



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

**Circuit Court**  
**(Incumbent)**

Full Name: Perry Hudson Gravely

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

Because of my experience as an attorney and as a Judge over the past 6 years, 3 of which have been as Chief Administrative Judge for Civil, I believe that I am in a position to continue working with the Clerks' offices and court staff to provide an efficient administration of justice for the Thirteenth Circuit. As we gradually escape the pandemic, it is more important than ever to maintain continuity in our court system. I believe that my working relationship with the attorneys and Clerk's staff and work ethic will allow me to work through backlogs with better efficiency. As the Judge for the state Opioid litigation, I would like to see it through to its conclusion (although this could be a project for many years to come). Currently, the 13<sup>th</sup> Circuit has a very cohesive team of Judges which is important for those attorneys and parties traveling through our Circuit. I am a team player and I am always willing to jump in and help out where needed.

Lastly, I enjoy my job and look forward to going to work every day – it's always an adventure. Serving as a Circuit Judge is interesting, intellectually stimulating (most of the time) and can be very exciting. I feel strongly that it is a great avenue for me to serve the public.

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

Yes

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

Not likely

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

Yes

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

Ex parte communications should be treated very carefully. They should never be encouraged or tolerated, although sometimes they will happen by accident by staff and anxious attorneys. If the communication relates to scheduling or Administrative type matters, then there is no prejudice to the other side, but opposing counsel should always be apprised of the communication.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

It would depend on the nature of the bias and the prejudice that could result from the potential bias. Regardless, the judge's position should be placed on the record. If I decided not to recuse myself, I would treat the party requesting my recusal the same as any other party, giving no deference or reprisals for raising the issues. But I cannot let the parties decide who should be their judge on a particular case and the decision would need to be made on a case by case basis.

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

I would need to consider each case separately and it would depend on the extent of the financial and social involvement. If too close of a connection, then I should consider recusing myself from the case, especially if it made me feel uncomfortable. Before doing so, I would consult with other judges and carefully weigh the options including how soon another judge could take over the case.

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

As a rule, I do not accept gifts from anyone except family and only nominal gifts from close friends. I have accepted social hospitality from attorney groups, such as the Defense Bar or Plaintiff's bar at a conference, but I am careful to decline any invitations from attorneys who have matters pending in front of me. Due my involvement with the state Opioid Cases, I have declined to accept any invitations for social hospitality from any firm which has attorneys involved in these cases.

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 would carefully weigh the situation and determine if I am convinced that the misconduct occurred. I might want to consider discussing the matter with the fellow judge and requesting that he or she self report .

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?

As a general rule, I like to write my own orders, especially if it is a fairly routine matter or if a *pro se* litigant is involved. On more complex issues, I will usually take the matter under advisement and send an email to all counsel requesting that one side submit a proposed order and provide a copy to opposing counsel for comments. I will then take the proposed Order under consideration

and make revisions. On rare occasions, I will ask that both sides present a proposed order.

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

My staff and I calendar all events-paper and electronic. We have regular discussions about deadlines and keep a list of pending matters which I refer to on a weekly basis.

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

I believe that it is important for a judge to abide by the rule of law as he or she interprets it. This means that a judge should not impose his personal beliefs or political agenda in his or her rulings. A judge should not engage in Judicial Activism; he or she should not stretch an interpretation of the law or make a ruling to support a particular agenda or belief. Sometimes, a judge’s interpretation of the law and rulings may have an impact on a public matter or may appear to be “judicial activism”, but that should not be the goal of the judge.

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 will continue to speak at conferences for attorneys, clerks, probate judges if invited. I think it is important to be active in speaking to community groups outside the legal profession and college and high school groups. Due to my involvement with Boy Scouts, I will continue to teach law related and citizenship merit badges. I, along with other alumni, have organized a Wofford alumni group to promote collegiality of the legal profession and provide an avenue for social gatherings, networking, education and mentoring programs for alumni and students.

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?

I do not particularly feel that serving as a judge has strained any personal relationships. I always advise my friends and family that I cannot discuss cases or particular topics and this seems to work fine. I think it is important to “escape” from the legal profession regularly with vacations, family time and physical activity.

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:

Each sentence must be based on the facts and circumstances of the case. For repeat offenders, I look at the previous sentences and see what did not work and try to tailor a sentence that will get the offender’s attention or give the offender the tools to rehabilitate. In most cases, a stiffer penalty may be warranted. In drug cases, an offender might need a certain form of rehabilitation which had not been tried before.

b. Juveniles (that have been waived to the Circuit Court):

Each sentence must be based on the facts and circumstances of the case. Juveniles who are waived up usually involve a more serious crime and therefore, they should be sentenced accordingly.

c. White collar criminals:

Each sentence must be based on the facts and circumstance of the case. White collar crimes are generally not classified as violent crimes but they can have a devastating impact on victims. This offender should be punished appropriately, but also give consideration for the best way to provide for restitution of the victim. Generally, these defendants should not be treated differently than other offenders.

d. Defendants with a socially and/or economically disadvantaged background:

Each sentence must be based on the facts and circumstances of the case. It is important to consider the disadvantages of certain defendants when tailoring a sentence that meets the circumstances of the crime. The social and economic

disadvantages can be used as mitigating factors, but not as an excuse for the offense.

- e. Elderly defendants or those with some infirmity:  
Each sentence must be based on the facts and circumstances of the case. The Court must consider the age of any defendant and any infirmities from which they suffer in tailoring an appropriate sentence. These factors can be used in mitigation but should not excuse a defendant for their offense.

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?

Not normally, but I would carefully consider the facts and circumstances of the case and the potential for bias or appearance of bias. A *de minimis* interest should not be an automatic basis for recusal.

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?

A judge should always act responsibly and respectful whether in the Courtroom or grocery store. The general public will always judge you by your actions and demeanor and that carries over into your private life—so you should always be on guard.

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?

A judge should never display anger with litigants, attorneys or the public at large. Sometimes, parties and attorneys can be very frustrating and if these individuals start to become overbearing, then you need to take a break and let them know that you are not going to tolerate their attitude when you return. On the other hand, sometimes, it is necessary to be stern or raise your voice with attorneys and parties to garner the proper respect for the court and keep control of the Courtroom, but this should never be done in anger.

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

*s/Perry H. Gravelly*

Sworn to before me this 9th day of July, 2021.

\_\_\_\_\_  
(Signature)

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