



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

**Circuit Court
(Incumbent)**

Full Name: Ralph Ferrell Cothran, Jr.
Business Address: 3 West Keitt Street
Manning, South Carolina 29102
Business Telephone: (803) 435-2450

1. Why do you want to serve another term as a Circuit Court Judge? I enjoy my work and the people that I work with and I enjoy serving the citizens of South Carolina.

2. Do you plan to serve your full term if re-elected? no

3. Do you have any plans to return to private practice one day? no

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

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? As per Judicial Cannons, certain *ex parte* communication is approved by Section 3B(7) to facilitate scheduling and other administrative purposes and to accommodate emergencies. In general, however, a judge must discourage *ex parte* communication and allow it only if all the criteria stated in Section 3B(7) are clearly met. A judge must disclose to all parties all *ex parte* communications described in Sections 3B(7)(a) and 3B(7)(b) regarding a proceeding pending or impending before the judge.

Examples when an *ex parte* communication may be expressly authorized by law include the issuance of a temporary restraining order under certain limited circumstances [Rule 65(b), SCRCF], the issuance of a writ of supersedeas under exigent circumstances [Rule 225(d)(6), SCRCF], the determination of fees and expenses for indigent capital defendants [S.C. Code Ann., Section 16-3-26 (Supp. 1995)], the issuance of temporary orders related to child custody and support where conditions warrant [S.C. Code Ann. Section 63-17-390 (Supp. 2008)], and

the issuance of a seizure order regarding delinquent insurers [S.C. Code Ann., Section 38-27-220 (Supp.1995)].

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I would deal with this on a case by case basis and take their request very seriously. If I could not clear up the appearance of impropriety on the record, I would grant the motion.
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? If I could not clear up the appearance of impropriety, I would recuse myself and do everything I could to avoid the appearance of impropriety.
8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept social hospitality or gifts that I feel would influence me as a judge.
9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge? I understand the responsibility of the Bar and how important it is to maintain the integrity of the profession. I hope that I will not be faced with a situation to report a lawyer or a member of the judiciary, but certainly would be willing to do so in order to protect the judiciary as a whole.
10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. no
11. Do you have any business activities that you would envision remaining involved with if reelected to the bench? no
12. How do you handle the drafting of orders? I usually e-mail the attorneys with my decision and ask the attorney that I rule in favor of to submit a proposed Order based on my findings, while on other occasions, I may ask all sides to submit proposed Orders. In some situations, I draft the Order myself, along with my law clerk.

13. What methods do you use to ensure that you and your staff meet deadlines? We ensure our deadlines with calendars/computers.
14. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy? My personal political views should not have anything to do with my judicial decisions. I base my judicial decisions on the law and justice for the parties that come before me. I would defer my decisions to the Supreme Court and the Appellate Court to determine policy and when there are no cases on point, I will try to follow the reasoning of the Appellate Courts to keep the law consistent and logically evolving.
15. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? I would work with local, county and state officials to improve the effectiveness of the legal system.
16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? So far, I have not had any problems with the strains of personal relationships since I have been on the bench.
17. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
 - a. Repeat offenders: Prior criminal record would weigh heavily in my decision. I feel that if a crime is repeated more than one time and a Defendant had not altered or changed his behavior as a result of his prior record, that stronger punishment may be necessary to keep the repeat offender from society.
 - b. Juveniles (that have been waived to the Circuit Court): If I feel I can protect society and, in turn, turn a juvenile around through Shock Incarceration or sentence the juvenile to a Youthful Offender sentence, I would certainly do so. However, in extreme cases, if society were not protected, it would warrant sending the offender to an adult facility.
 - c. White collar criminals: I would deal with the white collar criminal with a case by case basis. I do feel that incarceration may be appropriate to those who have stolen large sums of money and hold positions in the public eye. Certain crimes demand punishment and consequences.

- d. Defendants with a socially and/or economically disadvantaged background: The action of the Defendant and his/her prior record would carry more weight than his/her social and economical background. I would try to fashion my sentence to require the Defendant to obtain a GED or vocational training to improve his/her social and economical handicap.
 - e. Elderly defendants or those with some infirmity: The age of the Defendant is just one of the many factors I would consider in the sentencing process. It would obviously play a role in how many years I would need to protect society from the Defendant, but the prior record and the facts of the case would be a predominant factor in my sentence.
18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? no
19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? no
20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. no
21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period? yes
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply? Calmness, compassion, understanding and fairness. I feel that fairness should exist in the mind of a judge and a judge should strive to never embarrass attorneys, litigants or other parties. I also feel that they should bring to the bench decisiveness, and when warranted, firmness.
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? I do not feel that anger should be a part of a judge's decision.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Sworn to before me this ____ day of _____, 2021.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires: _____