



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

Administrative Law Court
(Incumbent)

Full Name: Milton Gary Kimpson

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

2. Do you have any plans to return to private practice one day?
No.

3. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes.

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

Ex parte communications should be avoided and further, should not be tolerated. In the event an *ex parte* contact occurs concerning a procedural or non-substantive issue, or, in the case of some emergency, immediate steps must be taken in accord with Canon 3 to allow the opposing party an opportunity to respond.

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

Yes, I would grant a motion for recusal unless there were some circumstance, such as the unavailability of another judge, which required me to hear the case. If I determine that an issue has the potential to create an appearance of bias such that I needed to disclose it, I must also be prepared to recuse myself if the motion is made, even if I believed the issue would not cause me any

difficulties in arriving at a fair decision. A litigant must have confidence that he or she is appearing before an unbiased and objective tribunal.

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

To accept no gifts and avoid social hospitality.

7. 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?

If there is reliable evidence of misconduct or infirmity which requires reporting under the Judicial Canons and/or ethical rules, a report to the proper governing body is required.

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

No, I have not engaged in fund-raising activities. Furthermore, I have made it clear to any organization with which I am affiliated that I am unable to solicit funds.

9. How do you handle the drafting of orders?

For the cases that I hear as a trial judge, orders are grouped into three general categories. Typically, in routine cases, I will ask my law clerk or staff attorney to draft an order based on my impressions after hearing the case. I will then review the evidence and "mark-up" the draft order as necessary. At times in routine cases, after my consideration of the case, to include the evidence, I have asked the prevailing party to draft a proposed order and send to the opposing party for comment. I will revise the order as necessary. In more involved cases, after my review of the testimony and evidence, I will give the staff attorney or law clerk detailed instructions on the decision and how the order should be drafted. I will then review the draft and revise it as necessary. In complex cases, I will ask opposing attorneys for proposed orders and, after my review of the transcript and evidence, I will draft a final order. For cases on appeal, after our initial discussions, my law clerk or staff attorney will draft an order. I will then review

the file, to include the briefs and record on appeal, and make revisions to the draft order as needed.

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

We calendar dates and try as we can to adhere to those dates with automated reminders.

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

Judges must follow the law as enacted by the General Assembly; policy must be left to the legislature. A judge may only promote public policy insofar as his or her decisions are consistent with existing law and thus, further the policy expressed by our legislature when it enacted the law.

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

I will continue to participate in continuing legal education programs and other events designed to provide information to lawyers.

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

I have not experienced any additional stress in my relationships because of my judicial service although I would imagine that such stress could certainly occur. The issue might arise when relatives and friends seek legal advice – I carefully explain that I am no longer in the practice of law and that I am prevented from performing legal services or giving legal advice of any kind. I have not, as of yet, had a situation where a friend or relative has not understood this limitation.

13. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

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

Probably not. Even if the interest were such that I felt could be impartial, I would certainly fully disclose the matter, meaning the extent of any financial interest, to the parties involved and discuss the need to recuse. I would go forward to hear the case only if each party affirmatively stated that there was no objection to my presiding. This will require review of cases early in the process to identify such interests.

15. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on these bases.

No; however, I do belong to two national fraternal organizations, the Omega Psi Phi Fraternity, Inc. and Sigma Pi Phi Fraternity.

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

Yes.

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

A judge should always strive to have a calm and controlled demeanor, whether in the courtroom, in other professional settings or in social settings. An objective demeanor is particularly important in the courtroom because of the need to avoid the appearance of impropriety. However, whether on the bench or not, a judge represents the judicial system so that the judge must always be mindful of demeanor and behavior.

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

No. A proper judicial temperament should always be maintained. As such, it is never appropriate to become angry with a member of the public or a litigant. This does not mean that attorneys or pro se

litigants should be allowed to engage in behavior which causes disruption in the courtroom or is somehow detrimental to the administration of justice. A judge cannot, however, effectively correct such behavior by becoming outwardly angry.

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 19th day of July, 2021.

Susan C Dickerson

(Signature)

Susan C Dickerson

(Print name)

Notary Public for South Carolina

My Commission Expires: 2/22/2028