both these documents the ones that you have submitted
8 to this commission?

9 JUDGE COOPER: Yes, sir.

10 CHAIRMAN SMITH: And are they both correct?

11 JUDGE COOPER: Yes, sir.

12 CHAIRMAN SMITH: Does anything need to be
13 changed or updated at this time?

14 JUDGE COOPER: No, sir.

15 CHAIRMAN SMITH: Do you have any objections
16 to us making these two as exhibits to your sworn testimony
17 --

18 JUDGE COOPER: No, sir.

19 CHAIRMAN SMITH: -- here today?

20 JUDGE COOPER: Not at all.

21 CHAIRMAN: At that point we'll mark those as
22 exhibits.

23 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION
24 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THOMAS
25 W. COOPER, JR.)

1 (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION
2 COMMISSION SWORN STATEMENT OF THOMAS W. COOPER,
3 JR.)

4 CHAIRMAN SMITH: Judge Cooper, the Judicial
5 Merit Selection Commission has thoroughly investigated your
6 qualifications for the bench. As you're well aware, being
7 screened numerous times, there's nine evaluative criteria.
8 They include a ballot box survey, a thorough study of your
9 application materials, verification of your compliance with
10 the state ethics laws, a search of newspaper articles in
11 which your name appears, studies of previous screenings,
12 and checks for economic conflicts of interest.

13 We've received no affidavits in opposition
14 to your election and there are no witnesses present to
15 testify. Do you wish to make a brief opening statement to
16 the Commission before we begin?

17 JUDGE COOPER: No, sir. I'll be glad to
18 submit myself to whatever questions the Commission might
19 have.

20 CHAIRMAN SMITH: Good enough. And I think
21 you have the distinct pleasure of having Ms. Crawford as
22 your screening attorney, so answer any questions she has.

23 JUDGE COOPER: Very good, Ms. Crawford.

24 MS. CRAWFORD: Thank you, Judge. Thank you,
25 Mr. Chairman.

1 EXAMINATION BY MS. CRAWFORD:

2 Q. Judge Cooper, you're being screened for
3 reappointment as a retired judge on the Circuit Court
4 bench. And I believe you served in this capacity since
5 2006?

6 A. As a retired since --

7 Q. As a retire --

8 A. -- active 2006. Yes, ma'am.

9 Q. And you want to -- why do you want to continue
10 doing this?

11 A. I enjoy the work. I have always enjoyed it. I
12 started in 1992, and I seem to have an affinity to it of
13 some sort. And I -- and I -- it gave me a chance to
14 continue a long association with the lawyers whom I had
15 come to admire and respect over the years, and to feel that
16 I had a chance to make a slightly larger impact in the
17 capacity as a judge than I did as a lawyer, in a different
18 way.

19 And I've enjoyed the association and the
20 fellowship. I've enjoyed the mental challenge that
21 confronts us all every day. And even when I retired, I
22 wanted to continue holding court. And I also wanted to do
23 some other things and, frankly, I was able to continue to
24 be assigned one week a month at my request.

25 And for many years I was able to serve one week a

1 month. And in recent years not quite as frequently, but
2 now more often than I have in the last couple three years.
3 And so it's picking up again and I enjoyed that. I felt,
4 frankly, when I was not being used -- for obvious reasons,
5 the Covid and other things cut down the number in terms of
6 court -- I found that I missed it.

7 And I'll continue doing any of it as long as I'm
8 able and as long as you all let me, as long as there's work
9 to be done. Ralph King Anderson told me when I sat with
10 him, learning to be a judge, that the job of a circuit
11 judge was the best job in the world. And of course I never
12 have questioned Judge Anderson's intelligence or his force
13 of will. And I found it to be --

14 CHAIRMAN SMITH: We understand.

15 A. Thank you.

16 **Q. I know you stay busy, and since you've been**
17 **retired, you've been serving. Besides going to the beach,**
18 **what else have you done to stay busy?**

19 A. I teach a class at the law school, it's an
20 externship -- I'm an adjunct. Every now and then my
21 students call me "professor," and I correct them right
22 away. It's a wonderful class called "Judicial Externship,"
23 where each of my students is assigned to sit with a judge
24 as a sort of quasi law clerk for about ten hours a week.

25 And they prepare journals and they send them to

1 me. And based on the journals, I prepare lesson
2 assignments and I meet with them every other week for an
3 hour. And I mediate the cases when I'm able to do that,
4 and then I am still available to hold court one week a
5 month. And it manages to keep me busy as I want to be,
6 really.

7 **Q. Yes, sir. Thank you, Judge.**

8 MS. CRAWFORD: I would note that the Pee Dee
9 Citizens Committee found Judge Cooper to be well qualified
10 as to the evaluative criteria of ethical fitness,
11 professional and academic ability, character, reputation,
12 experience, and judicial temperament. It also found him
13 qualified in the evaluative criteria of constitutional
14 qualifications, physical health and mental stability.

15 Mr. Chairman, there were no concerns raised
16 during the investigation of Judge Cooper. So therefore, I
17 did not incorporate any of those into my questioning. I
18 have no further questions.

19 CHAIRMAN SMITH: All right. Thank you very
20 much. And, Judge Cooper, I'm going to supplement your
21 testimony a little bit, and say why you're doing it is
22 'cause the attorneys in this state ask you to do or ask the
23 court to do it, 'cause you're so well-respected.

24 And I'm going to brag on you a little bit.
25 You're from our circuit, so we got Mr. Sabb and Ms. McIver

1 and myself all from your circuit over here, so we proudly
2 represent the 3rd Circuit. But let me tell you -- and you
3 probably don't know this, but we've all had the pleasure of
4 practicing before you for years, and I can't think of
5 someone with the epitome of what you would want in judicial
6 temperament than what you've demonstrated for your entire
7 career.

8 And the thing that makes us all proud when
9 we serve over here is we always ask new judges or
10 candidates who they want to be like. And, Judge Cooper,
11 I'm going to tell you probably 75 to 80 percent of them use
12 you as an example of what a judge that they would like
13 emulate, with their temperament, with your intellect, and
14 with the way you treat litigants and treat lawyers.

15 And that's something that makes us proud.
16 And I think it's important when people give you praise.
17 You hear negative comments all the time, people are quick
18 to give you -- to let you know what the negative things
19 they are saying about you. But when there are positive
20 things like that, I just wanted to bring that to your
21 attention.

22 And I thank you for your lifetime of
23 service. It's been a service of teaching, to practicing
24 law, to being a judge. And it's been a pleasure to know
25 you and a pleasure for you to continue serving the citizens

1 of this state.

2 JUDGE COOPER: Thank you, Mr. Chairman. I'm
3 gratified by those remarks. And I'm not worthy of all of
4 those things, but I will -- I'm vain enough to accept
5 service on them as if I deserve them. But at least it
6 reflects the pleasure that I have had in doing what I have
7 done. And if that sometimes is reflected in the way I
8 treat the folks, then I'm glad that it does. And I
9 appreciate that.

10 CHAIRMAN SMITH: All right. Any other
11 questions for Judge Cooper?

12 (Hearing none.)

13 CHAIRMAN SMITH: With that being said, it
14 was fifteen minutes and so we stayed right -- the train was
15 on the tracks. So congratulations.

16 JUDGE COOPER: Thank you.

17 CHAIRMAN SMITH: Judge Cooper, let me -- let
18 me just say for -- oh, you got some closing remarks?

19 JUDGE COOPER: Just very briefly, if I
20 could. I will not get you off track, I promise you. I
21 will be 81 in May, and so I'm not likely to see you all
22 again in four years. I'm not going to test your patience
23 beyond that. But before I leave, I want to thank you all
24 on this committee, not only for the courtesies that you
25 have expressed to me, and many times I have appeared before

1 you, but more importantly for the important role that you
2 all play in our selection process.

3 I serve on the judicial standards -- or the
4 Commission on Judicial Conduct, and we get criticized on
5 that commission because we don't kick enough judges out of
6 office. The newspaper of course is always wondering how we
7 have all these complaints that come in, but yet the judges
8 remain in office. And the reason they remain in office is
9 before they get in office to begin with, they come through
10 this crucible.

11 And they are in the Pee Dee, or whatever the
12 other citizens committee is, and they're screened so
13 thoroughly by the time they get on the bench and get to be
14 active judges, that they're not the kind of people there
15 who are likely to need to be kicked out of office in order
16 to maintain the integrity of the office. And that's
17 because of what you all do.

18 And I thank you for that not just for me but
19 for the judiciary as a whole. And you are -- you all are
20 the strongest bastion that we have, as I see it, against
21 public election of judges. And I'm hoping you'll continue
22 to do what you're doing. Thank you very much.

23 CHAIRMAN SMITH: You have now stirred
24 Senator Rankin up for a question.

25 SENATOR RANKIN: It is not a question. It

1 is a very quick comment, because I promised Todd I would
2 not talk. But so as I've done in the past, I, again, want
3 to ditto the claim of wonderful comments about your service
4 that Murrell has made.

5 Earlier today we screened Justice Hearn.
6 And, effectively, I asked -- because Murrell wasn't here,
7 so I had the leave to do it -- again to comment on the
8 state of the judiciary, and speak to those who will be
9 coming up in the future. I'm not asking you to do that.

10 What I want to tell you is from my vantage
11 point, again, every time that we've seen you everyone holds
12 you up as the example. So a lawyer's lawyer, a judge's
13 judge, you are the dean of the judiciary in this state.

14 And I just want to applaud you for that
15 humility, that humbleness, and that giving to young and old
16 alike that you do. And God bless you for a wonderful life
17 of service and giving to this profession.

18 REPRESENTATIVE RUTHERFORD: I think we all
19 say "ditto."

20 CHAIRMAN SMITH: Yeah, absolutely.

21 JUDGE COOPER: Thank you, all. I won't -- I
22 won't get you off track anymore.

23 CHAIRMAN SMITH: Thank you, Judge. I
24 appreciate you being here. Sorry to make you wait.

25 (Candidate excused.)

1 CHAIRMAN SMITH: Judge Dennis, will you
2 raise your right hand, please, sir.

3 WHEREUPON,

4 R. MARKLEY DENNIS, JR., being duly sworn and
5 cautioned to speak the truth, the whole truth and nothing
6 but the truth, testifies as follows:

7 CHAIRMAN SMITH: Before you, you have your
8 personal data questionnaire and your sworn statement. Are
9 those both the documents you've submitted to the
10 Commission?

11 JUDGE DENNIS: They are.

12 CHAIRMAN SMITH: Are they both correct?

13 JUDGE DENNIS: Yes, sir. As far as I know,
14 sir.

15 CHAIRMAN SMITH: Anything need to be changed
16 or updated at this time?

17 JUDGE DENNIS: At this minute, I don't
18 believe so. No, sir.

19 CHAIRMAN SMITH: Do you have any objection
20 to us making those as part of a record of your sworn
21 testimony here today?

22 JUDGE DENNIS: I would appreciate that.

23 CHAIRMAN SMITH: All right. Without
24 objection we will mark those as exhibits to his testimony.

25 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION

1 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
2 HONORABLE R. MARKLEY DENNIS, JR.)

3 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION
4 COMMISSION SWORN STATEMENT OF THE HONORABLE R.
5 MARKLEY DENNIS, JR.)

6 CHAIRMAN SMITH: Judge, the Judicial Merit
7 Selection Commission has thoroughly investigated your
8 qualifications for the bench. And as you know, that's
9 based upon the nine evaluative criteria, which has also
10 included a ballot box survey, a thorough study of your
11 application materials, verification of your compliance with
12 state ethics laws, a search of newspaper articles in which
13 your name appears, a study of previous screenings, and
14 checks for economic conflicts of interest.

15 We've have received no affidavits today in
16 opposition to your election and no witnesses are here to
17 testify. Do you wish to make a brief opening statement to
18 the Commission?

19 JUDGE DENNIS: Thank you very much, sir.

20 CHAIRMAN SMITH: A great statement, Judge.

21 JUDGE DENNIS: It's truly an honor and a
22 privilege to be here with you all. And I thank each one of
23 you for what you do for this state, in many capacities. I
24 am grateful some of you maybe been for long enough to have
25 been involved in helping me be involved in this process as

1 a judge for twenty-seven years. And I thank you very much
2 for that.

3 It truly is -- and I didn't realize it in
4 1994 when I started the process, I didn't realize what I'd
5 learned in twenty-seven years. And I would love to roll
6 back the clock, as maybe some of you would as well,
7 especially for lots of reasons, but certainly for this one.

8 As you have found in your various roles, we
9 have great opportunities to serve. And to me that's been
10 one of the greatest privileges of my life, to serve and to
11 engage with people who are really intelligent -- a lot more
12 so than I have taught me a lot -- and just grow together.

13 And the one thing that I thought about as I
14 retired is how many opportunities did you miss, Markley,
15 where you could have made a difference. And I'm sure there
16 are many.

17 You receive some letters -- and I'll share
18 this one because it just means so much to me. I received a
19 letter from a lady -- and I don't remember her, she
20 appeared before me in Charleston, apparently. And she had
21 moved to California with her child, and she said, "I just
22 wanted to thank you for believing in me as a person. And
23 I've gotten my life squared away. And my daughter is
24 wonderful and we're growing together."

25 I'm going to tell you something, I was a

1 lawyer for twenty-one years -- and, Senator, we saw each
2 other occasionally in that capacity -- but all the help you
3 do with that and all the little bit of money I made, it
4 didn't come close to what that meant.

5 And that's the opportunities that I want to,
6 hopefully, be able to do and continue to do. And,
7 hopefully, be a credit to each of you and to this state in
8 my role as a judge.

9 And I know my wife had been -- and we've
10 been watching the trial that's been winding up now, and
11 those judges sometimes get to be front and center. And
12 he's very much that way, and she said, "Well, he's a little
13 bit harsh."

14 I said, "Well, I can understand your opinion
15 about that" -- and I'm sure that some of you that know that
16 I have a tendency sometimes, and my fault of slipping over
17 a little bit -- but I said, "But you don't know what he's
18 been dealing with and you don't know what" -- and the good
19 thing about it is we're lawyers, we know we -- I used to
20 tell mock trial kids when I worked with them for twenty-
21 three years, you want to get as close to the edge as you
22 can, you just don't want to go over it. But you push it as
23 far as you can. That's being a good lawyer. But also as a
24 human being, sometimes you get a little upset about it.

25 And I'm sorry I've run over and probably

1 overextended my time. But it's the greatest profession in
2 the world. I'm proud to be a member with the all the
3 lawyers in this room. It's our opportunity to make a
4 difference in lives. And with all the negative stuff they
5 say about us, that's okay. I'm honored to be a part of the
6 group. And I'm -- I appreciate the opportunity. But I'm
7 sorry, I didn't mean to run on.

8 CHAIRMAN SMITH: You've got fifteen minutes.
9 So you can keep talking, if you like.

10 (Off-the-record discussion.)

11 CHAIRMAN SMITH: And Ms. Crawford's your
12 screening attorney, so will you answer questions from her,
13 please.

14 JUDGE DENNIS: I'll be delighted.

15 EXAMINATION BY MS. CRAWFORD:

16 Q. Hey Judge.

17 A. Ms. Crawford, good afternoon.

18 Q. Judge Dennis, you served in active retired
19 capacity from January 1, 2020, 'cause you were -- you
20 retired --

21 A. Correct.

22 Q. Yes. Okay. -- January 2020 until June 30th,
23 2021.

24 A. Correct.

25 Q. And this is your first time actually being

1 **screened to serve as a retired judge.**

2 A. That is correct.

3 **Q. And you've kind of touched on this is you -- why**
4 **do you want to continue service?**

5 A. Everything I just said.

6 **Q. Right.**

7 A. And the one thing that -- I've had experiences a
8 couple of times, meet with some lawyers in some places, and
9 just try and having that banter that typically occurs. I
10 miss it.

11 I've enjoyed doing the things around the yard and
12 things I've been directed to do and delighted to do. And
13 it's been good. It's medicinal in many ways for me. But I
14 miss -- I miss the intellectual aspect of it where you've
15 got to be sharp, you've got to -- you've got to hear
16 something and then say, "Wait a minute, I'm not sure about
17 that," and do what I know as lawyers we all do.

18 I used to tell my law clerks I don't care how
19 many times I may have dealt with a statute, I always pulled
20 it out every single time to read it, to make sure I
21 remembered it correctly. I miss that. I miss that
22 opportunity.

23 Because that's how we grow. We grow and we're
24 pushed in a situation. We've got a love -- they're not all
25 good, but I like the process of having to make a decision.

1 I really do. I mean, that's what we do as lawyers every
2 day. I mean, we have to. And so I miss that.

3 **Q. How often were you serving and how often do you**
4 **want to serve, like per month or --**

5 A. Ms. Crawford, as you know, it was a shock to me
6 that I was -- had missed the boat, so to speak. But I say
7 thank you for letting me have that opportunity to at least
8 to get in the boat again.

9 I worked until June 30th. In fact, I've got --
10 and the Chief has allowed me to sign the orders for
11 reconsideration on some decisions I made. The lawyers were
12 waiting on them, and that bothered me tremendously 'cause I
13 -- we've all heard the story of a great jurist in our
14 state who -- Bruce Littlejohn, and I remember Chief Justice
15 Toal used to say this to the new judges every time:
16 "Lawyers would love to have a perfect judge, but that
17 doesn't -- that person doesn't exist. But they want a
18 judge that will make a decision."

19 And, frankly, I -- as a lawyer, I remember those
20 horrific situations. And there have been lawyers in here -
21 - it's a nightmare. And so that's bothered me. But I
22 worked to the last day and I -- as I -- I think I -- I
23 think Ms. Raines had asked me, "Is there any restriction on
24 where you would like to go?"

25 And I said, "I'll serve. My children all grown

1 and gone. My wife probably would like me to get out of the
2 house some more. And I will go anywhere that you need me,
3 anyway I can help."

4 And I don't care whether it's civil, criminal,
5 non-jury, jury. It doesn't make a particle of difference.
6 I enjoy all of it.

7 **Q. Thank you, Judge. Judge Dennis, what do you**
8 **think your reputation is among attorneys that practice**
9 **before you?**

10 A. It depends on who you ask. I hope it's okay.
11 I'm not a perfect judge by any stretch of the imagination.
12 I'm not a perfect person. I try to do the best I can. I
13 think I -- I probably gave equal time to some people,
14 probably in this room. I think I've worked a little more
15 on my demeanor than I did initially. I hope I have. That
16 was just criticism, I think.

17 As a couple of lawyers have said at these
18 functions you go to when they retire, they're being nice to
19 you -- most of them are law -- former law clerks and they
20 don't have to worry about having to worry about the job
21 anymore.

22 But Hal Staley, who is a young man from Moncks
23 Corner, and he practices in Rock Hill, Hal made the comment
24 and the observation that's -- at least that's my feeling,
25 he said, "He doesn't have a temper problem. He's just

1 passionate about what he believes."

2 And I think that's the way I hope I am. But I
3 also have to temper that and understand that it can come
4 across. And that's important too. I don't want to come
5 across that way.

6 But to be frank with you, being retired makes it
7 a lot easier to do that now. It really does. So, you
8 know, the good thing about retiring, it really is pretty
9 good, you get up and you just think this is a great day. I
10 mean, it's good.

11 And I have the great pleasure of being in an old
12 man's golf group, that one of them happens to be a guy that
13 I've known he's -- he and my sister were the same age. He
14 lived right down the street. And his daughter was kind
15 enough to marry my son.

16 And we live near each other and we eat -- that's
17 one of the greatest experiences on Wednesday nights, we eat
18 -- we gather every Wednesday at one of the places there
19 where we live, and we have a family gathering. And it's
20 been the greatest time.

21 But he made a comment to me one Saturday, he
22 said, "You know, I got up this morning, I said, 'Lord,
23 thank you for this day. And I don't really care what
24 really happens, it's just good to be a part of it.'"

25 And I think you know what, that's a great

1 philosophy. It really is. So anyway, I'm probably around
2 the world. Maybe I answered that. I don't know if I did.

3 Q. You did. And I asked that in part because you
4 aren't included in the ballot box survey during this
5 screening. And you kind of touched on this in the 2014
6 screening there may have been some concerns raised about
7 your temper and lack of patience. Do you think you've
8 mellowed since then?

9 A. I think I've mellowed. But Senator Martin asked
10 an appropriate question, and I have to respond in this,
11 "There he goes again being antagonistic." But the lawyer
12 pointed that out to me, that was assigned to me. And I
13 think it was -- I think it was 30 criticisms or something
14 about that number. And certainly they said that's a good
15 number.

16 And Senator Martin said, "Well, how many people
17 responded?"

18 He said, "Over three hundred."

19 He says, "Well, that's ten percent. You know
20 what we do, there's probably ten percent of people who" --
21 I don't know about you all, but when I lost, the first
22 thing you blamed was the jury or -- if you had one, or if
23 you lost to a judge, you said, "Well, that judge just
24 didn't understand. He wasn't paying attention."

25 You work through that. But, you know, it's just

1 -- it's just part of the nature of the beast, I'm afraid.
2 But anyway, I think I have. One thing's for sure -- and
3 I'll say this without any hesitation 'cause I watch now my
4 daughters, and of course, my daughter-in-law, we men have
5 had a pretty good deal in our lives, and now men get
6 involved with doing things that my father never did. It
7 was sort of what -- what we'd talked about those inherent
8 bias -- biases that we have. And that's changed. But you
9 get into a situation where you feel stressed, and men did,
10 and I think how in the world do you do what a lot of women
11 do today?

12 I know Julie Armstrong had a -- or got upset
13 about the statement made about being -- and I'm not trying
14 to be political sided, nothing mentioned about this. But
15 it just -- it says what it says, "I'm a stay-at-home mom
16 and now I have to work outside."

17 And she said, "So am I. And I've worked all my
18 life and I've run for office and I do all those. You do
19 it."

20 A lot of times, all that to get to this, I said,
21 "Well, I was tired." That's bologna. You're not tired.
22 That's your temper and you need to deal with it. I've come
23 to that realization. So there you go.

24 **Q. Thank you, Judge.**

25 MS. CRAWFORD: Mr. Chairman, I note that the

1 Low Country Citizens Committee found Judge Dennis well
2 qualified in ethical fitness, professional and academic
3 ability, character, reputation, experience, and judicial
4 temperament. The Committee reported that Judge Dennis is
5 constitutionally qualified, and he's qualified both in
6 physical and mental stability.

7 They stated in summary, "Due to technical
8 difficulties with the virtual platform, an interview was
9 not possible. However, all members of the Committee had,
10 had interactions and experiences with Judge Dennis such
11 that we felt comfortable giving him the highest remarks as
12 a retired active status."

13 I would note for the record that any
14 concerns raised during the investigation were incorporated
15 into the questioning of Judge Dennis today. I have no
16 further questions.

17 CHAIRMAN SMITH: All right. Judge Dennis,
18 let me just say, as I just told Judge Cooper -- and it's
19 good news about both of you. I'm going to amend your
20 remarks a little bit when you said why do you want to run
21 again, is I think the lawyers across the state and across
22 your circuit have asked for you to run. So, you know, I
23 think that's important.

24 And that's a testament to your service on
25 the bench for all these years. You've had a service of

1 integrity and service -- I guess I'm law school and I've
2 seen explosions and -- but not from -- nothing from you
3 that would -- that was -- that would ever indicate that you
4 had a problem.

5 But let me -- let me just say this is you're
6 one of the most well respected judges around here in this
7 state. You have been. I started off as a young lawyer --
8 and you had the misfortune of being assigned to Sumter, I
9 guess, but I had the fortune of trying criminal cases and
10 civil cases in front of you. And your intellect and your
11 ability to relate to lawyers and to jurors were very
12 impressionable upon me and, I think, most of the lawyers
13 around the state.

14 And so you have a great reputation. You've
15 been a great judge and you're exactly who we want to serve
16 in a retirement -- in retired status, to come back and help
17 mould other young lawyers and to help -- and help make sure
18 that court is running like it should and hold -- and, you
19 know, it's nice to have the finest of the judges that
20 continue their service to the state. And we're fortunate
21 to have that and I want to say thank you for that.

22 JUDGE DENNIS: Well, thank you very much for
23 those kind remarks, Representative Smith.

24 CHAIRMAN SMITH: Any questions?

25 REPRESENTATIVE RUTHERFORD: Just briefly.

1 CHAIRMAN SMITH: Representative Rutherford.

2 REPRESENTATIVE RUTHERFORD: Two of my fellow
3 miscreants from up here, Leon Stavrinakis and Peter McCoy,
4 think you walk on water. And that's FYI. But I know where
5 you are and when you're in court and what you're doing,
6 'cause that's all they talk about --

7 JUDGE DENNIS: Excuse me. But you know them
8 both, and you can take that with a grain of salt.

9 REPRESENTATIVE RUTHERFORD: Exactly.

10 CHAIRMAN SMITH: That's got some positives
11 but also a lot of negatives for you, Judge.

12 SENATOR RANKIN: And for the record, please
13 make sure the court reporter gets this: "My fellow
14 miscreants." Identifying himself. Not you, Judge.

15 JUDGE DENNIS: I hear you, Senator. Thank
16 you. Let me add one thing -- and I appreciate what you
17 said. And I say this to you as a fellow lawyer and a
18 person that -- as are all of you. But one thing I learned,
19 and I've made this comment at some of the retirement
20 things, there have been several, it's nice to hear all
21 those nice things. And I'll confess that maybe you all
22 never did this, but I said some nice things about judges
23 that I would talk in private that I didn't say such nice
24 things about, but I did it for obvious reasons.

25 But as a judge you need to have friends too.

1 And friends are people that will pull you aside and say,
2 "Listen, you need to think about this."

3 And, fortunately, I've had a couple. And I
4 say this to any of you: Please be my friend. If you think
5 I've stayed at the dance too long, just tell me. 'Cause I
6 respect each one of you tremendously. And the last thing I
7 want to ever do is embarrass you all, the state, but
8 embarrass the position. So thank you very much. I
9 appreciate it.

10 SENATOR RANKIN: I want to commend you for
11 the passion that you brought to a case, greatly in the news
12 in Horry County. And you have -- as all have said, again
13 you are sharp, you are passionate, and you run a tight
14 courtroom. And people appreciate it, the jurors appreciate
15 it, the litigants appreciate it. Everybody appreciates a
16 direction and a firm hand at the till in a courtroom. So
17 compliments to you.

18 JUDGE DENNIS: Thank you, sir.

19 SENATOR SABB: Mr. Chairman, if I might.

20 CHAIRMAN SMITH: All right. Senator Sabb.

21 SENATOR SABB: And, obviously, I'll be
22 brief. But as I was listening to Judge Dennis talk, it
23 really took me back thirty years. I mean, when I was
24 prosecuting in Williamsburg County --

25 JUDGE DENNIS: Yes, sir.

1 SENATOR SABB: -- and I was over in Berkeley
2 all the time, and you and a number of other judges, and
3 just the way that you treated me as a young lawyer. I was
4 scared but I was always just treated like I hope I'm
5 treating other lawyers and other people.

6 And so I guess I just wanted to say "thank
7 you." I don't know whether you remember thirty years or
8 not, but I just have great memories of trying cases in
9 front of you, and our interactions and stuff. I really
10 appreciate it.

11 JUDGE DENNIS: Well, Senator, thank you very
12 much. It was a privilege to work with you, as it has been
13 with -- and that was a time I was assigned to that district
14 -- to that circuit for six months, which another -- your
15 circuit's pretty good.

16 SENATOR SABB: We're really the best.

17 JUDGE DENNIS: Right. Excuse me, Senator,
18 I would not disagree with that. One of the things that I
19 always will cherish, and I've said it to both the sons, and
20 I mean it, and we all -- you all knew him better than I,
21 but one of the greatest individuals -- human beings I've
22 ever known in my life was the Chief Justice. And I'm going
23 to tell you something, he was a shining example for how you
24 should deal with people, 'cause he was a master at it. And
25 what a great honor it was to serve with him and serve under

1 him.

2 But you reflect that. And that's a -- it's
3 a marvelous circuit. But I remember one case aside, I was
4 thinking about it when I saw you on the committee, I said,
5 well, I do remember one and I don't -- I know Clifton was
6 also prosecuting. And you may have been in second -- I
7 don't know whether you all were working together.

8 SENATOR SABB: I was usually second chair.

9 JUDGE DENNIS: But Jerry Theos was a lawyer,
10 and he was cross-examining one of the investigators. And
11 I'll never forget it, because I made a telephone call after
12 I took a recess -- the greatest act of discretion is when
13 to take a recess. And we -- Jerry was cross-examining and
14 he said, "You said So-and-so in your report."

15 And he said, "I didn't say that in my
16 report."

17 He said, "Well, I have a copy of it right
18 here." And he showed it to him and he said, "Well, that's
19 not my report."

20 He showed him and Jerry looked at me and he
21 said, "This is not a report that I have." And I looked at
22 it and it was two different reports. Some things were
23 different. Not all of it. I remember looking at the
24 solicitor, I said, "Solicitor, do you have the original?"

25 He said, "Yeah." He passed it up and it

1 didn't look like either one.

2 I said, "Houston," I said, "we're going to
3 take a break." And I called who I sat with as I sat with -
4 - you've had -- well, Judge Cooper was the last person I
5 sat with when I went through the training process. But I
6 called Justice Pleicones, and I said -- I told him the
7 situation and he said, "Have fun."

8 But we worked it out and you all did a good
9 job, and I think we ended up resolving the case. But, no,
10 I really -- it's always been a pleasure. But that's just -
11 - that's -- all of these things, folks -- you ask me the
12 question, it goes back to answering it. That's why I want
13 to continue it. I just love it that much. I really do.
14 But thank you very much.

15 MS. CRAWFORD: Thank you.

16 CHAIRMAN SMITH: Thank you. I appreciate
17 your willingness to continue to serve. And I'm sorry we
18 kept you behind, but sounds like you have some time on your
19 -- on your hands right now.

20 JUDGE DENNIS: I do, Representative. But my
21 wife would say, "You talk too much." I'm sorry to hold you
22 all up. But thank you for the opportunity.

23 CHAIRMAN SMITH: All right. Well, safe
24 travels back home.

25 JUDGE DENNIS: Thank you very much. You all

1 have a great day.

2 (Candidate excused.)

3 CHAIRMAN SMITH: Judge Wylie. I appreciate
4 you being here and sorry for the delay. We'll go ahead and
5 get started. If you'll raise your right hand, please, sir.

6 WHEREUPON,

7 WILLIAM J. WYLIE JR., being duly sworn and
8 cautioned to speak the truth, the whole truth and nothing
9 but the truth, testifies as follows:

10 CHAIRMAN SMITH: Judge Wylie, before you,
11 you have your personal data questionnaire and your sworn
12 statement. So are those both documents that you've
13 submitted to the Commission?

14 JUDGE WYLIE: Yes.

15 CHAIRMAN SMITH: Are they both correct?

16 JUDGE WYLIE: Yes.

17 CHAIRMAN SMITH: Anything that needs to be
18 changed or updated at this time?

19 JUDGE WYLIE: No.

20 CHAIRMAN SMITH: And do you have any
21 objection to us making those exhibits to your sworn
22 testimony here today?

23 JUDGE WYLIE: I do not.

24 CHAIRMAN SMITH: With no objection we'll
25 make those a part of the record.

1 (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
3 HONORABLE WILLIAM J. WYLIE, JR.)

4 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF THE HONORABLE
6 WILLIAM J. WYLIE, JR.)

7 CHAIRMAN SMITH: Judge, the Judicial Merit
8 Selection Commission has thoroughly investigated your
9 qualifications for the bench. Our inquiry is focused on
10 nine evaluative criteria and it's included a ballot box
11 survey, a thorough study of your application materials,
12 verification of your compliance with state ethics laws, a
13 search of newspaper articles in which your name appears,
14 study of previous screenings, and checks for economic
15 conflicts of interest.

16 There have been no affidavits filed in
17 opposition to your candidacy and no witnesses are here to
18 testify. Do you wish to make a brief opening statement to
19 the Commission?

20 JUDGE WYLIE: I don't believe so.

21 CHAIRMAN SMITH: That was very well played.
22 Thank you so much. Answer any questions Ms. Crawford may
23 have.

24 EXAMINATION BY MS. CRAWFORD:

25 Q. Good afternoon, Judge.

1 A. Good afternoon.

2 Q. Your current term as a Family Court judge ends
3 June 30th next year, 2022. And you're not required to
4 retire due to your age at this point, but you've decided to
5 retire and then be screened so that you can be appointed in
6 active retired capacity as Family Court judge. Why do you
7 want to continue serving as a retired Family Court judge?

8 A. Well, I would say that it has just been a
9 tremendous honor to be a family court judge. I have -- it
10 feels like the right time to retire. But if needed, I'd
11 like to be available to be called upon. I'm not doing this
12 to seek to continue to hold a lot of court. If I'd wanted
13 to do that, I would have simply run for another term. But
14 if needed, I'd like to be available.

15 Q. Thank you, Judge. The Commission received 370
16 ballot box surveys regarding you, with 33 additional
17 comments. Some of the positive comments included that you
18 have excellent temperament, capable and polite to parties
19 and attorneys, you're intelligent, eloquent, everything
20 they expect a judge to be, a credit to the bench.

21 Seven of the written comments expressed concerns
22 indicting that you were too quick to jump to conclusions
23 about cases and you do not hold lazy attorneys accountable,
24 so therefore, you encourage bad behavior by doing that.
25 What response would you offer to this concern?

1 A. To the lazy attorneys?

2 **Q. To not holding lazy attorneys accountable, your**
3 **failure to hold them accountable.**

4 A. Well, I certainly feel like I apply the rules
5 evenhandedly to all attorneys, and I try to treat all the
6 same. Certainly, there are times when attorneys may not be
7 as prepared as they would like to be, and certainly subject
8 to some criticism.

9 But, you know, I've imposed sanctions where I
10 thought they were appropriate, including some significant
11 attorneys fees for frivolous claims. So I'm not sure where
12 that's coming from, but it would seem to be a very isolated
13 sort of complaint in my mind.

14 **Q. Another concern indicated that your temper often**
15 **gets the best of you and that you are, quote, hellbent on**
16 **making partied bend to your will. What response would you**
17 **offer to this?**

18 A. That's a shock to me. I'm really not sure how to
19 respond to that. I think that overall I'm well known for
20 having a very even temperament and a good judicial
21 demeanor. So that strikes me as odd. I've never been one
22 to force settlements. Really, I'd like to have a little
23 more context. 'Cause it's hard for me to answer that,
24 because it feels very surprising.

25 **Q. Thank you, Judge.**

1 MS. CRAWFORD: As far as the Citizens
2 Committee report, the Low Country Citizens Committee found
3 Judge Wylie is well qualified in ethical fitness,
4 professional and academic ability, character, reputation,
5 experience, and judicial temperament. The Committee
6 reported that you're constitutionally qualified and
7 qualified in physical and mental health.

8 They did state in summary: "Committee member
9 has heard from courthouse staff, that his temperament and
10 disposition have deteriorated over time. Litigants report
11 that he is a pleasant and wonderful judge to the lawyers."

12 BY MS. CRAWFORD:

13 **Q. How would you respond to the summary statement**
14 **concerning the opinions of some of the courthouse staff?**
15 **So it's not the litigants. It seems to be the staff.**

16 A. Well, I've thought a lot about that since you
17 informed me of that comment. I wish the Citizens Committee
18 had raised it so I could have had the opportunity to speak
19 to them about it. But I've thought long and hard, a lot of
20 different things I could say. Even to me it sounds a
21 little bit defensive, so I really don't want to go down
22 that path. I think my best answer is just to take that as
23 a legitimate concern that's been raised and be mindful of
24 it.

25 The great irony in that for me is that one of the

1 reasons I chose to retire at this time is that I do want to
2 go out at the top of my game, so to speak, when I do have a
3 very good reputation intact. And so that one hurts a bit.
4 And I'll just be mindful of it.

5 I guess, if I would say anything in my defense, I
6 will admit it's been liberating to know that I've been in
7 my last term. And there have been, perhaps, times when
8 I've been a little more quick to correct behavior that I
9 didn't feel was appropriate, to insist on things being done
10 properly. And maybe somebody in the clerk's office was
11 offended by that.

12 But I can't think of any specific examples. I
13 like to think I have a great reputation with court
14 personnel all over this state. So there again, I think
15 that is not representative of who I am as a judge.

16 **Q. Thank you, Judge.**

17 MS. CRAWFORD: Mr. Chairman, I note for the
18 record that any concerns raised during the investigation of
19 Judge Wylie were incorporated into the questioning today
20 and I don't have any further questions.

21 CHAIRMAN SMITH: Any questions for Judge
22 Wylie?

23 (Hearing none.)

24 CHAIRMAN SMITH: Judge, thank you for
25 offering to serve again.

1 JUDGE WYLIE: Well, it sounds like I made
2 the right decision to retire at this time. A little R-and-
3 R and I'll be okay. But, you know -- but, truthfully, if
4 I'm called to hold court, you know, a week or two, here and
5 there, that would be an honor. But I'm not looking to hold
6 court all the time either.

7 CHAIRMAN SMITH: You want to be available.

8 JUDGE WYLIE: Right. Just be available.

9 CHAIRMAN SMITH: Well, I appreciate your
10 willingness to serve. And, hopefully, they'll use you from
11 time to time. And I don't know, it's a unique time.
12 Apparently, you got two Family Court judges we know that's
13 running for two vacancies in your circuit now.

14 JUDGE WYLIE: Right. The one in --

15 CHAIRMAN SMITH: So who was the other one?

16 JUDGE WYLIE: The lawyers are going to have
17 to train some new judges.

18 CHAIRMAN SMITH: Who was the other one that
19 retired in your circuit?

20 JUDGE WYLIE: Nancy McLin.

21 CHAIRMAN SMITH: Well, that will be
22 interesting. So we appreciate you being here and
23 appreciate your time. And more importantly, thank you for
24 getting us back somewhat on -- not schedule, but helping us
25 get on schedule.

1 JUDGE WYLIE: And just let me leave you with
2 this, 'cause I think it's important the work that you are
3 doing. From time to time, we hear comments about people
4 wanting to have public elections for judges. I've had the
5 opportunity to participate in some national judicial
6 college functions, and one of them had a judge from Georgia
7 saying that she had just raised \$300,000 to run for
8 reelection, most of which was from the attorneys coming to
9 her home for cocktail parties, the attorneys who appeared
10 in front of her. So this is a good system. And I
11 appreciate the work that you all do.

12 CHAIRMAN SMITH: Well, thank you. Keep
13 telling everybody that.

14 JUDGE WYLIE: Thank you.

15 MS. CRAWFORD: Thank you, Judge.

16 CHAIRMAN SMITH: Have a great day. Safe
17 travels home.

18 JUDGE WYLIE: Thank you.

19 (Candidate excused.)

20 CHAIRMAN SMITH: Judge Goodstein, welcome.
21 How are you doing today?

22 JUDGE GOODSTEIN: I am well. And I hope
23 everyone is.

24 CHAIRMAN SMITH: We are. Will you raise
25 your right hand, please, ma'am.

1 JUDGE GOODSTEIN: Yes.

2 WHEREUPON,

3 DIANE SCHAFER GOODSTEIN, being duly sworn
4 and cautioned to speak the truth, the whole truth and
5 nothing but the truth, testifies as follows:

6 CHAIRMAN SMITH: And before you, you have
7 your personal data questionnaire and your sworn statement.

8 JUDGE GOODSTEIN: Yes.

9 CHAIRMAN SMITH: Are both of those documents
10 that you've submitted to the Commission?

11 JUDGE GOODSTEIN: Yes.

12 CHAIRMAN SMITH: Are both of them correct?

13 JUDGE GOODSTEIN: Yes.

14 CHAIRMAN SMITH: And do you have any updates
15 or changes that you need to make at this time?

16 JUDGE GOODSTEIN: No.

17 CHAIRMAN SMITH: Do you mind -- do you mind
18 if we make those a --

19 JUDGE GOODSTEIN: Yes. Yes.

20 CHAIRMAN SMITH: -- an exhibit to your sworn
21 testimony?

22 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION
23 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
24 HONORABLE DIANE SCHAFER GOODSTEIN)

25 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION

1 COMMISSION SWORN STATEMENT OF THE HONORABLE DIANE
2 SCHAFFER GOODSTEIN)

3 CHAIRMAN SMITH: All right. With that being
4 said, Judge, you've been up here a number of times. So
5 you're well aware that we thoroughly investigate your
6 qualifications for the bench. Our inquiry is focused on
7 the nine evaluative criteria as well as a ballot box
8 survey, a thorough study of your application materials,
9 verification of your compliance with state ethics laws, a
10 search of newspaper articles in which your names appear --
11 name appears, a study of previous screenings, and checks
12 for economic conflicts of interest.

13 We have received no affidavits today in
14 opposition to your candidacy and no one's here to testify.
15 So we will welcome a brief opening statement, if you
16 desire.

17 JUDGE GOODSTEIN: Thank you all so much for
18 doing this. Thank you for caring enough to do this. This
19 is so important. We're so lucky to have all of you do
20 this. And so first of all, thank you so much for giving so
21 much of yourselves to this part of our process. It is
22 important. So first of all, thank you.

23 And, secondly, I have thoroughly enjoyed the
24 last twenty-five years. I cannot believe I am so lucky
25 that I get to do what I get to do every single day. And I

1 am so grateful for it and humbled by it.

2 And I strive every day to be better at it,
3 to never forget the humility of it, to understand that I am
4 a caretaker of a wonderful position that I have been so
5 lucky to be able to do. And I'm glad about that every
6 single day.

7 And thank you for the faith that you all
8 have had in me to allow me to do this for twenty-five
9 years. And I'm humbled and just experience gratitude and
10 thankfulness for the opportunity every single day.

11 CHAIRMAN SMITH: All right. Thank you very
12 much. And answer any questions your screening attorney may
13 have.

14 JUDGE GOODSTEIN: Thank you. Yes.

15 MS. FAULK: Thank you, Mr. Chairman.

16 EXAMINATION BY MS. FAULK:

17 Q. Good afternoon, Judge. It's nice to see you
18 today. You sort of alluded to this in your opening
19 statement, but if you don't mind me asking, after serving
20 approximately twenty-five years or so on the Circuit Court
21 bench, why do you want to continue serving as a Circuit
22 Court judge?

23 A. I am as excited about the work and as interested
24 in the intellectual challenge, today, as I was twenty-five
25 years ago. I hope that I'm able to do what I do well and

1 help the citizens of our state. And I am certainly
2 inspired every single day. So what was true twenty-five
3 years ago is still true today.

4 Q. Thank you, Judge. Your SLED report indicated
5 that there was a lawsuit filed against you since your last
6 screening. It was filed in 2020 in the District Court by
7 Johnny Ann Carroll, Marion Bochette, and Robert M. Cox.
8 This appears to be civil rights action. Can you tell us a
9 little bit about the nature and disposition of this lawsuit
10 if you can?

11 A. It is my understanding that, that suit has been
12 dismissed. I was never served. It was news to me on
13 Friday afternoon, when you were kind of enough to share
14 with me. I think there are four of them and the same -- as
15 I understand it, it is true with all four of them, they
16 have been dismissed. I was never served with any of them.
17 So it was news. It was shocking news.

18 Q. Wonderful. Well, just to continue putting things
19 on the record then, your SLED report also indicated a
20 lawsuit filed against you by a prisoner, Melodie Shuler, in
21 2019. Is it also the case that you had no knowledge of
22 this?

23 A. Not until Friday afternoon when you shared that
24 with me.

25 Q. And another in 2017 by prisoner Kenneth Lewis.

1 **Also the case that you had no knowledge of this, correct?**

2 A. No.

3 **Q. All right. Finally, you filed a lawsuit against**
4 **Gaco Western in 2016. Can you please tell us a little bit**
5 **about the nature and disposition of this particular suit?**

6 A. If only I didn't have to have a roof on my house.
7 Unfortunately, the folks at Gaco coated my roof and it
8 bubbled like within thirty days. And, you know, I e-mailed
9 and called and begged and pleaded just come please look at
10 my roof. Nobody would come look at my roof.

11 And it, you know, kept bubbling. It looked like,
12 you know, a cauldron on this roof. And it's a historic
13 roof and it's a metal roof. And, unfortunately, I was
14 completely -- unfortunately, ignored. And I thought I
15 would file this lawsuit, we will all come together and my
16 roof will get fixed. Not so much.

17 So, you know, I'm very hopeful that we'll come to
18 a resolution. I expect it will come to a resolution. And,
19 hopefully, I can do something about the bubbles on my roof.

20 **Q. Thank you, Judge. What do you think your**
21 **reputation is among attorneys that practice before you in**
22 **your courtroom?**

23 A. I hope it's good. I know that from the
24 statistics that you shared with me, that the great majority
25 were not negative. I think they were kind. And the ones

1 -- I think that we talked about six, maybe a little more
2 than that -- yeah, there are six. You know, what I would
3 say about that is it is a good reminder that every single
4 day you got to renew it, you've got to be mindful, you've
5 got to be your own arbiter of your own conduct.

6 And you have got to be sure that -- that you
7 don't forget to be humble, that you don't forget to
8 patient, that you don't forget to be very mindful that both
9 sides feel like they are getting your attention, you're
10 listening and you're unbiased.

11 And so you cannot disregard those six. You just
12 cannot. It is a reminder that if you think you're doing it
13 well, six people don't think you're doing it well. Nine
14 hundred may think you are. But six do not. It's a
15 reminder to renew and continue to be committed to a
16 standard that insists upon improvement.

17 Q. Well, you beat me to the punch a little bit on
18 this front, but we're going to move to your ballot box
19 comments now. We received 1,006 ballot box surveys
20 regarding you, with 95 additional comments. The ballot box
21 survey, for example, contained the following positive
22 comments:

23 "Excellent judge. Fair to all parties.
24 Considerate of attorneys and pro se litigants."

25 The next comment is: "Judge Goodstein is always

1 helpful, cheerful and there to resolve problems. I always
2 look forward to having her hear one of my cases."

3 Finally, "Judge Goodstein is an excellent
4 candidate. She has served citizens of the State of South
5 Carolina exceptionally well and deserves another term."

6 Nineteen of the written comments expressed
7 concerns. Of these comments, seven referenced bias or
8 favoritism. How would you address any allegations that you
9 base your decisions not upon the facts and upon the law but
10 upon the identity of counsel or the litigant?

11 A. What I would say to that is -- I clearly would
12 begin by saying I like lawyers a lot. I do. I like
13 lawyers. What they do is very hard and very difficult.
14 And I tend to try to be kind to the lawyers for sure. I
15 think lawyers are under tremendous pressure and stress.
16 When you couple that -- so I try to be mindful of that.
17 And I like lawyers a lot.

18 And so when you couple that with our system
19 motion to dismiss, for example, and the standard that's
20 associated with a motion to dismiss, the standard that is
21 associated with a motion for summary judgment, and you
22 understand that these lawyers are advocates and they
23 believe their positions, they truly believe their
24 positions, they have come to advocate. And by the time
25 they have done all of the preparation that they have done,

1 and they have advocated that position, no trial lawyer's
2 ready to lose. 'Cause they believe it.

3 And the truth is, is that our system is
4 structured so that people are heard, claims are heard, and
5 it is an extraordinary circumstance when they are not
6 heard. And so I can understand -- I'm an advocate, right?
7 And I didn't win and maybe I have had four summary judgment
8 motions in front of that judge, and I have not won a single
9 one of them. I can understand completely why they would
10 feel that way. And it comes from where they are in that
11 place. And I absolutely get that and understand that.

12 So I sort of chalk it up to great lawyers, great
13 advocates, and the fact that perhaps the way that our
14 system is, it favors claims being heard. So that's -- but
15 am I biased? No, there are too many -- too many -- most
16 lawyers I actually, truly like quite a bit.

17 **Q. Thank you, ma'am. How would you address any**
18 **allegations that you fail to recuse yourself when conflicts**
19 **of interest exist?**

20 A. I would be interested -- I would desperately love
21 to know more about that. Because I am so cognizant of the
22 rule that says that if a reasonably situated person with
23 reasonable judgment looking at those facts from the outside
24 would believe that I lacked impartiality, I should recuse
25 myself. And I'm very mindful of that.

1 So I would love to know more about that, because
2 there obviously is someone that is concerned. And,
3 certainly, I am aware of the standard. It is my own mantra
4 that it is -- if it is in my head, it ought to be in my
5 mouth. And that has always sort of been my guide.

6 If I'm thinking I need -- that there's something
7 there, I'm just better off coming out with it and say, "I
8 want you to understand that twenty-six years ago, I
9 represented Mr. K's Piggly Wiggly in Summerville, and this
10 is a case of shoplifting that has come out of the Piggly
11 Wiggly in Summerville. And if you are concerned at all,
12 please let me know."

13 That's sort of been my mantra. So I would love
14 to know more about that, to see what is it that I can do to
15 allay anyone's concern.

16 **Q. The final six comments referenced concerns**
17 **regarding your temperament. If the Commission were to**
18 **raise concerns regarding your temperament, what would be**
19 **your response?**

20 A. Well, again, you know, it is -- I come at this
21 position believing everyone, no matter who you are, no
22 matter where you come from, is entitled to respect. And I
23 also believe that you can do one of two things, you can
24 either be angry or you can think. I'm much more
25 interesting in thinking than I am emoting. And no one

1 wants a judge to emote, for goodness sakes.

2 So demeanor is one of those things that I can
3 control. What may occur in any piece of litigation can
4 change dramatically on a moment's notice, but I can
5 certainly control me. And I certainly endeavor to do that.

6 But, again, it's a reminder that there are --
7 although, thank goodness, not very many, there are those
8 that have expressed concern. And you got to renew every
9 day, a commitment to be sure that you are kind, that you
10 are respectful to everyone who comes before you.

11 **Q. Thank you very much, Judge.**

12 MS. FAULK: I would note that the Low
13 Country Citizens Committee reported that Judge Goodstein is
14 well qualified in the evaluative criteria of ethical
15 fitness, professional and academic ability, character,
16 reputation, experience, and judicial temperament. Judge
17 Goodstein was found to be qualified in the evaluative
18 criteria of constitutional qualifications, physical health
19 and mental stability.

20 The Committee commented as follows: "Judge
21 Goodstein continues to be a positive force on the bench and
22 is willing to serve as a mentor to others within the
23 judiciary and to the community at large."

24 We're going to move on to a couple of
25 housekeeping issues now, and then that will be all from me.

1 BY MS. FAULK:

2 Q. Judge Goodstein, since submitting your letter of
3 intent, have you contacted any members of the Commission
4 about your candidacy?

5 A. No.

6 Q. Are you familiar with Section 2-19-70, including
7 the limitations on contacting members of the General
8 Assembly regarding your screening?

9 A. Yes.

10 Q. Since submitting your letter of intent, have you
11 sought or received the pledge of any legislator, either
12 prior to this date or pending the outcome of your
13 screening?

14 A. No.

15 Q. Have you asked any third parties to contact
16 members of the General Assembly on your behalf, or are you
17 aware of anyone attempting to intervene in this process --

18 A. No.

19 Q. -- on your behalf?

20 A. No.

21 Q. Have you reviewed and do you understand the
22 Commission's guidelines on pledging in South Carolina Code
23 2-19-70(E)?

24 A. Yes.

25 MS. FAULK: I would just note for the record

1 then, that any concerns raised during the investigation
2 regarding the candidate were incorporated into my
3 questioning today. Mr. Chairman, I have no further
4 questions.

5 CHAIRMAN SMITH: Thank you very much. And,
6 Judge, I see you brought two guests with you. Would you
7 like to introduce them?

8 JUDGE GOODSTEIN: I would love to introduce
9 my husband, Arnold Goodstein, who has been highway
10 commissioner and then the Senate and the House.

11 CHAIRMAN SMITH: State Senate. Been about
12 everything in South Carolina.

13 SENATOR RANKIN: Airport-something?

14 CHAIRMAN SMITH: General Counsel. Still the
15 General Counsel over there?

16 MR. GOODSTEIN: Yes, sir.

17 CHAIRMAN SMITH: All right. Well,
18 congratulations.

19 JUDGE GOODSTEIN: And our precious,
20 wonderful daughter, Eve, who practices law at McGowan, Hood
21 in Rock Hill, and lives in Charlotte. And I can't believe
22 -- I'm so touched that she's here today.

23 CHAIRMAN SMITH: Well, I give her my
24 sympathies for having to practice with Randy Hood. I don't
25 have to be with him often. So it's good to see you, Eve.

1 JUDGE GOODSTEIN: That was so nice. Thank
2 you.

3 CHAIRMAN SMITH: Well, I appreciate it. Any
4 questions for Judge Goodstein?

5 (Hearing none.)

6 CHAIRMAN SMITH: Judge, that's a testament
7 that you are doing a great job. No questions. But thank
8 you for your service. You bring a pleasant demeanor to the
9 bench and you're well respected. And we all enjoy having
10 you on the bench and thank you for your service.

11 JUDGE GOODSTEIN: And same to all of you.
12 Thank you so very much.

13 SENATOR RANKIN: Three words, Mr. Chairman.
14 Three words from me and I will be quiet.

15 JUDGE GOODSTEIN: Sure.

16 SENATOR RANKIN: Keep it up.

17 CHAIRMAN SMITH: So we've had a bunch of
18 retired screen -- active screenings -- active retired
19 screenings.

20 JUDGE GOODSTEIN: Yes.

21 CHAIRMAN SMITH: So I didn't have to read
22 the end of it, but now you're the first one and I get to
23 read this. So, Judge Goodstein, I want to take this
24 opportunity to remind you that pursuant to the Commission's
25 evaluative criteria, the Commission expects the candidates

1 to follow the spirit as well as the letter of the ethics
2 law. And we will view violations or the appearance of
3 impropriety as serious and potentially deserving of heavy
4 weight in the screening deliberations.

5 On that note, the record will remain open
6 till the formal release of the report of qualifications,
7 and you may be called back at such time if the need arises.
8 We thank you for being here today, and thank you for your
9 service to the State of South Carolina.

10 JUDGE GOODSTEIN: Thank you.

11 CHAIRMAN SMITH: Safe travels back to the
12 Upstate and to the Low Country.

13 JUDGE GOODSTEIN: Thank you. Thank you all
14 so much. All right. Bye, now.

15 CHAIRMAN SMITH: All right. You all take
16 care.

17 (Candidate excused.)

18 CHAIRMAN SMITH: Judge Pope, how are you
19 doing today?

20 JUDGE POPE: Good. Can you hear me?

21 CHAIRMAN SMITH: I can hear you.

22 JUDGE POPE: Good.

23 CHAIRMAN SMITH: I see you have a guest with
24 you, no stranger to us, but do you want to introduce her?

25 JUDGE POPE: Yes. My husband is a teacher

1 and could not -- they just are not allowed to take days off
2 anymore. And so my best girlfriend, Kristian Cross, came
3 to support me today.

4 CHAIRMAN SMITH: Okay. Well, awesome.
5 Well, good. Thank you for being here. Judge, will you
6 raise your right hand, please, ma'am.

7 JUDGE POPE: Yes.

8 WHEREUPON,

9 COURTNEY POPE, being duly sworn and
10 cautioned to speak the truth, the whole truth and nothing
11 but the truth, testifies as follows:

12 CHAIRMAN SMITH: And, Judge Pope, before
13 you, you have your personal data questionnaire and your
14 sworn statement. Are both of those documents that you've
15 submitted to the Commission?

16 JUDGE POPE: That's right. Yes, sir.

17 CHAIRMAN SMITH: And are they correct?

18 JUDGE POPE: Yes, sir.

19 CHAIRMAN SMITH: Are there any changes or
20 updates that we may need to make at this time?

21 JUDGE POPE: No, sir. I did amend both of
22 those documents, I believe. And the amended ones are in
23 here as well.

24 CHAIRMAN SMITH: Great. Do you have any
25 objection to us making those as exhibits to your sworn

1 testimony --

2 JUDGE POPE: No, sir.

3 CHAIRMAN SMITH: -- here today?

4 JUDGE POPE: I do not.

5 CHAIRMAN SMITH: Without objection we'll
6 make those as exhibits to your sworn testimony. If you'll
7 hand that to Lindi for me, please, ma'am.

8 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION
9 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
10 HONORABLE COURTNEY POPE)

11 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION
12 COMMISSION AMENDED PERSONAL DATA QUESTIONNAIRE OF
13 THE HONORABLE COURTNEY POPE)

14 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION
15 COMMISSION SWORN STATEMENT OF THE HONORABLE
16 COURTNEY POPE)

17 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION
18 COMMISSION AMENDED SWORN STATEMENT OF THE
19 HONORABLE COURTNEY POPE)

20 CHAIRMAN SMITH: Judge, as you know, the
21 Judicial Merit Selection Commission has thoroughly
22 investigated your qualifications for the bench. And our
23 inquiry has been on the nine evaluative criteria as well as
24 a ballot box survey, a thorough study of your application
25 materials, verification of your compliance with state

1 ethics laws, a search of newspaper articles in which your
2 name appears, a study of previous screenings, and checks
3 for economic conflicts of interest.

4 There have been no affidavits filed in
5 opposition to your candidacy and there are no witnesses
6 here to testify today. Do you wish to make a brief opening
7 statement to the Commission?

8 JUDGE POPE: Well, I would like to say that
9 in my brief time that I have been a Circuit Court judge, I
10 have learned a lot. And I have thoroughly enjoyed myself.
11 I'm sorry, can you -- I feel as though I'm going in and
12 out.

13 CHAIRMAN SMITH: We can hear you.

14 JUDGE POPE: Okay. All right. I have
15 thoroughly enjoyed myself. And, hopefully, I'll have the
16 opportunity to do that again after February.

17 CHAIRMAN SMITH: Well, will you answer any
18 questions our screening attorney -- your screening attorney
19 may have for you.

20 JUDGE POPE: Yes.

21 CHAIRMAN SMITH: Thank you.

22 EXAMINATION BY MS. BAKER:

23 **Q. Good afternoon, Judge. Judge Pope, after serving**
24 **on the bench since 2019, why do you want to continue**
25 **serving as a Circuit Court judge?**

1 A. Well, I think it's -- basically, for the same
2 reasons that I wanted to serve. I do feel as though this
3 is an important role, it's a way for me to serve as a role
4 model for, you know, various parts of the population.

5 But also I feel that someone in this position
6 should be just, should be compassionate. I feel as though
7 this was a position that fit me, and so I really enjoyed
8 learning it. And I wish to continue to do that.

9 **Q. Thank you, Judge. Judge, what do you think your
10 reputation is among attorneys that practice in front of
11 you?**

12 A. I would like to think that the attorneys believe
13 that I am fair, that I listen to their arguments in their
14 entirety, that I'm thoughtful on the bench. And I believe
15 that many people have told me how patient I have been on
16 the bench. And so I would like to think that, that was my
17 reputation with the attorneys who've appeared before me.

18 **Q. Thank you. Judge Pope, the Commission received
19 415 ballot box surveys regarding you, with 26 additional
20 comments. The ballot box survey, for example, contained
21 the following positive comments:**

22 **"A spectacular judge. She is fair, well
23 reasoned, judicious and respectful. Exactly what you want
24 in a judge. I've appeared in front of Judge Clyburn-Pope
25 on Common Pleas motions and she has an excellent command of**

1 the law and an appropriate judicial temperament. She's
2 extremely patient, exhibits compassion equally, and is very
3 thoughtful in her decision making. Judge Pope is a real
4 addition to the bench, even-keeled, experienced and
5 judicious."

6 Six of the written comments expressed concerns.
7 Most of the concerns indicated that they did not think you
8 had the experience to be a Circuit Court judge. What
9 response would you offer to this concern?

10 A. Well, I think that my response would be that I --
11 of course, most of these rotations are for six-year terms.
12 This is my third year. However, I've tried from day one to
13 really do my research on whatever topic was coming before
14 me. I read all the motions prior to sitting on the bench.

15 You know, I hope that people have felt as though
16 they were -- they had a good day in court. And what I mean
17 by that is maybe they didn't get the result that they
18 wanted or what they were advocating for, but at least they
19 know that I had been prepared for court.

20 And so, you know, I just think that with three
21 years under my belt, there were some things that I maybe
22 was nervous about prior. But as time has gone on, I've
23 gotten a lot more confident in that. And so I just think,
24 hopefully, that I'll approve on whatever the concern is.

25 Q. Thank you, Judge. Judge, another concern

1 indicated that they believed you had difficulty and/or were
2 slow to issue orders and rulings. What response would you
3 offer to that concern?

4 A. Well, I don't -- I do not -- that might be a fair
5 concern. It may be that more of the seasoned judges give
6 out rulings a bit faster, and that's okay, but I like to
7 make sure that I've read and considered everyone's
8 viewpoint, everyone's arguments, and that I have a grasp on
9 the law.

10 And so I will tell you that I have no orders
11 pending. I have zero in my queue to-date right now. And
12 so I have improved on that, I think.

13 So perhaps I was a bit -- I wouldn't say slow. I
14 would say careful when I issued those orders out. Because
15 I didn't want to rush to judgment. I wanted to make sure
16 that the orders reflected what my thoughts were and what
17 the law was.

18 **Q. Thank you, Judge Pope.**

19 A. Yes, ma'am.

20 MS. BAKER: I would note that the Midlands
21 Citizens Committee found Judge Pope well qualified in the
22 evaluative criteria of constitutional qualifications,
23 physical health and mental stability. The Committee found
24 her well qualified in the evaluative criteria of ethical
25 fitness, professional and academic ability, character,

1 reputation, experience, and judicial temperament.

2 The Committee stated in summary: "Excellent
3 qualifications."

4 BY MS. BAKER:

5 Q. And, Judge, I just have a few housekeeping
6 questions.

7 A. Yes, ma'am.

8 Q. Judge Pope, since submitting your letter of
9 intent, have you contacted any members of the Commission
10 about your candidacy?

11 A. No, ma'am, I have not.

12 Q. Are you familiar with Section 2-19-70, including
13 the limitations on contacting members of the General
14 Assembly regarding your screening?

15 A. Yes, ma'am.

16 Q. Since submitting your letter of intent, have you
17 sought or received the pledge of any legislator, either
18 prior to this date or pending the outcome of your
19 screening?

20 A. No, ma'am.

21 Q. Have you asked any third parties to contact
22 members of the General Assembly on your behalf, or are you
23 aware of anyone attempting to intervene in this process on
24 your behalf?

25 A. No, ma'am.

1 Q. Have you reviewed and do you understand the
2 Commission's guidelines on pledging in South Carolina Code
3 Section 2-19-70(E)?

4 A. Yes, ma'am, I have and I understand those.

5 MS. BAKER: I would note for the record that
6 any concerns raised during the investigation regarding the
7 candidate were incorporated into the questioning of the
8 candidate today. Mr. Chairman, I have no further
9 questions.

10 CHAIRMAN SMITH: Thank you very much. Any
11 questions for Judge Pope? Ms. McIver.

12 MS. MCIVER: Thank you, Mr. Chairman. Judge
13 Pope, you were one of the few people that I have had the
14 pleasure of seeing come through and become a judge and then
15 come back for screening. I haven't been on here as long as
16 some of these other folks. But I remember when you were
17 first here, some of the comments were: "Young. May not
18 have the experience."

19 And I'm just reading your ballot box
20 comments and some of the things here, and I just want to
21 commend you on the work that you have done.

22 JUDGE POPE: Thank you.

23 MS. MCIVER: Sometimes we see people come in
24 they start here and they go here. And you started here and
25 gone here.

1 JUDGE POPE: Well, thank you.

2 MS. MCIVER: And I'm just very impressed.
3 People can gain education but it's hard to gain character.
4 And the comments on your temperament are excellent. I
5 wanted to read just a couple of them:

6 "Judge Clyburn-Pope, although new to the
7 bench, strives to do her best in learning the nuisances of
8 the law and sentencing. She's extremely patient, exhibits
9 compassion equally, and is very thoughtful in her decision-
10 making."

11 Another one: "A young judge and new addition
12 to the bench. She has proven herself to be fair-minded and
13 willing to reconsider decisions. Intelligent, honorable,
14 and kind."

15 I won't read any more, but I just wanted to
16 say well done --

17 JUDGE POPE: Well, thank you.

18 MS. MCIVER: -- keep up the good work, and
19 thank you for your willingness to serve and just setting
20 such a strong example.

21 JUDGE POPE: I appreciate that greatly.
22 Thank you.

23 CHAIRMAN SMITH: Any further questions?

24 MR. STROM: Just one quick comment.

25 CHAIRMAN SMITH: Mr. Strom.

1 MR. STROM: Judge Pope, I've heard pretty
2 much the same thing. And what I hear on the street is that
3 you're polite, you're careful about what you're doing,
4 you're making good decisions. You know, we don't know what
5 we don't know. You can't help that you don't have twenty
6 years experience. But from all I hear and see, you're
7 doing an excellent job. Don't rush. Get it right. And
8 that's what you're doing.

9 JUDGE POPE: Thank you. I appreciate that.
10 Thank you.

11 CHAIRMAN SMITH: All right. Any further
12 questions?

13 (Hearing none.)

14 CHAIRMAN SMITH: Hearing none. I hope this
15 was easier than your last screening, so I appreciate you
16 being here. But thank you for the job that you're doing.
17 And I think the comments reflect what we see on the ballot
18 box and from the screening committee reflect that you are
19 doing a great job. And we want you to keep it up, okay?

20 JUDGE POPE: Well, thank you. I appreciate
21 it.

22 CHAIRMAN SMITH: Well, let me --

23 JUDGE POPE: Thank you all from hearing from
24 me.

25 CHAIRMAN SMITH: Yeah, let me -- well, hold

1 on. I got to read you this thing to remind you.

2 JUDGE POPE: Yes, sir.

3 CHAIRMAN SMITH: So I want to take this
4 opportunity to remind you that pursuant to the Commission's
5 evaluative criteria, the Commission expects candidates to
6 follow the spirit as well as the ethics -- I mean, letter
7 of the ethics law. And we will view violations or the
8 appearance of impropriety as serious and potentially
9 deserving of heavy weight in screening deliberations.

10 As you know, the record will remain open
11 until the formal release of the report of qualifications
12 and you may be called back at such time if needed.
13 Otherwise, thank you for your service. And I hope you have
14 a great day.

15 JUDGE POPE: Thank you. And you as well.

16 (Candidate excused.)

17 CHAIRMAN SMITH: Why don't we take a little
18 break before we get started.

19 (Off the record.)

20 CHAIRMAN SMITH: We're on the record.

21 And, Mr. McCutchen, welcome. How are you doing today?

22 MR. MCCUTCHEN: Good. How are you?

23 CHAIRMAN SMITH: I'm well. Will you raise
24 your right hand, please, sir.

25 WHEREUPON,

1 CHARLES J. MCCUTCHEN, being duly sworn and
2 cautioned to speak the truth, the whole truth and nothing
3 but the truth, testifies as follows:

4 CHAIRMAN SMITH: Mr. McCutchen, before you
5 is your personal data questionnaire and your sworn
6 statement. Are both of those documents, your documents
7 that you've submitted to this commission?

8 MR. MCCUTCHEN: Yes.

9 CHAIRMAN SMITH: Are they both correct?

10 MR. MCCUTCHEN: Yes.

11 CHAIRMAN SMITH: Any changes or updates that
12 need to be made to those at this time?

13 MR. MCCUTCHEN: The only change I can think
14 of is when I updated my financial disclosure, I think, last
15 week. It was a letter disclosing about \$250 I had in total
16 expenses.

17 CHAIRMAN SMITH: Do you have any objection
18 to us making these exhibits -- these two documents as
19 exhibits to your sworn testimony here today?

20 MR. MCCUTCHEN: No.

21 CHAIRMAN SMITH: Without objection we'll
22 hand those to Lindi and we'll make those as exhibits.

23 (EXHIBIT NO. 27 - JUDICIAL MERIT SELECTION
24 COMMISSION PERSONAL DATA QUESTIONNAIRE OF CHARLES
25 J. MCCUTCHEN)

1 (EXHIBIT NO. 28 - JUDICIAL MERIT SELECTION
2 COMMISSION SWORN STATEMENT OF CHARLES J.
3 MCCUTCHEN)

4 CHAIRMAN SMITH: Mr. McCutchen, the Judicial
5 Merit Selection Commission has thoroughly investigated your
6 qualifications for the bench. Our inquiry is focused on
7 the nine evaluative criteria and also a ballot box survey,
8 a thorough study of your application materials,
9 verification of your compliance with state ethics laws, a
10 search of newspaper articles in which your name appears,
11 study of previous screenings, and checks for economic
12 conflicts of interest.

13 There have been no affidavits filed against
14 your candidacy today and no witnesses are here to testify.
15 Do you wish to make a brief opening statement to the
16 Commission?

17 MR. MCCUTCHEN: Just to thank the Commission
18 for their service to our judiciary, and to thank you for
19 being here. It truly is an honor and a privilege to be
20 standing here before you. And I certainly appreciate your
21 time.

22 CHAIRMAN SMITH: Thank you very much. Will
23 you answer any questions your screening attorney may have
24 for you, please, sir.

25 MR. MALDONADO: Thank you, Mr. Chairman. I

1 note for the record that based on the testimony contained
2 in the candidate's PDQ, which is included in the record
3 with the candidate's consent, Charles J. McCutchen meets
4 the constitutional and statutory requirements for this
5 position regarding age, residence, and years of practice.

6 EXAMINATION BY MR. MALDONADO:

7 **Q. Mr. McCutchen, why is it that you want to be a**
8 **Circuit Court judge?**

9 A. If I had to answer that question in one word it
10 would probably be people -- the constant almost daily
11 interaction with people, be it jurors, witnesses, the
12 lawyers. And on top of that is the unbiased nature that a
13 -- any judge really holds. You're not there to represent a
14 side, you're there to represent what's right and make a
15 decision.

16 You're not going to please everybody, but you're
17 only going to please one side or the other, you know, if
18 you have to make a decision. But you're there to make the
19 right one based on the law. And I think that, you know,
20 sitting there with no personal interest is what's appealing
21 to me about the job.

22 **Q. How do you feel that your legal and professional**
23 **experience thus far renders you qualified and will assist**
24 **you to be an effective Circuit Court judge?**

25 A. Well, in doing the math today, I've been

1 practicing law nineteen years. I think I was sworn in, in
2 November of 2002. In looking back, I've done a lot of
3 different things which I am fortunate in that regard.

4 You know, between my criminal practice, my civil
5 litigation practice, family court, I did insurance defense
6 work for a year or so when I started out, even handling
7 some probate cases and, you know, a few real estate matters
8 here, and, you know, workers' compensation.

9 You know, in a smaller town you tend to do more.
10 And it was intimidating at first. But after practicing so
11 many things, I feel like, you know, especially given some
12 of the overlay, it uniquely positions me to be a more well-
13 rounded judge.

14 **Q. Mr. McCutchen, the Commission has received 219**
15 **ballot box surveys regarding you, with eight additional**
16 **comments. The ballot box survey, for example, contained**
17 **the following positive comments:**

18 "Mr. McCutchen would be well suited for the
19 bench. He has the temperament to enable him to be a most
20 effective judge."

21 Also, "Chad is an excellent lawyer and possesses
22 the patience and analytical disposition needed in the
23 courtroom."

24 There were no negative comments. This is usually
25 where I ask for a comment on the negatives, but there's no

1 **comments made.**

2 **Mr. McCutchen, your SLED report indicated that**
3 **you were named in a lawsuit, Judy Infinger v. Regional**
4 **Medical Center of Orangeburg. This was a medical**
5 **malpractice case. Can you please explain your role in the**
6 **case?**

7 A. Yes. I was appointed by the court as a guardian
8 ad litem for the incarcerated doctor, Dr. Dimkpa. That is
9 in the Infinger case. There's also another case completely
10 unrelated, it's the Kenly matter. And there's also one
11 where I don't believe I've gotten the formal appointment,
12 but it's a Holmes matter.

13 But I've never been sued for medical malpractice.
14 It was I'm a guardian, and I think there may be an error in
15 the clerk's office, naming me a party as opposed to the
16 guardian for the incarcerated doctor.

17 **Q. Thank you.**

18 MR. MALDONADO: I would note for the record
19 that the Low Country Citizens Committee reported Mr.
20 McCutchen to be qualified in the constitutional, mental and
21 physical qualifications. The Committee found him to be
22 well qualified in experience, judicial temperament,
23 character, professional and academic ability, ethical
24 fitness and reputation.

25 As a comment the Committee stated, "Although

1 Mr. McCutchen has less criminal experience than civil, he
2 has a good -- he has a good place to make up for this
3 inexperience in this area."

4 BY MR. MALDONADO:

5 **Q. How would you respond to the observation**
6 **regarding your lack of criminal experience?**

7 A. Well, I mean, it's undeniable that the majority
8 of my practice is civil-related. As far as the criminal
9 experience, although I have less, it's not that I don't do
10 it. I've tried criminal cases before. Unfortunately,
11 never one in General Sessions court.

12 However, I've been to General Sessions Court a
13 fair amount over my nineteen years, so I know my way around
14 that courtroom. The evidence rules are the same and
15 they're applied the same way.

16 You know, and as far as getting the in-court
17 trial experience, I think the Bar is great at offering
18 numerous avenues to continue your education. And,
19 fortunately, in the circuit in the seat for which I run
20 there's a good bit of General Sessions court. So actually
21 watching trials, or portions of trials -- I've watched a
22 friend of mine try one, I guess, right before Covid shut us
23 down. You know, I would take full advantage of that, to
24 make up for any gap that exist, you know, hopefully, when
25 we get more back to normal, you know, popping in a

1 courtroom and sitting down and watching is not going to be
2 as difficult as it was, even a couple weeks ago when I was
3 peeking through the door and counted heads and I -- they
4 wouldn't even let me in the courtroom.

5 Q. I'll finish up with some housekeeping questions.
6 Mr. McCutchen, are you aware as a judicial candidate you
7 are bound by the code of judicial conduct as found in Rule
8 501 of the South Carolina Appellate Court Rules?

9 A. I am.

10 Q. Since submitting your letter of intent, have you
11 contacted any members of the Commission about your
12 candidacy?

13 A. I have not.

14 Q. Since submitting your letter of intent, have you
15 sought or received the pledge of any legislator, either
16 prior to this date or pending the outcome of your
17 screening?

18 A. I have not.

19 Q. Are you familiar with Section 2-19-70, including
20 the limitations on contacting members of the General
21 Assembly regarding your screening?

22 A. Yes.

23 Q. Have you asked any third parties to contact
24 members of the General Assembly on your behalf, or are you
25 aware of anyone attempting to intervene in this process on

1 your behalf?

2 A. No.

3 Q. Have you reviewed and do you understand the
4 Commission's guidelines on pledging including Section --
5 S.C. Code Section 2-19-70(E)?

6 A. Yes.

7 MR. MALDONADO: Mr. Chairman, I would note
8 for the record that any concerns raised during the
9 investigation by staff regarding the candidate today were
10 incorporated into the questioning of the candidate today.
11 I have no further questions.

12 CHAIRMAN SMITH: Mr. McCutchen -- any
13 questions for Mr. McCutchen? Mr. Safran.

14 EXAMINATION BY MR. SAFRAN:

15 Q. Good afternoon. I don't think we know each
16 other. But, obviously, I'm familiar with the area and I
17 think this was Judge Dickson's seat.

18 A. It is.

19 Q. I've known him forever. And I think he turned
20 out to be a super Circuit Court judge, and he had very
21 little criminal experience either. So how would you
22 compare yourself to somebody like that in terms of kind of
23 how you would handle a courtroom, and more or less really
24 how you would be perceived by the Bar and how you would
25 treat the Bar?

1 A. I would hope to follow exactly in the steps of
2 Judge Dickson. We're actually from the same hometown. And
3 if I could be as a person and as a judge what he is, and
4 what I feel we're losing, I think I would have done my job
5 very well if I could be half the judge he is.

6 Q. Well, and I guess the thing is, is you're in a
7 firm where you've been busy, you all have a lot of
8 business, you do a lot of work. What kind of prompted you
9 to want to go ahead and do this at this point? 'Cause
10 you're still relatively young.

11 A. Well, the seats only come open so many times.
12 They're kind of limited. And, you know, I just thought
13 now was the time.

14 Q. Okay. Well, thank you.

15 CHAIRMAN SMITH: Any further questions for
16 Mr. McCutchen? Representative Rutherford.

17 EXAMINATION BY REPRESENTATIVE RUTHERFORD:

18 Q. Mr. McCutchen, if you could, tell me about your
19 work in General Sessions court.

20 A. It's mostly been -- you know, in a large county
21 like that, we don't -- I'm not retained a lot by people
22 charged with crimes because, you know, the public defenders
23 are pretty busy down there.

24 Q. Which large county? I'm sorry.

25 A. What's that?

1 Q. Which large county are you talking about?

2 A. Orangeburg.

3 Q. Okay.

4 A. Large geographically. Not population.

5 Q. Got you. Got you.

6 A. You know, most of my experience has been, you
7 know, pleas that has -- although, I had one DUI second
8 geared up to try, I think three times right before Covid
9 kind of put us off. And then the solicitor was retiring,
10 so he made a -- he made us an acceptable plea offer. So we
11 took it. Although, I was ready -- ready to go try the
12 case.

13 You know, it comes in spurts, it really does, as
14 we're all aware. But it seems like sometimes I'm there at
15 a roster meeting or a roll call, two or three times a
16 month. Sometimes it's two months before I go back.

17 Q. Have you ever struck a jury in General Sessions?

18 A. No.

19 Q. And in Common Pleas, what kind of work do you do
20 in Common Pleas?

21 A. General plaintiff's -- plaintiff's practice. I
22 haven't tried anything recently. Although, I struck a jury
23 a month ago for a partner of mine. I hadn't tried anything
24 in a couple of years. Although, I've tried some stuff in
25 Magistrate's Court recently.

1 But it's -- you know, Common Pleas, as I've
2 stated in my PDQ and my sworn statement, is about usually
3 around 50 percent of what I do.

4 **Q. So to describe your practice, it would be about**
5 **50 percent Common Pleas. And what's the other 50? What's**
6 **the other half?**

7 A. It's about five and -- if memory serves correct,
8 it's about twenty-or-so domestic. Maybe five, ten
9 criminal. And then five or ten of the other, like the
10 workers' comp, the disability, the drafting of somebody's
11 will or the doing --

12 **Q. Five or ten percent or five -- one, two, three,**
13 **four, five?**

14 A. Oh, percent. I'm sorry.

15 **Q. That's fine. That's fine.**

16 REPRESENTATIVE RUTHERFORD: No further
17 questions.

18 SENATOR SABB: Mr. Chairman.

19 CHAIRMAN SMITH: Senator Sabb.

20 SENATOR SABB: Thank you, Mr. Chairman.

21 EXAMINATION BY SENATOR SABB:

22 **Q. And of course you work with my buddy, Shane.**

23 A. I do.

24 **Q. And so I guess I want to start off by saying**
25 **there was an argument about which jurisdiction was the most**

1 liberal; was it Allendale, was it Orangeburg, was it
2 Williamsburg, or was it Hampton. I kind of think that
3 Orangeburg, perhaps, is now easing its way into number one.
4 Do you kind of agree with that?

5 A. If you read the papers this -- since Friday --

6 Q. Yes, sir.

7 A. -- I think that went a long way in implying that.
8 But, you know, obviously, I don't get down to Williamsburg
9 as much as I should anymore. But I mean, are you asking
10 me, Senator, which one I think is the most liberal?

11 Q. I'm curious. I'm curious as to whether or not
12 Orangeburg believes it's the one, or what.

13 A. I think it's in that group of counties. But I
14 couldn't say it's the most liberal.

15 Q. Well, honestly, there's -- I just voiced in the
16 notion of the verdict and the job that those guys did in
17 getting it. But I know that you and Shane do a lot of
18 litigation down that way, and you all enjoy an excellent
19 reputation. And I appreciate the work that you all have
20 done.

21 I've, of course, had the good fortune of working
22 with Shane on a number of cases over the years. And in
23 terms of you and sort of getting the mentors, they don't
24 come any finer than that gentleman. I guarantee it. So I
25 just appreciate you all and the work that you do.

1 A. Thank you.

2 CHAIRMAN SMITH: All right. Any further
3 questions?

4 (Hearing none.)

5 CHAIRMAN SMITH: To clarify what they were
6 talking about, there was a hundred-million-dollar verdict
7 in Orangeburg County, and a 70/30 --

8 SENATOR SABB: A ninety.

9 CHAIRMAN SMITH: A ninety with a 70/30
10 split.

11 SENATOR SABB: That's right.

12 CHAIRMAN SMITH: I was out to dinner with a
13 lot of lawyers who were envious of that verdict, I guess.
14 So that's going to be a heck of a contingency fee, isn't
15 it?

16 SENATOR SABB: That's what I say.

17 CHAIRMAN SMITH: I think his law firm does
18 fairly well over there in Orangeburg too. So, all right,
19 any further questions?

20 (Hearing none.)

21 CHAIRMAN SMITH: Mr. McCutchen, I appreciate
22 you being here today. And let me take this opportunity to
23 remind you that pursuant to the Commission's evaluative
24 criteria, the Commission expects candidates to follow the
25 spirit as well as the letter of the ethics law. And we

1 will view violations or the appearance of impropriety as
2 serious and potentially deserving of heavy weight in
3 screening deliberations.

4 On that note the record will remain open
5 until the formal release of the report of qualifications,
6 and you may be called back at such time if need arises.
7 Thank you for offering for this position and I thank you
8 for your service to our state. And I wish you safe travels
9 back to Orangeburg. Don't get in a car wreck.

10 MR. MCCUTCHEN: Well, thank you for your
11 time.

12 (Candidate excused.)

13 CHAIRMAN SMITH: We're going back on the
14 record. Mr. Taylor, how are you doing today?

15 MR. TAYLOR: I'm doing good, Mr. Chairman.
16 How are you?

17 CHAIRMAN SMITH: I am well. I see you've
18 got a guest back there. Do you want to introduce her to
19 the Commission?

20 MR. TAYLOR: I do. I have my wife, Julie
21 Taylor.

22 CHAIRMAN SMITH: Julie, good to see you.
23 Mr. Taylor, please raise your right hand.

24 WHEREUPON,

25 HEATH PRESTON TAYLOR, being duly sworn and

1 cautioned to speak the truth, the whole truth and nothing
2 but the truth, testifies as follows:

3 CHAIRMAN SMITH: You have before you, your
4 sworn statement and your personal data questionnaire. Are
5 both those documents you've submitted to the Commission?

6 MR. TAYLOR: Yes, they are, Mr. Chairman.

7 CHAIRMAN SMITH: Are they correct?

8 MR. TAYLOR: I believe so. Yes, I would
9 make one addition to my PDQ. I have spoken at four
10 additional CLEs since this was submitted.

11 CHAIRMAN SMITH: Okay.

12 MR. TAYLOR: That will be the only minor
13 addition.

14 CHAIRMAN SMITH: And so other than that
15 change, is everything else correct?

16 MR. TAYLOR: That's correct.

17 CHAIRMAN SMITH: Anything else need to be
18 updated?

19 MR. TAYLOR: No, sir.

20 CHAIRMAN SMITH: And do you have any
21 objection to us making those as exhibits to your sworn
22 testimony here?

23 MR. TAYLOR: Not at all.

24 CHAIRMAN SMITH: Hand those to Lindi for me,
25 please, sir.

1 (EXHIBIT NO. 29 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF HEATH
3 PRESTON TAYLOR)

4 (EXHIBIT NO. 30 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF HEATH PRESTON
6 TAYLOR)

7 CHAIRMAN SMITH: Mr. Taylor, the Judicial
8 Merit Selection Commission has thoroughly investigated your
9 qualifications for the bench. Our inquiry is focused on
10 the nine evaluative criteria and is also included in the
11 ballot box survey, a thorough study of your application
12 materials, verification of your compliance with state
13 ethics laws, a search of newspaper articles in which your
14 name appears, a study of previous screenings, and checks
15 for economic conflicts of interest.

16 We received no affidavits today in
17 opposition to your candidacy and no one here is -- no one
18 is present to testify against you. Do you have a brief
19 opening statement you wish to make to the Commission?

20 MR. TAYLOR: Mr. Chairman, I know you all
21 have had a long day, so I will waive that opening. But I
22 do want to say one thing before I forget. I want to
23 compliment your staff. This is obviously not an easy
24 endeavor. And Ms. Crawford, Ms. Putnam -- and, of course,
25 I didn't deal with the other staff attorneys -- but Mr.

1 Hinson have all been great to work with. And I just want
2 you guys to know that, because they have been really
3 awesome through this process.

4 CHAIRMAN SMITH: Okay. Great. Thank you
5 for that compliment. Will you answer any questions your
6 staff attorney may have for you, please, sir.

7 MR. HINSON: Good afternoon, Mr. Taylor.

8 MR. TAYLOR: Good afternoon.

9 MR. HINSON: Mr. Chairman, I note for the
10 record that based on the testimony contained in the
11 candidate's PDQ which has been included in the record, with
12 the candidate's consent, Mr. Taylor meets the
13 constitutional and statutory requirements for this position
14 regarding age, residence, and years of practice.

15 EXAMINATION BY MR. HINSON:

16 **Q. Mr. Taylor, how do you feel your legal and**
17 **professional experience thus far renders you qualified and**
18 **will assist you to be an effective Circuit Court judge?**

19 A. As my application indicates, I've been practicing
20 law for twenty-three years in South Carolina. I have been
21 fortunate through those twenty-three years to do a little
22 bit of everything that will come before a Circuit Court
23 judge.

24 I have civil experience, certainly criminal
25 experience. And, you know, throughout that time, I think

1 I've developed a pretty good reputation amongst my
2 colleagues in the Bar. And, you know, I think I just have
3 the experience.

4 I hate to say I've been there and done it, but I
5 have for pretty much everything that comes before a Circuit
6 Court judge. As you can see, the course of my practice has
7 sort leaned into more criminal work. But probably the
8 middle portion of my practice before I left Moore Taylor, I
9 was doing a little bit of everything. It was probably more
10 50/50, anything -- you know, I might be in a roster
11 meeting, you know, in Common Pleas on Monday morning, and
12 doing a plea Tuesday afternoon in General Sessions.

13 So I think my breadth of experience qualifies me
14 for this position.

15 Q. Thank you. Mr. Taylor, the Commission received
16 358 ballot box surveys regarding you, with 72 additional
17 comments. The ballot box survey, for example, contained
18 the following positive comments:

19 "Mr. Taylor will be a great addition to the
20 Circuit Court bench. Mr. Taylor is a good lawyer. He has
21 experience in civil and criminal work. He would be an
22 excellent judge. Mr. Taylor has worked well with other
23 attorneys, court staffs, and his clients. He is
24 conscientious and fair." None of the comments raised any
25 concerns.

1 MR. HINSON: I would note that the Low
2 Country Citizens Committee reported that Mr. Taylor is
3 qualified as to constitutional qualifications, physical
4 health and mental stability, and well qualified as to
5 ethical fitness, professional and academic ability,
6 character, reputation, experience and judicial temperament.

7 The Citizens Committee also added a note
8 stating that, "Mr. Taylor is a well-rounded candidate with
9 a unique perspective on criminal reform."

10 BY MR. HINSON:

11 Q. Mr. Taylor, I just have some housekeeping
12 questions for you.

13 A. Yes, sir.

14 Q. Are you aware that as a judicial candidate, you
15 are bound by the code of judicial conduct as found in Rule
16 501 of the South Carolina Appellate Court Rules?

17 A. I am.

18 Q. Since submitting your letter of intent, have you
19 contacted any members of the Commission about your
20 candidacy?

21 A. I have not.

22 Q. Since submitting your letter of intent, have you
23 sought or received the pledge of any legislator, either
24 prior to this date or pending the outcome of your
25 screening?

1 A. I have not.

2 Q. Are you familiar with Section 2-19-70, including
3 the limitations on contacting members of the General
4 Assembly regarding your screening?

5 A. Yes, I am.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly on your behalf, or are you
8 aware of anyone attempting to intervene in this process on
9 your behalf?

10 A. I have not and I am not.

11 Q. Have you reviewed and do you understand the
12 Commission's guidelines on pledging in South Carolina Code
13 Section 2-19-70(E)?

14 A. Yes.

15 MR. HINSON: Mr. Chairman, I would note for
16 the record that any concerns raised during the
17 investigation by staff regarding the candidate were
18 incorporated into the questioning of the candidate today.
19 And with that I have no further questions.

20 CHAIRMAN SMITH: Any questions for Mr.
21 Taylor? Mr. Strom.

22 MR. STROM: I have known Heath since he
23 graduated from law school. There isn't a finer personable
24 or more qualified person, anyone with higher ethics that I
25 know than you. And I thank you for offering. And I think

1 you'll make an excellent circuit judge.

2 MR. TAYLOR: Well, thank you, Mr. Strom.

3 REPRESENTATIVE RUTHERFORD: Mr. Chairman.

4 You know, I, too, have known Heath forever. And I was
5 curious to see what other people would say about him. And
6 then I read the ballot box and you've got pages and pages
7 of people that you've been on the other side of, who all
8 are very complimentary of you.

9 And I think that speaks volumes for somebody
10 that has truly been a litigant and has come up -- that's
11 not your first time standing at a podium like that, and
12 testifying and being on the other side of people like Laura
13 Hudson, and still nobody said anything bad about you. So
14 it's truly you've been -- you've been doing the right
15 thing.

16 MR. TAYLOR: Well, I appreciate that,
17 Representative Rutherford. I've tried to do things the
18 right way.

19 CHAIRMAN SMITH: That wasn't praising you.
20 That was just his chance to take a shot at Laura Hudson.
21 He does it every time. Don't put too much stock in that
22 comment, Mr. Taylor. Any further questions?

23 (Hearing none.)

24 CHAIRMAN SMITH: You have the very fortune
25 -- good fortune that you're the last candidate. And we all

1 want to get home, but let me say this: In all sincerity, I
2 think all of us have known you around here, Mr. Taylor.
3 You have practiced law all over the state. You have a
4 sterling reputation.

5 And we've all interacted with you in
6 legislative issues, not only have you engaged in the
7 practice of law, you engaged in the formation of the laws.
8 And you've done a good job. And like Mr. Rutherford says,
9 you have been very respectful to everybody when you come up
10 here and testify, and you're usually diametrically opposed
11 to some of the other people who are either advocating for
12 or against whatever bill you're testifying on, but you do
13 it in a respectful manner.

14 And you conduct yourself with dignity and
15 you get along with people and that -- you ought to be
16 complimented for. But more importantly, that's the
17 characteristics that are going to make you a good judge if
18 you get -- if you're successful in that.

19 MR. TAYLOR: Well, I appreciate that.

20 CHAIRMAN SMITH: So keep up the good work.
21 Don't forget where you came from. Don't forget what it's
22 like to be a lawyer, if you're successful in this. And we
23 wish you the best of luck. So any further questions?

24 SENATOR RANKIN: Not a question but just a
25 comment in terms of the refrain of these folks who are

1 commenting on you. "Exemplary." So just -- and that's not
2 a shock to me, for all the reasons that I've seen -- or
3 you've already heard. But just great, great, great.

4 MR. TAYLOR: Thank you, Senator.

5 CHAIRMAN SMITH: With that being said, Mr.
6 Taylor, I want to take this opportunity to remind you that
7 pursuant to the Commission's evaluative criteria, the
8 Commission expects candidates to follow the spirit as well
9 as the letter of the ethics law. And we will view
10 violations or the appearance of impropriety as serious and
11 potentially deserving of heavy weight in screening
12 deliberations.

13 As you know, the record will remain open
14 until the formal release of the report of qualifications
15 and you may be called back at such time if the need arises.
16 I appreciate you being here today. Thank you for offering
17 for this candidacy. I wish you safe travels back to --
18 Calhoun County?

19 MR. TAYLOR: Yes, sir.

20 CHAIRMAN SMITH: Take care and brave I-26.

21 MR. TAYLOR: Yes, sir. Well, thank you all
22 for having me. And thank you for your hard work on this
23 committee.

24 CHAIRMAN SMITH: Thank you.

25 (Candidate excused.)

1 CHAIRMAN SMITH: All right. With that being
2 said, Mr. Johnson moves that we go in executive session.
3 All in favor signify by saying "aye."

4 (At this time the members audibly say "aye.")

5 CHAIRMAN SMITH: All opposed?

6 (Hearing none.)

7 CHAIRMAN SMITH: The ayes have it. We're in
8 executive session.

9 (Off the record.)

10 CHAIRMAN SMITH: We're back on the record.
11 And Senator Rankin moves that we come out of executive
12 session. All in favor say "aye."

13 (At this time the members audibly say "aye.")

14 CHAIRMAN SMITH: All opposed?

15 (Hearing none.)

16 CHAIRMAN SMITH: The ayes have it. Let the
17 record reflect that while we were in session there were no
18 votes taken and there were no matters decided. So with
19 that we're going to vote on the candidates we have screened
20 today. And so if you'll start the list, Ms. Crawford.

21 MS. CRAWFORD: And what we typically do is
22 vote if they're qualified, and then qualified and
23 nominated. And some of these cases --

24 CHAIRMAN SMITH: And the retired are just
25 qualified.

1 MS. CRAWFORD: Correct. I'll just go down
2 in order of the hearing today. The Honorable Kaye G.
3 Hearn.

4 REPRESENTATIVE RUTHERFORD: Do you need a
5 motion? I move that she be found qualified.

6 CHAIRMAN SMITH: And nominated.

7 MS. CRAWFORD: Well, he can do both.

8 SENATOR RANKIN: Seconded.

9 REPRESENTATIVE RUTHERFORD: Qualified and
10 nominated. That's fine.

11 CHAIRMAN SMITH: And seconded by Senator
12 Rankin. All in favor signify by raising your hand.

13 (The Commission members vote.)

14 CHAIRMAN SMITH: All opposed?

15 (Hearing none.)

16 CHAIRMAN SMITH: Let the record reflect that
17 the vote was unanimous, ten to zero. Next.

18 MS. CRAWFORD: The Honorable H. Bruce
19 Williams.

20 REPRESENTATIVE RUTHERFORD: I move that he
21 be found qualified and nominated by acclamation.

22 MS. CRAWFORD: Second.

23 CHAIRMAN SMITH: Judge Williams is moved to
24 be qualified and nominated by acclamation. Everybody in
25 favor signify by saying "aye" and raise your hand.

1 (At this time the members audibly say "aye.")

2 CHAIRMAN SMITH: All opposed?

3 (Hearing none.)

4 CHAIRMAN SMITH: Let the record reflect
5 unanimous. And the next?

6 MS. CRAWFORD: The Honorable David Garrison
7 "Gary" Hill.

8 REPRESENTATIVE RUTHERFORD: I move that he
9 be qualified and nominated.

10 MR. STROM: Second.

11 CHAIRMAN SMITH: Seconded. And all in favor
12 signify by raising your hand.

13 (The Commission members vote.)

14 CHAIRMAN SMITH: All opposed?

15 (Hearing none.)

16 CHAIRMAN SMITH: Ten to zero.

17 MS. CRAWFORD: Retired Circuit Court Judge
18 Tommy W. Cooper Jr.

19 REPRESENTATIVE RUTHERFORD: I move that he
20 be qualified and nominated -- or just qualified.

21 CHAIRMAN SMITH: Second?

22 MR. SAFRAN: Second.

23 CHAIRMAN SMITH: All in favor raise your
24 hand.

25 (The Commission members vote.)

1 CHAIRMAN SMITH: All opposed?

2 (Hearing none.)

3 CHAIRMAN SMITH: Ten to zero. Next.

4 MS. CRAWFORD: The Honorable R. Markley
5 Dennis Jr., Circuit Court Active Retired.

6 REPRESENTATIVE RUTHERFORD: I move that he
7 be qualified.

8 MS. BLACKLEY: Second.

9 CHAIRMAN SMITH: Everybody in favor raise
10 their hand.

11 (The Commission members vote.)

12 CHAIRMAN SMITH: All opposed?

13 (Hearing none.)

14 CHAIRMAN SMITH: Hearing none we'll carry
15 that one over.

16 MS. CRAWFORD: The Honorable William J.
17 Wylie Jr., Family Court --

18 REPRESENTATIVE RUTHERFORD: I move that he
19 be qualified and nominated.

20 CHAIRMAN SMITH: Second?

21 MS. CRAWFORD: Qualified.

22 SENATOR SABB: Qualified.

23 CHAIRMAN SMITH: Yeah, qualified. Second.
24 All in favor signify by raising your hand.

25 (The Commission members vote.)

1 CHAIRMAN SMITH: All right. All opposed?

2 (Hearing none.)

3 CHAIRMAN SMITH: Let the record reflect
4 that's also unanimous. Next.

5 MS. CRAWFORD: The Honorable Diane Schafer
6 Goodstein reelection.

7 REPRESENTATIVE RUTHERFORD: I move that she
8 be found qualified and nominated.

9 CHAIRMAN SMITH: All right. And second?

10 SENATOR SABB: Second.

11 CHAIRMAN SMITH: Everybody in support raise
12 their hand.

13 (The Commission members vote.)

14 CHAIRMAN SMITH: All opposed?

15 (Hearing none.)

16 CHAIRMAN SMITH: Let the record reflect it
17 was unanimous.

18 MS. CRAWFORD: The Honorable Courtney Pope
19 reelection.

20 REPRESENTATIVE RUTHERFORD: I move that she
21 be qualified and nominated.

22 CHAIRMAN SMITH: Second?

23 MS. BLACKLEY: Second.

24 CHAIRMAN SMITH: Seconded. All in favor
25 signify by raising their hand.

1 (The Commission members vote.)

2 CHAIRMAN SMITH: All opposed?

3 (Hearing none.)

4 CHAIRMAN SMITH: Let the record reflect that
5 was unanimous.

6 CHAIRMAN SMITH: Hearing none we'll carry
7 that one over.

8 MS. CRAWFORD: Charles J. McCutchen, Circuit
9 Court, 1st Circuit, Seat 1.

10 REPRESENTATIVE RUTHERFORD: I move that he
11 be qualified and nominated.

12 CHAIRMAN SMITH: Second?

13 REPRESENTATIVE JOHNSON: Second.

14 CHAIRMAN SMITH: Everybody signify by
15 raising their hand.

16 (The Commission members vote.)

17 CHAIRMAN SMITH: All opposed?

18 (Hearing none.)

19 CHAIRMAN SMITH: Let the record reflect
20 that's unanimous.

21 MS. CRAWFORD: And Heath Preston Taylor.

22 REPRESENTATIVE RUTHERFORD: I move that he
23 be qualified and nominated.

24 MS. BLACKLEY: Second.

25 CHAIRMAN SMITH: Everybody raise their hand.

1 (The Commission members vote.)

2 CHAIRMAN SMITH: All opposed?

3 (Hearing none.)

4 CHAIRMAN SMITH: Let the record reflect
5 that's unanimous. And so with that, that will conclude
6 tonight's -- Mr. Safran moves that we adjourn. All in
7 favor signify by saying "aye."

8 (At this time the members audibly say "aye.")

9 CHAIRMAN SMITH: All opposed?

10 (Hearing none.)

11 (OFF THE RECORD AT 6:30 P.M.)

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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 141 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 23RD DAY OF DECEMBER 2021.



PATRICIA G. BACHAND, COURT REPORTER
MY COMMISSION EXPIRES MARCH 8, 2027

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