



Daniel Dewitt Hall

Candidate, Judge of Circuit Court, Sixteenth Judicial Circuit, Seat 2

Response to Affidavit of Kevin Brackett

After reviewing the nine pages of complaints by Mr. Brackett, I am deeply concerned that Mr. Brackett in his complaint states "the employees of my office are the only recipients of his hostile and demeaning behavior". This theme appears to be at the center of each of his complaints. I strongly disagree with his description of my behavior and treatment of his lawyers, however, I acknowledge that we are often poor judges of our own character. I am heartened by the fact that he limits my alleged behavior as being directed toward some Assistant Solicitors and himself. After careful reflection, I am sure that I can attempt to remedy the perceptions of my words and demeanor with a more conscious attempt to be sensitive and polite to those particular attorneys. His affidavit states that "the general reputation of Judge Hall based on his actions is that he is no longer ethically or professionally fit to serve". His description as to the general reputation appears to be limited to himself and some of his attorneys and opposite of the findings of the South Carolina Bar and the Piedmont Citizens Committee.

I believe that Mr. Brackett's complaint is rooted in a disagreement over the role of the judge in the criminal justice system. To be clear, I understand the judge's role and the serious nature of the judicial oath "to uphold the integrity and independence of the judiciary... to treat all persons who enter the courtroom with civility, fairness and respect ... to listen courteously, sit impartially ... to seek justice and justice alone". This flawed judge will always be in the process of working on those parts of his character and making changes in his demeanor and behavior while striving to conform to this solemn oath. The judge in a criminal matter is not to be a quiet advocate for the state, victims or defendants. The judge is to insure that the elements of due process are met in each matter before the court. The fundamental requirements of due process include notice, opportunity to be heard in a meaningful way, and judicial review. Judicial review means asking questions about facts and the law, being satisfied with what is presented to the court for the final decision about justice in a particular case. Much of Mr. Brackett's complaint centers around my questioning his attorneys and their decision-making process. Solicitors and Assistant Solicitors are not mere advocates for a party in a dispute. They are lawyers for the State and are held to a higher standard ethically and professionally than attorneys for defendants. Rules of

Professional Conduct 3.8. The State and lawyers for the state must be able to withstand the scrutiny of the courts in every case before the court. Criminal court is an inherently adversarial setting. Defendants often do not like what they hear from the State and the judge. Prosecutors often do not like what they hear from the Defendant, mitigation and rulings of the court. Each Assistant Solicitor that appears in our courts is individually responsible as a professional and officer of the court and is not permitted to allow "office policy" to become the deciding factor in legal rationale. I will continue to be a judge that questions the professionals before me in what I believe are the appropriate cases. I will continue to exercise judicial discretion in criminal court, follow the law, sentence proportionately and work on my demeanor. In instances where it is brought to my attention that I have not followed particular aspects of the law, I will make every effort to make the necessary corrections.

I have been a circuit judge for almost seven years. I have never received a grievance from a lawyer. The South Carolina Bar and the Piedmont Citizens Committee both found me Well Qualified. I will refrain from discussing specifics of past rulings raised by Mr. Brackett unless requested by the Commission.



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