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**HEARING PROCEEDINGS**

*November 17, 2021*

**JUDICIAL MERIT SELECTION COMMISSION**

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

7 \* \* \* \* \*

8 BEFORE: REPRESENTATIVE G. MURRELL SMITH, CHAIRMAN

9 SENATOR LUKE A. RANKIN, VICE CHAIRMAN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 MS. HOPE BLACKLEY

14 MR. J.P. "PETE" STROM

15 MS. LUCY GREY MCIVER

16 MR. ANDREW N. SAFRAN

17 REPRESENTATIVE JEFFREY E. JOHNSON

18 MS. ERIN CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 17, 2021

21 TIME: 9:58 a.m.

22 LOCATION: Gressette Building

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN SMITH: All right let's come to order.

2 We're going to come to order and get started here  
3 it's almost 10:00 o'clock. Senator Rankin moves  
4 that we go into executive session, all in favor  
5 signify by saying aye.

6 (Ayes are heard.)

7 CHAIRMAN SMITH: All opposed.

8 (No replies are heard.)

9 CHAIRMAN SMITH: Ayes have it we are now in executive  
10 session.

11 EXECUTIVE SESSION

12 CHAIRMAN SMITH: All right. We're coming out of  
13 executive session. Senator Talley moves that we  
14 come out of executive session all in favor  
15 signify by saying aye.

16 (Ayes are heard.)

17 CHAIRMAN SMITH: All opposed?

18 (No replies are heard.)

19 CHAIRMAN SMITH: Ayes have it. Let me state while we  
20 were in executive session, while in executive  
21 session for the three minutes, there were no  
22 votes taken or any matters decided. We will  
23 await the first candidate. Morning Judge Addy,  
24 how you doing?

25 JUDGE ADDY: Doing well, y'all?



1 CHAIRMAN SMITH: Doing well. I see you have a guest  
2 there, would you like to introduce your guest to  
3 us?

4 JUDGE ADDY: My wife Kelly, she was not able to come  
5 last time I was down here an she was -- they did  
6 not call her into the ER today to work and so she  
7 was kind enough to join me for a little bit of  
8 moral support.

9 CHAIRMAN SMITH: All right. Well welcome, Kelly, good  
10 to see you.

11 THE HONORABLE FRANK ROBERT ADDY, JR., being duly  
12 sworn, testifies as follows:

13 CHAIRMAN SMITH: Before you, you have your sworn  
14 statement and your personal data questionnaire.  
15 Are those both documents that you've submitted to  
16 the commission?

17 JUDGE ADDY: Yes.

18 CHAIRMAN SMITH: Are they both correct? Any changes  
19 or updates that need to be made at this time?

20 JUDGE ADDY: No.

21 CHAIRMAN SMITH: Do you have any objection to us  
22 making those as an exhibit to your sworn  
23 testimony here today?

24 JUDGE ADDY: No objection.

25 CHAIRMAN SMITH: All right. Good enough. Without

1 objection we'll make those as an exhibit. Judge,  
2 the Judicial Merit Selection Commission has  
3 thoroughly investigated your qualifications for  
4 the bench. Our inquiry, as you know, is focused  
5 on the nine evaluated criteria and it also  
6 includes a ballot box survey, thorough study of  
7 your application materials, verification of your  
8 compliance with state ethics laws, search of  
9 newspaper articles in which your name appears and  
10 study of previous screenings as well as checks  
11 for economic conflicts of interest. There have  
12 been no affidavits filed in opposition to your  
13 candidacy today and there are no witnesses here  
14 to testify. Do you wish to make a brief opening  
15 statement to the Commission?

16 (Exhibit Number 1 was marked for identification  
17 purposes - (19 pages) Personal Data Questionnaire for  
18 The Honorable Frank Robert Addy, Jr.)

19 (Exhibit Number 2 was marked for identification  
20 purposes - (8 pages) Sworn Statement of The Honorable  
21 Frank Robert Addy, Jr.)

22 JUDGE ADDY: I just appreciate being here. I  
23 appreciate what y'all are doing. I know that  
24 y'all have been busy this week and I'm not going  
25 to take up your time with a lengthy opening, if

1           that's okay.

2           CHAIRMAN SMITH: Thank you very much answer any  
3           questions that your screening counsel may have for  
4           you.

5           JUDGE ADDY - EXAMINATION BY MS. CRAWFORD:

6           **Q.       Good morning, Judge.**

7           A.       Morning.

8           **Q.       Judge after serving I guess -- how long have you  
9           been on the bench, six?**

10          A.       Since 2010.

11          **Q.       Right. Why do you want to continue serving?**

12          A.       Very good question. I do enjoy the job and I will  
13          tell you that one of the reasons I do enjoy it,  
14          it's nothing that's ever going to show up in the  
15          newspaper. It's the opportunity to have a positive  
16          effect on people's lives. I mean, truthfully,  
17          that's the reason I enjoy this job. It is  
18          certainly not easy but when you come across  
19          somebody in the supermarket or a gas station and  
20          they approach you and of course you know it's a  
21          50/50 proposition about whether you're about to be  
22          complimented or cold cut. But you get that  
23          compliment, you get expression of appreciation for  
24          something that you did for them. That is  
25          incredibly rewarding and I genuinely enjoy that on

1 a personal level. Friends of mine who are  
2 attorneys, I ask them because they can speak  
3 candidly with me, they tell me I'm good at it and  
4 so that's one of the reasons I do want to continue  
5 doing it.

6 **Q. Thank you, judge. What do you think your**  
7 **reputation is among attorneys and then also among**  
8 **court personnel?**

9 A. I'm hoping it's a positive one. I'm thinking it is  
10 from what I heard from the bar and from the  
11 screening attorney that I had a phone conversation  
12 with a few weeks ago. Apparently I'm doing all  
13 right. I'd like to be patient. I like to be on  
14 time. It's important never to lose your temper,  
15 listen to everybody, come in prepared, don't just  
16 wing it. When you start a term of court or when  
17 you start a week, you go in and you know what  
18 you're doing, you know what's in front of you, you  
19 know what's on deck and I think that helps a lot in  
20 terms of keeping things running in an orderly  
21 fashion and making progress on the cases that  
22 you've got.

23 **Q. Okay, Judge. On that note, the Commission received**  
24 **642 ballot box surveys regarding you, with 58**  
25 **additional comments. Some of the positive comments**

1 included, "Judge Addy is one of our state's best  
2 jurists. He is smart, fair, patient and kind. He  
3 treats everyone in his courtroom with dignity and  
4 respect, we are lucky to have him." Also, "Judge  
5 Addy is a fantastic judge to appear in front of.  
6 He listens, takes his time and makes good rulings  
7 and is fair to all parties. An asset to the bench  
8 and bar and the people of South Carolina." And  
9 another example, "Judge Addy is an excellent trial  
10 judge, displays the temperament so necessary for  
11 that role and is extremely well spoken and  
12 intelligent. He allows lawyers to try their cases  
13 and manages his courtroom extremely well." I  
14 believe there are only two written comments with  
15 any kind of concerns and they dealt with your  
16 impartiality and that sometimes perhaps you act  
17 with bias that you have not been impartial in your  
18 rulings and that you allow your personal opinions  
19 about litigants to impact your rulings. How would  
20 you respond to that?

21 A. I honestly have no idea where that is coming from.  
22 If -- the only thing I could think of and, you  
23 know, the screening attorney didn't really bring  
24 that to my attention but there was something  
25 similar in the bar surveys that sometimes I seem to

1 have a preference for certain lawyers. One thing I  
2 do -- and I was talking to one of the other judges  
3 who was waiting out there. One thing I do when I  
4 come into a county and I'm not really familiar with  
5 their procedure, for example this week I've been  
6 doing Common Pleas, non-jury, mostly and I really  
7 think that a lawyer's time is valuable. And  
8 instead of just starting at the top of the docket  
9 and going down, I will just go out there and I will  
10 say okay, I see we have a number of motions that  
11 should be fairly quick, debt collections. Who has  
12 a quick motion for me, or who has resolved your  
13 motion? And I'll just ask for the hands to go up.  
14 I'll sometimes ask, if I see a lawyer that I  
15 recognize, I'll say I think you're here on  
16 something that shouldn't take too long Mr. Smith or  
17 whoever. Why don't you come on down, let's go  
18 ahead and get that and get you out of here. That  
19 way you're not keeping 30 or 40 lawyers waiting  
20 while you argue a hour motion on summary judgement  
21 or something. So in terms of preference, maybe  
22 it's because I would call somebody out and say,  
23 hey, I know you, I recognize your face. Especially  
24 if I'm in a county that's not my home county, I  
25 would call them out and I would say I noticed from

1 the docket that you've got something quick, why  
2 don't we go ahead and knock that out. And then  
3 I'll invite other people to come down and do it.  
4 So that's the only reason that I think that comment  
5 may have been made. That perception. But I'm  
6 certainly very conscious about that now.

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

8 MS. CRAWFORD: Mr. Chairman, I'd note that the Piedmont  
9 Citizens Committee reported Judge Addy to be  
10 qualified in the evaluative criteria of  
11 constitutional qualifications, physical health and  
12 mental stability, and well qualified as to the  
13 remaining evaluative criteria of ethical fitness,  
14 professional and academic ability, character,  
15 reputation, experience, and judicial temperament.  
16 The Committee stated in summary, "Judge Addy has a  
17 long judicial record as a probate judge and Circuit  
18 Court judge and he continues to approach his  
19 professional challenges with the same level of  
20 energy and involvement that characterized his wide  
21 range of service to his local community. The  
22 Committee found noteworthy his humility, his  
23 energetic commitment to resolving legal disputes  
24 with compassion, and thoughtfulness, and his deep  
25 respect to the judicial profession. The state is

1 fortunate to have a person of Judge Addy's  
2 experience and talent as a Circuit Court judge."  
3 So, not bad.

4 Q. Judge Addy, since submitting your letter of intent  
5 have you contacted any members of the Commission --

6 A. I have not.

7 Q. -- about your candidacy? Are you familiar with §  
8 2-19-70, including limitations of contacting  
9 members --

10 A. I am.

11 Q. -- of the General Assembly? Have you sought or  
12 received the pledge of any legislator --

13 A. No, ma'am.

14 Q. -- pending -- I mean for this date, or pending the  
15 outcome. Have you asked any third parties to  
16 contact members of the General Assembly?

17 A. I have not.

18 Q. Are you aware of anyone attempting to do so?

19 A. No, I am not.

20 Q. And have you reviewed and do you understand the  
21 Commission's guidelines on pledging and South  
22 Carolina code section § 2-19-70(E)?

23 A. I do.

24 MS. CRAWFORD: Mr. Chairman, I note for the record that  
25 any concerns raised during the investigation were



1 incorporated into the questioning of the candidate  
2 today. I have no further questions.

3 CHAIRMAN SMITH: Thank you very much. Judge Addy, let me  
4 start off and just say a couple of things and thank  
5 you for your service to the state of South  
6 Carolina. I looked through your ballot box  
7 surveys. And so, you know, I know this is  
8 anonymous so they can be good and bad and you  
9 really don't know what you -- you know, what you  
10 get and there's no way for you all to defend it but  
11 when I look through yours it's remarkable and I  
12 want to congratulate you on that because, you know,  
13 sometimes people who don't have any accountability  
14 have a good reason to throw stones and there are no  
15 stones thrown at you in these. And when I look  
16 through this, you're at the top echelon of judges  
17 in the state. And we had looked through these  
18 every time and to us the Commission and, you know,  
19 we're letting every judge know that probably the  
20 most important characteristic of a judge is your  
21 temperament. How you treat people in the  
22 courtroom, how you treat litigants, how you treat  
23 the court staff, how you treat the lawyers is very  
24 important. You've been -- we've been practicing  
25 law for a long time and you know what it's like to

1 get chewed out and be embarrassed in front of your  
2 client.

3 JUDGE ADDY: I do. I definitely do.

4 CHAIRMAN SMITH: Yeah, and we've all been there and it  
5 was a rite of passage for those of us who've been  
6 practicing law for a long time. But nonetheless  
7 that's not what happens now so I just want to thank  
8 you for your service, thank you for what you have  
9 done and you have just shown the best in what we  
10 have in the judiciary and you are well respected.  
11 You've been there for ten years and you only ticked  
12 two people off that talks about your temperament  
13 out of all those you've done an amazing job over  
14 those ten -- over those eleven years. But I'm  
15 going to have to read you one comment that I find  
16 and I've never seen this. We've been -- I guess my  
17 fifth or sixth year on this Commission and I want  
18 to congratulate you on a unique characteristic you  
19 have and apparently it's your voice. And so  
20 someone said it is amazing, has to be an attorney,  
21 to hear him speak from the bench. "I know how  
22 Moses must have felt on Mt. Sinai receiving the ten  
23 commandments --

24 REPRESENTATIVE RUTHERFORD: Stop, please. His wife is  
25 there.

1 CHAIRMAN SMITH: Because Judge -- I know, I'm trying to  
2 make you look good in front of your wife, okay.

3 JUDGE ADDY: That's why I brought her, sir. That's why I  
4 brought her.

5 CHAIRMAN SMITH: "Because Judge Addy's practiced baritone  
6 is how I believed it sounded on the summit of Mt.  
7 Sinai. He is James Earl Jones in a black robe. I  
8 would be willing to be sentenced to Judge Addy's  
9 most serious sentence of house arrest and  
10 monitoring just to hear his dulcet tones announce  
11 my future." So --

12 VICE CHAIRMAN RANKIN: Sounds like a crush to me.

13 CHAIRMAN SMITH: So you have really impressed an  
14 attorney.

15 JUDGE ADDY: I really appreciate you reading that into  
16 the transcript. When that comes out -- when that  
17 comes out.

18 VICE CHAIRMAN RANKIN: Speak a little higher, please. A  
19 little higher.

20 JUDGE ADDY: I'm going to have to -- I'm just going to  
21 have to frame that and put that up somewhere.  
22 Yeah, obviously being a ballot box survey that's  
23 coming from a lawyer and, as we all know, sometimes  
24 they can take creative liberties with the truth. I  
25 really don't know about James Earl Jones though. I

1 don't know where that is coming from but I'll take  
2 it, I'll take it.

3 CHAIRMAN SMITH: Well that's good. But let me say also,  
4 and those of us who've done criminal work I don't  
5 do it much anymore, but you issued an order years  
6 ago that was deemed the Addy order and it was about  
7 the confidential informants. That may be the one  
8 negative you saw that some -- obviously it was a  
9 solicitor says you want to be an advocate, rather  
10 than following the law, and wanting to change the  
11 law. But nonetheless that was the only negative  
12 comment I saw on there. But that order which was  
13 passed around the bar I had a case one time and  
14 I'll tell you, Judge Cothran who I think we  
15 screened him earlier who we all think is just a  
16 wonderful judge. Judge Cothran read that thing  
17 and he'll say -- and I'll never forget we were in  
18 chambers, he was like, "Damn, that's a good order."  
19 And he said, "I'll tell you what's going to happen  
20 from this point --" he announced it in court.  
21 "From this point forward, that is my standing order  
22 on CI's over there." So not only do you have the  
23 temperament but you have intellect and the legal  
24 reasoning ability to be one of our finest judges.  
25 So, I thank you for that. I think it's good for

1 y'all to come up here every six years and check the  
2 temperature of how you're doing and it keeps you  
3 all grounded. And, you know, what we needed to let  
4 you know is you're doing a great job and keep up  
5 the good work.

6 JUDGE ADDY: Thank you. And I did not realize that order  
7 had become eponymous so, you know, that's somewhat  
8 interesting but I appreciate that.

9 CHAIRMAN SMITH: Mr. Rutherford would like more orders  
10 like that but I don't think that the rest of us may  
11 want that. All right. Any questions for Judge  
12 Addy? Senator Rankin.

13 VICE CHAIRMAN RANKIN: Real quick judge, and I don't want  
14 to belabor this love-fest, and again an anonymous  
15 love-fest it appears, but in the realm of, again,  
16 what you've just been asked about not the  
17 particulars of it but the ability for lawyers to  
18 participate in this process and weigh in on our  
19 judges' service. What's the buzz in the Bar --  
20 rather the bench, about whether this is a valuable  
21 tool, a credible tool, and or something that we  
22 should give some or no credence to?

23 JUDGE ADDY: I think it's a valuable tool in the sense  
24 that if you notice a pattern of conduct or, you  
25 know, a one off is one thing but if you have 25

1 percent saying that this judge has an issue with  
2 this particular aspect of the job then that's  
3 something that I think provides y'all with a reason  
4 to make further inquiry. If it's a question of  
5 temperament, I know years ago I think that the  
6 committee used to send people to observe  
7 surreptitiously the judges in court and see how  
8 they behave and how they act towards the litigants  
9 and court personnel. And so if you have maybe 15,  
10 20 percent of the surveys saying there's an issue  
11 with his temperament, there's an issue with his  
12 punctuality or her punctuality, whatever the case  
13 may be, then that could provide maybe a reason to  
14 investigate further and send someone. Dispatch  
15 someone to actually see with their own eyes how  
16 it's going down in court. There's always the risk  
17 and, you know, we live in the internet age and when  
18 I started -- when I graduated law school in '93 it  
19 wasn't that big of a deal. But the anonymity  
20 thing, people have it on Facebook they have that  
21 ability, that feeling that I can just throw it out  
22 there and I can put it out there. It doesn't  
23 really matter whether it's true or not and those of  
24 you who were elected, you've been on the receiving  
25 end of this as well I'm sure. And I was popularly

1           elected for twelve years and so, yeah, you're used  
2           to stones being thrown at you for no reason  
3           whatsoever. Is there going to be the occasional  
4           disgruntled person that just wants to absolutely  
5           slam a judge, sure. That's a part of it. I think  
6           it's useful. You always have to take it with a  
7           grain of salt if it's anonymous and if it's  
8           critical and perhaps even be cognizant of perhaps  
9           efforts to undermine or to replace a judge that is  
10          just not seen as -- sometimes when you're being  
11          objective that means you're ruling against both  
12          sides and some particular organizations or people  
13          may not appreciate the fact that hey, this is --  
14          I'm calling balls and strikes here. This one was,  
15          you know. You didn't swing, it was a strike, I'm  
16          sorry. And so sometimes there is that hurt feeling  
17          kind of a thing in litigation, that inability to  
18          see maybe that there are two sides to a story and  
19          they're going to take it out on the judge. I think  
20          it's useful. Should it be 100 percent, should it  
21          be totally determinant of what y'all do? Certainly  
22          not. But I think getting anonymous input is the  
23          only way sometimes you're going to get the truthful  
24          input. Often it's not going to be, though.

25       VICE CHAIRMAN RANKIN: In the realm of the comments about

1           you, you don't think you sound like James Earl  
2           Jones?

3 JUDGE ADDY: I do not think I sound like James Earl  
4           Jones.

5 VICE CHAIRMAN RANKIN: Would you like to put your wife  
6           under oath or would you like us to -- leave it  
7           alone, don't look back, please look forward, please  
8           look forward.

9 JUDGE ADDY: I mean that's not -- that's -- I'll work on  
10          that though. Thank you.

11 VICE CHAIRMAN RANKIN: And then finally you've been here  
12          -- and I don't think I have -- I don't think  
13          screened you before forgive me if we have. I  
14          started in late '16 or it might have been '17 that  
15          I actually began. But nonetheless in the -- this  
16          exercise, this time as compared to how many prior  
17          screenings? You've been serving how long now?

18 JUDGE ADDY: Since 2010, so this will be my fourth  
19          screening in the sense that there was one time I  
20          ran and Judge Griffith -- I withdrew and Judge  
21          Griffith got it and then the next year is when I  
22          ran again and so for a total this would be the  
23          fourth.

24 VICE CHAIRMAN RANKIN: And the again area that I'm asking  
25          you about in terms of the regard that you have in



1 your district among the lawyers and these anonymous  
2 -- and these are attorneys only that get to  
3 participate. Have you enjoyed this reputation for  
4 as long as you've been serving?

5 JUDGE ADDY: I -- to my knowledge, yes. I mean the --  
6 I've scored pretty much similar to this every time  
7 I've run. So I have the benefit of having been  
8 probate judge for twelve years. So I had a little  
9 bit of a reputation as a jurist going into this  
10 process in 2009 and I think that reputation is  
11 simply carried over. I've simply stayed the same  
12 guy for all intents and purposes, I think.

13 CHAIRMAN SMITH: All right. Any further questions? All  
14 right. James Earl Jones, that concludes this  
15 portion of your screening so I want to take this  
16 opportunity to remind you that pursuant to the  
17 Commission's evaluative criteria the Commission  
18 expects candidates to follow the spirit as well as  
19 the letter of the ethics laws and we will view  
20 violations or the appearance of impropriety as  
21 serious and potentially deserving of heavy weight  
22 in the screening deliberations. As you may be  
23 aware, the record will remain open until the formal  
24 release of the report of qualifications and you may  
25 be called back at such time if the need arises. So

1           thank you for being here today and thank you for  
2           your service to the state of South Carolina and  
3           keep up the great work.

4     JUDGE ADDY: Thank you Mr. Chairman, thank you all.

5     CHAIRMAN SMITH: Good to see you.

6     JUDGE ADDY: Y'all take care.

7     CHAIRMAN SMITH: Good to see you.

8                                   (Off the record.)

9     JUDGE GRAVELY: Hello, hello. I don't have any prepared  
10           remarks.

11    CHAIRMAN SMITH: Good. That may aid your screening  
12           today.

13    JUDGE GRAVELY: I feel nervous, I mean y'all know more  
14           about me than my wife.

15    CHAIRMAN SMITH: All right, Judge Gravelly. Okay. Judge  
16           Gravelly, welcome.

17           THE HONORABLE PERRY H. GRAVELY, being duly sworn,  
18    testifies as follows:

19    CHAIRMAN SMITH: Before you you have your personal data  
20           questionnaire and your sworn statement are those  
21           both documents you've submitted to the Commission?

22    JUDGE GRAVELY: Yes.

23    CHAIRMAN SMITH: Are they both correct?

24    JUDGE GRAVELY: They are.

25    CHAIRMAN SMITH: Any changes or updates need to be made

1 at this time?

2 JUDGE GRAVELY: No.

3 CHAIRMAN SMITH: And do you have any objections to us  
4 marking those as exhibits to your sworn testimony  
5 here today?

6 JUDGE GRAVELY: I don't. That's fine

7 CHAIRMAN SMITH: Okay. Without objection will you hand  
8 those to Lindi for me please, sir? We'll make that  
9 exhibit to your sworn testimony. Judge Gravelly,  
10 the Judicial Merit Selection Commission has  
11 thoroughly investigated your qualifications to the  
12 bench. Our inquiry is focused on the nine  
13 evaluative criteria in addition we've reviewed or  
14 received a ballot box survey, thorough study of  
15 your application materials, verification of your  
16 compliance with state ethics laws, search of  
17 newspaper articles in which your name appears,  
18 study of previous screenings, and check for  
19 economic conflicts of interest. We have not  
20 received any affidavits in opposition to your  
21 testimony here today and there are no witnesses  
22 present to testify. You do not have prepared  
23 remarks, you've told us, but do you wish to make a  
24 brief opening statement to the Commission?

25 (Exhibit Number 3 was marked for identification purposes

1 - (15 pages) Personal Data Questionnaire for the  
2 Honorable Perry H. Gravely.)  
3 (Exhibit Number 4 was marked for identification purposes  
4 - (8 pages) Sworn Statement for The Honorable Perry H.  
5 Gravely.)

6 JUDGE GRAVELY: Well, my -- as stated in my -- I guess  
7 the numerous documents that I had to present, you  
8 know, I think that you know based on my experience  
9 I feel that I am qualified and would like to serve  
10 another term I think it's a very rewarding job. I  
11 think it's one where you feel like you can make a  
12 difference and like I said it's just -- it's an  
13 interesting job every day and with the pleasure of  
14 this Commission I'd like to go forward another  
15 term.

16 CHAIRMAN SMITH: All right. Thank you very much. Will  
17 you answer questions from your screening attorney,  
18 please, sir?

19 JUDGE GRAVELY: Okay.

20 JUDGE GRAVELY - EXAMINATION BY MS. ROSS:

21 **Q. Good morning judge.**

22 **A. Good morning.**

23 **Q. You just answered my first question of after**  
24 **servicing six years in the Circuit Court, why you**  
25 **want to continue serving unless you have anything**

1           to add to that answer I'll move on.

2    A.    Nothing.

3    Q.    All right.  Judge, what do you think your  
4           reputation is among attorneys or staff and  
5           personnel that practice before you?

6    A.    Wow.  Hopefully it's not different than what y'all  
7           got.  I think probably that I work hard, that I'm  
8           very accommodating as far as trying to schedule  
9           stuff in.  Been chief admin judge for civil for the  
10          past year.  Probably through the last four years,  
11          you know, when we tried I tell my law clerks, hey,  
12          whatever you need to do to get something scheduled.  
13          Which has been real easy during WebEx because you  
14          really are -- you know, you're able to schedule  
15          things fairly quickly and I like to accommodate  
16          because I feel like that's our job.  Accommodate,  
17          you know, officers that need warrant signed and  
18          stuff.  You know, I met somebody last week in a  
19          tractor supply because I was coming through the  
20          place and they needed to meet with me.  I think  
21          that -- I would think that attorneys would feel  
22          that I was very even.  I don't think that, you  
23          know, whether I'm the State or defense or plaintiff  
24          or defendant I mean I try to be really middle of  
25          the road on any decision I make and not try to

1 benefit either side.

2 Q. Judge Gravely the Commission received 736 ballot  
3 box surveys regarding you with 58 additional  
4 comments. The ballot box survey for example  
5 contained the following positive comments, "Always  
6 patient, fair-minded, and considerate. Judge  
7 Gravely has the perfect temperament. He does a  
8 wonderful job of handing out justice in a tactful,  
9 compassionate manner. He's one of the best judges  
10 we have on the bench."

11 A. I didn't know my mother was -- did one of these.

12 Q. Four of the written comments expressed concerns.  
13 One comment questioned your level of preparedness  
14 and understanding of both civil and criminal rules.  
15 What response would you offer to this concern?

16 A. You know that's interesting. It must have been  
17 somebody that I didn't rule in favor of because I  
18 did a lot of civil work in my career. In fact, I  
19 feel like the civil part is definitely my stronger  
20 suit, although I don't think I'm deficient in the  
21 criminal part. And, you know, I'm one of those  
22 that goes by the rule. The Rules of Civil  
23 Procedure are always -- the book is still right  
24 next to me all the time. I would be surprised if  
25 somebody said I had issues with the Rules of Civil

1 Procedure, or criminal but definitely civil, that's  
2 interesting so. But, you know, always room for  
3 improvement.

4 **Q. A couple of comments question your demeanor as a**  
5 **judge. And can you speak to what you think is the**  
6 **appropriate judicial demeanor?**

7 A. I think that the demeanor should always be  
8 respectful of everybody in the courtroom and I feel  
9 like I always try to do that whether it's not only  
10 lawyers that are your friends but every lawyer that  
11 walks in there, every defendant in a criminal trial  
12 deserves the same respect. I mean, they're  
13 innocent until proven guilty so regardless of the  
14 crime charge every bailiff -- in fact, those are  
15 the people you get closest with, especially when  
16 you travel, are the bailiffs and they're wonderful  
17 people but I believe that everybody deserves the  
18 same respect regardless of who they are.

19 MS. ROSS: Thank you, judge Gravely. I would note that  
20 the Upstate Citizens Committee found Judge Gravely  
21 qualified in the evaluative criteria of  
22 constitutional qualifications physical health and  
23 mental stability. And well qualified in the  
24 evaluative criteria of ethical fitness,  
25 professional and academic ability, character

1 reputation, experience, and judicial temperament.  
2 The Committee had no related or summary comments.

3 Q. I just have a few housekeeping things to run  
4 through with you.

5 A. Okay.

6 Q. Judge Gravely, since submitting your letter of  
7 intent, have you contacted any members of the  
8 Commission about your candidacy?

9 A. No, I have not.

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

13 A. Yes.

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

18 A. No.

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

23 A. No, I have not.

24 Q. Have you reviewed and do you understand the  
25 commission's guidelines on pledging in South



1           **Carolina code § 2-19-70(E)?**

2           A.     Yes.

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

8           CHAIRMAN SMITH: All right. Thank you. Judge Gravely  
9                   appreciate you being here today and let me tell you  
10                  I've been sort of tasked as chairman this year to  
11                  especially for the judges that are up for  
12                  reelection to talk to them a little bit about what  
13                  this Commission focuses on. And, you know,  
14                  honestly when it boils down to it I think what we  
15                  in unison believe is that temperament is probably  
16                  the most important characteristic and attribute of  
17                  a judge. And so we've been looking through these  
18                  and we go through these anonymous ballot boxes and  
19                  these ballot boxes aren't determinative. And it's  
20                  easy to criticize when you don't have to put your  
21                  name next to the criticism, and we all know that.  
22                  But what I really want to point out is -- to you  
23                  and to your colleagues who have overwhelmingly  
24                  demonstrated this is how good these ballot box  
25                  surveys are. Not only about your qualifications

1 and your professional academic ability but the  
2 character, reputation and temperament are the most  
3 important. And when we look at yours, I mean  
4 literally you have like one unqualified on there.  
5 Which is -- puts you in the top echelon of the  
6 judges that we see each time and I want to commend  
7 you for that. And the one word that is replete  
8 throughout all these comment is excellent.  
9 Excellent judge, excellent demeanor, excellent  
10 character, treats everybody fairly, and it's how  
11 you treat the litigants, how you treat the court  
12 staff, how you treat the attorneys says a lot about  
13 you and your character as a judge and so I want to  
14 commend you for that. The only thing I do want to  
15 point out in one of the comments is -- I've never  
16 seen this before and so I think it's a compliment  
17 but I just wanted to get your opinion on it. And  
18 it says Judge Gravely is a sober, intelligent, and  
19 well qualified judge and a pleasant -- pleasure to  
20 appear in front of. So you're the first judge I've  
21 ever seen called sober.

22 JUDGE GRAVELY: It must have been one of those morning  
23 hearings.

24 CHAIRMAN SMITH: So I just wanted to point that one out,  
25 that's unique to us. But thank you for your

1 service and on a personal level I know you're a  
2 Wafford graduate and a very proud Wafford graduate  
3 and you make sure that you give back to your alma  
4 mater and create this Wafford legal society. I'm  
5 sorry I missed it. I had a competing engagement  
6 last week. I hope that went well.

7 JUDGE GRAVELY: Yeah, it did. And we'll have other ones.

8 CHAIRMAN SMITH: Okay. Well please include me on those.

9 I don't know if I had to pay dues or what it was I  
10 didn't see anything so it looked like it was a free  
11 society but those are the best ones to join.

12 JUDGE GRAVELY: That's right.

13 CHAIRMAN SMITH: But I appreciate -- I know you've led  
14 those efforts and given back to the community and  
15 try and encourage the next generation to become  
16 lawyers and teach them the importance and the  
17 principals that they need to carry out if they are  
18 attorneys in the state and I know you've been --  
19 been things at law school with you and Wafford  
20 events and you give back to the legal profession as  
21 much as it's given to you and I appreciate your  
22 service in that regard.

23 JUDGE GRAVELY: Thank you.

24 CHAIRMAN SMITH: Any other questions for Judge Gravely?

25 All right Judge Gravely, keep up the great work and

1 let me know --

2 JUDGE GRAVELY: That's it? Wow, I really thought I'd get  
3 something.

4 CHAIRMAN SMITH: I've got to read you a couple things but  
5 Judge Gravely, let me take this opportunity to  
6 remind you that pursuant to the commission's  
7 evaluative criteria, the Commission expects  
8 candidates to follow the spirit as well as the  
9 letter of the ethics laws and we will view  
10 violations or the appearance of impropriety as  
11 serious and potentially deserving of heavy weight  
12 in screening deliberations. As you may be aware,  
13 the record will remain open until the formal  
14 release of the report of qualifications and you may  
15 be called back at such time if needed. We  
16 appreciate you being here today, we thank you for  
17 your service to the state of South Carolina, wish  
18 you a safe trip back home.

19 JUDGE GRAVELY: Well thank you. Thank you y'all  
20 everything y'all are doing, too.

21 CHAIRMAN SMITH: Good to see you, take care.

22 (Off the Record)

23 CHAIRMAN SMITH: Morning Judge, how are you today?

24 JUDGE KINLAW: Doing wonderful, doing wonderful.

25 MR. STROM: Good morning, judge.

1 JUDGE KINLAW: Been a while since I stood here.

2 CHAIRMAN SMITH: Let me get to your section. All right,  
3 Judge Gravely, good morning.

4 JUDGE KINLAW: Uh -- he just left. I know him though.

5 CHAIRMAN SMITH: Judge Kinlaw. I need to switch the  
6 play. All y'all from the upstate, aren't you all  
7 the same?

8 JUDGE KINLAW: Yeah we kind of blend in up there, you  
9 know, we just filling the gap up there.

10 CHAIRMAN SMITH: Judge Kinlaw, good morning.

11 JUDGE KINLAW: Morning, how are you?

12 CHAIRMAN SMITH: I'm doing well.

13 THE HONORABLE ALEX KINLAW, JR., being duly sworn,  
14 testifies as follows:

15 CHAIRMAN SMITH: All right. Before you you have the  
16 personal data questionnaire and your sworn  
17 statement, are both of those documents you  
18 submitted to the commission?

19 JUDGE KINLAW: Yes, sir.

20 CHAIRMAN SMITH: Are they correct?

21 JUDGE KINLAW: Yes, sir.

22 CHAIRMAN SMITH: Any changes or updates that need to  
23 occur at this time?

24 JUDGE KINLAW: None.

25 CHAIRMAN SMITH: Do you have any objection to us marking

1           those as exhibits to your sworn testimony?

2 JUDGE KINLAW: No objection.

3 CHAIRMAN SMITH: All right. You will be handing them to  
4 Lindi, please, sir. I'm not going to call her  
5 Lindsay today. I'm not getting names correct right  
6 now. And we'll mark those exhibits. Judge Kinlaw,  
7 the Judicial Merit Selection Commission has  
8 thoroughly investigated your qualifications for the  
9 bench. Our inquiry has focused on the nine  
10 evaluative criteria. In addition, we've also  
11 reviewed a ballot box survey, a thorough study of  
12 your application materials, verification of your  
13 compliance with state ethics laws, a search of  
14 newspaper articles in which your name appears,  
15 study of previous screenings and checks for  
16 economic conflicts of interest. There have been no  
17 affidavits filed in opposition to your candidacy  
18 today and there are no witnesses here to testify.  
19 Do you wish to make a brief opening statement to  
20 the commission?

21 (Exhibit Number 5 was marked for identification purposes  
22 - (12 pages) Personal Data Questionnaire for The  
23 Honorable Alex Kinlaw, Jr.)

24 (Exhibit Number 6 was marked for identification purposes  
25 - (5 pages) Sworn Statement for The Honorable Alex

1 Kinlaw, Jr.)

2

3 JUDGE KINLAW: Yes. It's been my absolute pleasure to  
4 have served on the judiciary the last almost 14  
5 years that I have. Nine years on the Family Court,  
6 and almost four years on this court. And the only  
7 thing I would like to say is that when I was -- and  
8 I'll make it very brief. I guess some fourteen  
9 years ago, when I attended the national judicial  
10 college in Reno, Nevada, one of the things that  
11 resonated with me was what the qualities should be  
12 for a judge. In terms of when litigants come  
13 before them. Particularly on the criminal side.  
14 And as it's always stuck with me I'll tell you what  
15 it is. Always look at, on the criminal side, the  
16 nature of the offense, the danger to the community,  
17 whether there's a rehabilitation piece and always  
18 recidivism. I think every judge needs to look at  
19 those four categories no matter what the situation  
20 is, particularly on the criminal side. On the  
21 civil side you just got to hear it and follow the  
22 law.

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

1 JUDGE KINLAW - EXAMINATION BY MR. PEARCE:

2 Q. Good morning, judge.

3 A. Good to see you Rich.

4 Q. Yes, sir. My pleasure. What do you think your  
5 reputation is amongst the members of the bar and  
6 court personnel that you work with in your  
7 courtroom and on legal matters?

8 A. Well, you know, I would hope that it's a good.  
9 I've had a good relationship with members of the  
10 bar, and during the period of time I've been on the  
11 judiciary, I've probably been in 39 of 46 counties  
12 that we have and I've been there more -- probably  
13 more than once. So I've gotten to know not only  
14 the members of the judiciary in those circuits but  
15 got to know the staff, the clerks office and all  
16 that. And let me say this, a judge is only as good  
17 as the staff that he works for. And I don't think  
18 the clerk of court, and all these people that help  
19 the judge, get enough credit. I really don't. I  
20 really think they work extremely hard and they're  
21 the people behind the scenes that makes things work  
22 in all of these counties. So I want to applaud  
23 them. And your judge is only as good as the staff  
24 that those counties provide. And I think they do  
25 an excellent job. And I just want to toot their



1 horn today while I'm here.

2 Q. The Commission received input from as many as 465  
3 lawyers who filled out ballot box surveys regarding  
4 you, Judge. Also received were 43 additional  
5 comments. The ballot box survey for example  
6 contained the following positive comments, "Great  
7 temperament, fair, knowledgeable, pleasant,  
8 consistent, has a great BS detector, firm but well  
9 balanced, requires litigants to follow the rules,  
10 right demeanor for the job, actually practiced law  
11 before taking the bench" and that you use court  
12 time efficiently. Amongst these additional  
13 comments ten people expressed concerns. A few  
14 question your knowledge of the law and you've  
15 spoken to that. Others question your impartiality,  
16 citing your comments from time to time, and the  
17 work that you did as a public defender when folks  
18 appeared before you in cases. What response would  
19 you offer to that expressed concern?

20 A. Well, I'll tell you this, when I served as a public  
21 defender back in the 80s the public defender system  
22 had not been, you know, created so we were working  
23 -- they had public defenders. And I've served with  
24 five individuals and what our goal was, when I was  
25 a public defender, to make sure that we were just

1 as good, just as efficient as the private bar.  
2 Because those who are lawyers, you hear this all  
3 the time. Well I don't want to hire a public -- I  
4 don't want a public defender, I want a paid lawyer.  
5 I never could understand the distinction between  
6 those two. But when I was there we tried to be as  
7 efficient as the paid lawyers. And let me tell you  
8 today I report today that three of those five  
9 persons that were in that office are now judges.  
10 And I think that speaks very highly. And let me  
11 just tell you because of that, when lawyers come  
12 before me, because of my experiences as a public  
13 defender and a private lawyer, I expect them to  
14 represent their clients. And I do ask the  
15 additional questions, I do ask -- I may ask you a  
16 question based upon what the client says,  
17 particularly on serious matters. How much time  
18 have you spent with your lawyer? If the client --  
19 if the defendant says well I only saw them one  
20 time, I've got an obligation to look into that  
21 because not only that, we've got to make sure that  
22 we reduce the amount of PCR applications coming in  
23 on ineffective assistance of counsel. I'm not rude  
24 when I do it. Lawyers may not like it, but I'll  
25 say listen, I think I'm going to stand this down, I

1 think you need to spend a little bit more time  
2 talking with your client about this case before we  
3 go forward. That's the fair and the right thing to  
4 do. And I stand by that. That's my public  
5 defender experience. Lot of lawyers don't like  
6 that, they want to push it on through. I'm not  
7 that kind of judge. I didn't sign up for that, do  
8 that. I want to make sure that it's done the right  
9 way.

10 **Q. An additional concern that was expressed was that**  
11 **the identity of the lawyers might affect your**  
12 **treatment of them in the courtroom versus other**  
13 **lawyers in the courtroom. What response would you**  
14 **have to that expressed concern?**

15 A. Well, you know, I became a member of the bar in  
16 1978. And over that period of time I know a ton of  
17 lawyers. I know them, over the years I just know -  
18 - every county I just know a bunch of lawyers.  
19 What I've tried to do is -- and I will say this, I  
20 have -- I make it a point that if lawyers come in  
21 and I know this lawyer better than I know this  
22 lawyers, you know -- and a lawyer who knows me  
23 probably more than this other lawyer and he comes  
24 in hey Judge Kinlaw, good to see you again, haven't  
25 seen you in such and such time. I'll say, good to

1 see you, well the other lawyer looks at me and you  
2 know I can't control what they say. But what I try  
3 to do is to be even keeled and not get into that.  
4 I don't have any discussions with one lawyer as  
5 opposed to the other. I don't talk Clemson  
6 football game, I don't talk USC football game, I  
7 don't do any of that. Because I think it gives the  
8 litigants the impression that I'm with the other  
9 lawyers. A lot of the younger lawyers I don't  
10 know. I probably know some of the younger lawyers'  
11 fathers, now. And I never thought I'd be old  
12 enough to say that. But a lot of young ones I  
13 don't know. But a lot of the older ones I've known  
14 over the years. So kind of very difficult to not  
15 know lawyers when you've been doing this as long as  
16 I have.

17 MR. PEARCE: Thank you, Judge Kinlaw. I would note that  
18 the Upstate Citizens Committee found Judge Kinlaw  
19 to be qualified in the criteria of constitutional  
20 qualifications, physical health, and mental  
21 stability. The Committee also found him well  
22 qualified in the criteria of ethical fitness,  
23 professional and academic ability, character,  
24 reputation, experience, and judicial temperament.

25 **Q. Judge Kinlaw, since submitting your letter of**

1 intent, have you contacted any members of the  
2 Commission about your candidacy?

3 A. No.

4 Q. Are you familiar with South Carolina code § 2-19-  
5 70, including it's limitations on contacting  
6 members of the General Assembly regarding your  
7 screening?

8 A. Very familiar with that.

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

13 A. No, I have not.

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

18 A. No, I am not.

19 Q. Have you reviewed and do you understand the  
20 commission's guidelines on pledging and South  
21 Carolina code § 2-19-70 sub-part E?

22 A. I do.

23 MR. PEARCE: I would note for the record that any  
24 concerns raised during the investigation I  
25 conducted regarding this incumbent candidate were

1 incorporated in my questioning him today. And Mr.  
2 Chairman, I have no further questions at this time.  
3 CHAIRMAN SMITH: All right. Thank you so much. Judge  
4 Kinlaw, let me just I'll start off and I've been  
5 tasked as chairman this year, especially for the  
6 sitting judges who are up for reelection, to kind  
7 of express to the candidates what's important to us  
8 as we review everything. And the one thing I  
9 think's unanimous amongst all of us is your  
10 character, your reputation, and your temperament  
11 are what's most important in a judge. And so when  
12 we look through these anonymous bar -- ballot box  
13 surveys, you know they can without impunity  
14 criticize a judge and exact any concerns or revenge  
15 or any issues they may have and so, you know,  
16 they're not determinative in and of themselves of how  
17 the judge is. But they can indicate where there's  
18 a problem and when there's not a problem by when we  
19 look at the percentage of the complaints. And so,  
20 you know, I want to commend you as I look through  
21 these. You are really one of the lowest  
22 percentages of the judges that we have in the  
23 state. I know we screened you a few years ago and  
24 think you ran maybe three, four years ago that you  
25 ran for a Circuit Court judge and you've carried

1 your wonderful reputation from the Family Court on  
2 to the Circuit Court and I think that's important  
3 that you understand what your peers think of you  
4 and those attorneys that appear in front of you.  
5 And the way you treat litigants, the way -- I  
6 really appreciate your comments about the court  
7 staff. Because that's the one thing I learned as a  
8 young lawyer, the people you need to be nice to are  
9 the ones that run the court. They can help you  
10 more than a judge or any other lawyer over there  
11 because they know what goes on in the courtroom.  
12 And, you know, I think treating those that are  
13 around you in a court room is probably one of the  
14 best comments I've heard this entire screening. So  
15 I want to congratulate you on the way you're doing  
16 your job. I want to thank you for your service and  
17 the ideals you're upholding of the judiciary  
18 because you are reflective of what the South  
19 Carolina judiciary looks like every time you walk  
20 in a courtroom. And it appears to me that from  
21 these responses and these screenings from the other  
22 entities that you are doing a great job. Also I go  
23 back to I want to correct you on what they said in  
24 Sumter about the public defenders when I was over  
25 there. Is they did say some paid lawyers but most

1 times they say, I don't want you I'm going get a  
2 real lawyers when I was a public defender. So I  
3 always loved that one. I'll never forget I tried a  
4 case one time and he got -- it was very serious  
5 charges and he got convicted of some lesser charges  
6 and he said, you ain't bad for a public defender.  
7 So I know what you went through back in the 80s. I  
8 did it in the 90s and we were talking the other day  
9 how the thing about there was really no discovery,  
10 there was no -- you had a hundred cases, you found  
11 out you were trying the case when you arrived at  
12 the courthouse this morning and the morning which  
13 one it was. But it taught us how to think on our  
14 feet, how to get prepared in a hurry, and how to be  
15 a lawyer. I miss those days but I know you enjoy  
16 them.

17 JUDGE KINLAW: I'll say this as I walk out the door. You  
18 know, looking at over the years I'll tell you young  
19 public defenders do come up to me all the time and  
20 ask me how was it. I said, you know, after the  
21 first few years until I really, really, really knew  
22 what I was doing, I just prayed that nobody went to  
23 jail because of me, because I didn't know what I  
24 was doing. But -- and that's important, but I  
25 enjoyed my time there. I also worked at legal



1 services agency before then and I applaud what  
2 they're doing. A lot of people don't understand  
3 what legal services means to this country. Because  
4 there are so many people, and I tell you this and  
5 I'm going to walk out the door on this note. There  
6 are so many people that just need legal help. And  
7 the key thing is you've got to treat everybody like  
8 that. No matter who they are, what position they  
9 are, you got to treat them like that. And that's  
10 what I've tried to do the entire time that I've  
11 been with this bench. You got any questions for me  
12 or? Be glad to answer them.

13 CHAIRMAN SMITH: All right, well, lack of questions  
14 demonstrates the faith they have in the job you're  
15 doing.

16 JUDGE KINLAW: All right.

17 CHAIRMAN SMITH: So Judge Kinlaw let me remind this --  
18 let me take this opportunity to remind you that  
19 pursuant to the Commission's evaluative criteria  
20 the Commission expects candidates to follow the  
21 spirit as well as the letter of the ethics law and  
22 we will view violations or the appearance of  
23 impropriety as serious and potentially deserving of  
24 heavy weight in screening deliberations. As you  
25 know the record will remain open until the formal

1 release of the report of qualifications and you may  
2 be called back if such need arises. We thank you  
3 for your willingness to be here today and thank you  
4 for your service to the state of South Carolina.  
5 Wish you safe travels home.

6 JUDGE KINLAW: It was pleasant to see all you guys.

7 CHAIRMAN SMITH: You too, take care.

8 (Off the Record)

9 CHAIRMAN SMITH: Judge Snelgrove, how you doing today?

10 JUDGE SNELGROVE: I'm doing well, and you?

11 CHAIRMAN SMITH: I am doing well. I don't know if -- I  
12 think we may be ahead of time.

13 JUDGE SNELGROVE: Yeah mine was at 11:30 but she called  
14 me and said y'all running ahead so I had my husband  
15 throw me out on the curb and come on up.

16 CHAIRMAN SMITH: Well, I can't thank you enough.

17 THE HONORABLE VICKI J. SNELGROVE, being duly sworn,  
18 testifies as follows:

19 CHAIRMAN SMITH: All right. You have before you your  
20 personal data questionnaire, your sworn statement,  
21 are both those documents that you have submitted to  
22 this Commission? And are both of them correct?

23 JUDGE SNELGROVE: Yes, sir.

24 CHAIRMAN SMITH: Okay. Any changes or updates need to be  
25 made at this time?

1 JUDGE SNELGROVE: Not that I can think of, no.

2 CHAIRMAN SMITH: Do you have any objection to us making  
3 those as exhibits to your sworn testimony here  
4 today?

5 JUDGE SNELGROVE: No objection.

6 CHAIRMAN SMITH: All right. Without objection we'll make  
7 those exhibits. Will you hand them to Lindi for me  
8 please, ma'am? All right, Judge Snelgrove, the  
9 Judicial Merit Selection Commission has thoroughly  
10 investigated your qualifications for the bench. It  
11 is focused on the non evaluative criteria and also  
12 has included a ballot box survey, a thorough study  
13 of your application materials, verification of your  
14 compliance with state ethics laws, search of  
15 newspaper articles in which your name appears,  
16 study of previous screenings and checks for  
17 economic conflicts of interest. There have been no  
18 affidavits filed today in opposition to your  
19 candidacy and there are no witnesses here to  
20 testify. Do you wish to make a brief opening  
21 statement to the Commission?

22 (Exhibit Number 7 was marked for identification purposes  
23 - (12 pages) Personal Data Questionnaire for The  
24 Honorable Vicki J. Snelgrove.)

25 (Exhibit Number 8 was marked for identification purposes

1 - (2 pages) Amendment Personal Data Questionnaire for The  
2 Honorable Vicki J. Snelgrove.)

3  
4 (Exhibit Number 9 was marked for identification purposes  
5 - (5 pages) Sworn Statement for The Honorable Vicki J.  
6 Snelgrove.)

7 JUDGE SNELGROVE: I do not, sir. No.

8 CHAIRMAN SMITH: All right. Thank you very much. Answer  
9 any questions your screening attorney may have for  
10 you.

11 JUDGE SNELGROVE - EXAMINATION BY MS. BAKER:

12 **Q. Good morning, Judge.**

13 A. Good morning.

14 **Q. After serving eleven years on the Family Court why  
15 do you want to continue serving?**

16 A. Every time you think you have heard it all there's  
17 always another new story to hear. I think I just -  
18 - I think I'm getting better. I think I'm getting  
19 less shockable and a little bit more creative.  
20 People come to Family Court with issues that are  
21 simply amazing at times. And sometimes you have to  
22 be a little bit creative to see if you can solve  
23 problems for them that didn't work for the next  
24 family.

25 **Q. Yeah. And Judge, what do you think your reputation**

1           **is among attorneys that practice before you?**

2   A.    I think I have a reputation for being prepared,  
3           that I know the file as well as they know the file.  
4           And times I feel like I know the file better than  
5           some of the attorneys that appear in front of me.  
6           That I'm fair, that I follow the rules and I  
7           explain my rulings rather well and -- but I let a  
8           lawyer try his or her case.

9   **Q.    Judge, since your last screening a lawsuit was**  
10       **filed against you in 2018 in the U.S. District**  
11       **Court by Michael Alexander Collins relating to some**  
12       **prison conditions. Could you please explain the**  
13       **nature or disposition of the suit?**

14   A.    I didn't know anything about it until my screening  
15           because I was never served with that lawsuit. And  
16           I saw that it was dismissed without even service.  
17           I think I had Mr. Collins in front of me on a DSS  
18           case so obviously I had nothing to do with any  
19           prison sentence that he had. So I think I was  
20           among very distinguished jurists being named as  
21           defendant in that suit so it really didn't bother  
22           me all that much.

23   **Q.    Judge, the commission has received 449 ballot box**  
24       **surveys regarding you, with 46 additional comments.**  
25       **The ballot box surveys, for example, contain the**

1 following positive comments, "Judge Snelgrove is  
2 one of the finest judges we have on the Family  
3 Court bench. She handles her cases with great  
4 knowledge, humility, and concerns for the parties  
5 before her. It is always a pleasure to be in her  
6 courtroom. She tries hard to get to the heart of  
7 the matters in front of her. She treats my clients  
8 with respect and compassion. She knows the law and  
9 applies it fairly." Four of the written comments  
10 expressed some concerns. Some of these concerns  
11 indicated that you were not partial, depending on  
12 the attorneys involved or whether they represented  
13 certain parties, for example, DSS. What response  
14 would you offer to that concern?

- 15 A. On the DSS one, this is what would really be  
16 important to know the source of that because if it  
17 is a private attorney that has maybe appeared in  
18 front of me one time that doesn't concern me a  
19 whole lot that he or she may have had that  
20 impression. However, if it was a 608 attorney that  
21 appears in front of me frequently I would need to  
22 take a look at myself. I would need to practice  
23 insight or use my insight to see. And that's why I  
24 really would like to know if it was an attorney  
25 that appeared in front of me -- a 608 attorney that

1 appeared in front of me frequently. Because that  
2 would really mean something to me that I do need to  
3 take a look at how I deal with DSS cases and what  
4 bias I may have that I need to look at strongly.

5 **Q. Judge, another concern that was expressed was that**  
6 **you have poor judicial temperament, that you can be**  
7 **rude or lack compassion. What response would you**  
8 **offer to concern about your temper?**

9 A. That one would be the time -- I would like to know  
10 the circumstances, and I'll tell you in all honesty  
11 I would say November -- around February, March of  
12 this year I found myself being extraordinarily  
13 impatient. I lost a daughter a year ago and I have  
14 since then gotten some help for that. So I  
15 recognized it. I recognized myself coming off the  
16 bench just really angry and though people may have  
17 done odd things, but some of it might been -- but  
18 it's still not appropriate for me to -- so  
19 therefore I have taken great measures to address it  
20 and I feel like I've addressed it fairly well.

21 **Q. Thank you, Judge.**

22 MS. BAKER: The Citizens Committee -- I would note that  
23 the Midlands Citizens Committee found Judge  
24 Snelgrove qualified in the evaluative criteria of  
25 constitutional qualifications, physical health, and

1           mental health. The Committee found her well  
2           qualified in the evaluative criteria of ethical  
3           fitness, professional and academic ability,  
4           character, reputation, experience, and judicial  
5           temperament. The Committee stated, in summary,  
6           "excellent qualifications and temperament, well  
7           qualified."

8   **Q. Judge, I have a few housekeeping issues. Since**  
9   **submitting your letter of intent have you contacted**  
10 **any members of the Commission about your candidacy?**

11 A. No, ma'am.

12 **Q. Are you familiar with § 2-19-70, including the**  
13 **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**  
18 **either prior to this date or pending the outcome of**  
19 **your screening?**

20 A. No, ma'am.

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

25 A. No, ma'am.



1 Q. Have you reviewed and do you understand the  
2 commission's guidelines on pledging and South  
3 Carolina code § 2-19-70(E)?

4 A. Yes, ma'am.

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

10 CHAIRMAN SMITH: Judge Snelgrove, let me begin by saying  
11 I'm sorry to hear about the loss of your daughter  
12 and certainly I know it's tough. And I appreciate  
13 your comments and everyone has some bad days and  
14 so, you know, to go through a loss like that I  
15 commend you that you continued on and certainly  
16 we'll pray for comfort as we move forward.

17 JUDGE SNELGROVE: Thank you.

18 CHAIRMAN SMITH: So, I'm sorry to hear that. Let me --  
19 I've been tasked by the Committee to kind of tell  
20 the judges as we go through this, as we look at the  
21 ballot box surveys in accordance to this Committee,  
22 of judges, especially the sitting judges, to look  
23 at their character, their reputation, and their  
24 temperament. And those are anonymous surveys that  
25 have been provided to us in a ballot box survey.

1 And they're anonymous and you know your worst  
2 critics can take a free shot at you without any  
3 accountability or they can make things up about  
4 you. But when you look at these they're not  
5 determinative in and of themselves when we review it  
6 but it indicates whether there's a problem or a  
7 pattern with judges. And so, you know, we want to  
8 bring those to the attention of the judge or if  
9 they are doing well we also want to bring that to  
10 their attention. And so I want to commend you as I  
11 look through these, there are less than one hand of  
12 anyone saying anything negative about you in any of  
13 those conditions, any of those characteristics. No  
14 -- everyone finds -- you basically found you well  
15 qualified so you're doing something right on the  
16 bench. And you know what we want to do is  
17 recognize you and thank you for doing that and  
18 upholding the ideals and the principles of the  
19 judiciary. Those of us who are practicing lawyers  
20 are very proud of the South Carolina Bar and think  
21 that we have one of the greatest bars in the state  
22 I think some judge said he went to -- he would put  
23 up the South Carolina lawyers to any other lawyers  
24 around the state -- around this country. And we  
25 are very proud of our judiciary, and proud of what

1 they do, and you're upholding those ideals. So we  
2 want to thank you for that and thank you for your  
3 service to the state in making sure that people are  
4 getting a fair and -- fair hearing in front of you.  
5 And more importantly when you look at this, and I  
6 look through some of these comments, and they talk  
7 about how you treat people. And when people make  
8 remarks about how you treat them and the staff at  
9 the courthouse. That's an important characteristic  
10 to know that you're doing something right. And  
11 somebody says you treat the staff, the litigants,  
12 and attorneys with respect and so we recognize that  
13 and we appreciate that. Any questions for judge  
14 Snelgrove? Mr. Strom.

15 MR. STROM: Morning judge.

16 JUDGE SNELGROVE: Good morning.

17 MR. STROM: I probably had five Family Court cases in my  
18 thirty-five years and you've been involved in a  
19 couple of them and I thought your demeanor was  
20 perfect. You were well prepared. I'll tell you  
21 both of my cases involved children. And I was  
22 scared to death that I wasn't going to do a good  
23 job with my clients. And my concern was further  
24 than I didn't ever feel like I had enough time to  
25 put my case up. And I know that's not you, that's

1 the system. But can you help up with any ideas  
2 about how the Family Court system could change  
3 where we could -- people are representing children  
4 we've got time to prove your case to the judge?  
5 But you got it right off the bat. You got the  
6 right decisions, thank God, because.

7 JUDGE SNELGROVE: I ruled for you, therefore it was the  
8 right decision.

9 MR. STROM: Well well, probably, but -- but in all  
10 seriousness, I mean, you go to Family Court and  
11 you sit around for hours and then you've got a case  
12 you want to put up and everybody's running behind  
13 and you really don't ever have opportunities to  
14 prove your case. And if you wanted to try your  
15 case with all your witnesses you're talking about a  
16 year out to get enough court time to do it. And so  
17 you end up compromising and really it's a due  
18 process issue as far as I'm concerned. Any  
19 comments on that or thoughts on that?

20 JUDGE SNELGROVE: Well, one thing that Covid did help us  
21 on is when you were doing them virtually we would  
22 have for temporary hearings. Have your packets  
23 sent ahead of time. So I had read everything  
24 before we started the hearing. So for that 15  
25 minute hearing I wasn't reading your affidavits and

1 your packages which usually takes a good nine to  
2 ten minutes when they're pretty good packages.  
3 Which leaves, theoretically, five minutes left to  
4 go. I've never -- I don't know that I've ever done  
5 a really contested temporary hearing in fifteen  
6 minutes. What I tell younger judges is you start  
7 at 9:00 -- I start at 9:00. And oddly enough even  
8 though you look at that docket and you're  
9 overwhelmed with 21 hearings for today and you're  
10 going I don't know how I can get this done. Some  
11 of them are going to settle. Some of them are  
12 going to get continued. At the end of the day you  
13 usually are finished around 5:00 or 5:15. But my  
14 temporary hearings for like a custody case, even if  
15 it's set fifteen minutes, it's going to take 30  
16 minutes. I read the affidavits when we're in  
17 person. I read in the affidavits in front of your  
18 client. Because I appeared in court too many times  
19 where I would give that judge that temporary packet  
20 on the bench and it would sit there the entire  
21 hearing and never got opened. And after some oral  
22 argument he would then rule and I knew he never  
23 looked at the affidavits. And that was really  
24 important to me. Clients pay a lot of money for  
25 those temporary hearings, a lot of money. And so I

1 read the affidavits in front of the client so that  
2 they know they've been read. My hearing's going  
3 take longer than 15 minutes. And 99 percent of the  
4 time I rule from the bench for temporary hearings.  
5 And there's a big dispute between us as judges well  
6 if you rule from the bench they don't think you've  
7 taken enough time. My philosophy is, I've read  
8 everything in front of you, I've heard everything  
9 your lawyer had to tell me, I don't put a clock on  
10 a lawyer. I've never put a clock on a -- now if  
11 you're repeating what you say -- and I do tell  
12 attorneys I've read the affidavits, don't repeat  
13 what's in it. Don't tell me these people got  
14 married in October of 1982 and they have three  
15 children, I've read that in the affidavits so you  
16 don't need -- that's one way to do it is get them  
17 to go -- Mr. Strom, you know where I want to go. I  
18 want you to respond to the other guys is what I'm  
19 looking for I don't need to re-hear your story. So  
20 at the end of the day you usually can get done by  
21 five fifteen and address it. But I've had -- I had  
22 judges that go okay, Ms. Snelgrove, you've got  
23 three minutes to go. I don't do that because when  
24 it comes to children, I think if your story is a  
25 little bit longer than three minutes, I think I

1           need to hear it. But as far as trials I don't know  
2           what we're going to do. We're doing A, B and C  
3           dockets now. Just last week in Richland County I  
4           had a two-day A trial, a two-day B trial, and we  
5           did both of them. You go in early and you stay  
6           late.

7 MR. STROM: In your circuit if you needed a two-day trial  
8           how long would it be -- in Family Court, how long  
9           would it be before you --

10 JUDGE SNELGROVE: If you were to send in your request  
11           today? She has probably so much request that she's  
12           filling in now for January to June since we just  
13           got that docket. Two days would probably be April.  
14           Yeah, I think it'd be. I think a two-day trial  
15           would be probably April.

16 MR. STROM: Thank you.

17 CHAIRMAN SMITH: Any further questions? All right, Judge  
18           Snelgrove thank you so much, this concludes this  
19           portion of your screening. Let me take this  
20           opportunity to remind you that pursuant to the  
21           Commission's evaluative criteria, the Commission  
22           expects candidates to follow the spirit as well as  
23           the letter of the ethics laws and we will view  
24           violations or the appearance of impropriety as  
25           serious and potentially deserving of heavy weight

1 in the screening deliberations. As you may know,  
2 the record will remain open until the formal  
3 release of the report of qualifications and you may  
4 be called back at such time if the need arises.  
5 Thank you for being here today and thank you for  
6 your service to the state of South Carolina.

7 JUDGE SNELGROVE: Thank you. And thank you for your  
8 work.

9 CHAIRMAN SMITH: All right. Take care.

10 (Off the Record)

11 MR. KIMPSON: Good morning.

12 CHAIRMAN SMITH: Judge Kimpson. Appreciate you being  
13 here early today.

14 JUDGE KIMPSON: It's not a problem whatsoever I was --  
15 I'm less than five minutes in the Brown building  
16 and of course maybe ten years ago I could have  
17 gotten here in two minutes. It takes a little bit  
18 longer now. Thank you for having me.

19 CHAIRMAN SMITH: All right. Thank you.

20 THE HONORABLE MILTON G. KIMPSON, being duly sworn,  
21 testifies as follows:

22 CHAIRMAN SMITH: Before you, you have your personal data  
23 questionnaire and your sworn statement. Are both  
24 of those documents you've submitted to the  
25 Commission? Are they correct?



1 JUDGE KIMPSON: Yes, sir.

2 CHAIRMAN SMITH: Are there any changes that need to be  
3 made at this time?

4 JUDGE KIMPSON: No, sir.

5 CHAIRMAN SMITH: Do you have any objections to us making  
6 those as exhibits to your sworn testimony here  
7 today?

8 JUDGE KIMPSON: No objection.

9 CHAIRMAN SMITH: All right. Without objection will you  
10 hand them to Lindi for us please, sir and we'll  
11 mark those as exhibits. Judge Kimpson, the  
12 judicial merit selection commission has thoroughly  
13 investigated your qualifications for the bench.  
14 Our inquiry has focused on the nine evaluative  
15 criteria and has also included a ballot box survey,  
16 thorough study of your application materials,  
17 verification of your compliance with state ethics  
18 laws, study of previous screenings and checks for  
19 economic conflicts of interest. We've received no  
20 affidavits today in opposition to your candidacy  
21 and no-one is here to testify against you so do you  
22 wish to make a brief opening statement to the  
23 commission?

24 (Exhibit Number 10 was marked for identification purposes  
25 - (15 pages) Personal Data Questionnaire for The

1 Honorable Milton G. Kimpson.)

2 (Exhibit Number 11 was marked for identification purposes  
3 - (2 pages) Amendment to the Personal Data Questionnaire  
4 for The Honorable Milton G. Kimpson.)

5  
6 (Exhibit Number 12 was marked for identification purposes  
7 - (2 pages) Sworn Statement of The Honorable Milton G.  
8 Kimpson.)

9 JUDGE KIMPSON: Only to say that once again I appreciate  
10 this opportunity. I was sworn in to the  
11 Administrative Law Court in July of 2017 and it's  
12 been a wonderful experience. It's challenging,  
13 there's something new every day. I practiced law  
14 of course prior to that time and trial de novos.  
15 The ALC however has given me an opportunity to  
16 actually do some appellate and act as an appellate  
17 court judge. So I just look forward to my  
18 continual -- hopefully what will be continued  
19 service at the Administrative Law Court.

20 CHAIRMAN SMITH: All right. Thank you very much. Will  
21 you answer any questions your screening attorney  
22 may have for you, please, sir.

23 JUDGE KIMPSON - EXAMINATION BY MS. DEAN:

24 MS. DEAN: Thank you Mr. Chairman.

25 **Q. Judge Kimpson, in your amended PDQ you mention**

1 three lawsuits. Kimpson vs. Elouise to collect a  
2 bad check written by a client, Kimpson v. Warren  
3 again to collect a bad check written by a client,  
4 and Kimpson v. Trotman for a debt collection case  
5 that was settled. Are those correct summaries?

6 A. Yes.

7 Q. Thank you. Judge Kimpson, what do you think about  
8 -- what do you think your reputation is among  
9 attorneys that appear before you and court staff?

10 A. I would hope that people see me as being objective,  
11 striving at every opportunity to be fair, to fairly  
12 evaluate their arguments. And of course I've heard  
13 this and I just hope it's true that I'm courteous  
14 to people. And what's important to me is that, and  
15 I think I said this when I was before you several  
16 years ago, I try to act as a judge for the judges  
17 that I've been before that I appreciated to appear  
18 before. So those are the things I strive for.  
19 Courteousness, objectiveness, and fairness.

20 Q. Thank you, Judge. Judge Kimpson, the Commission  
21 received 490 ballot box surveys regarding you with  
22 39 additional comments. The ballot box survey for  
23 example contained the following positive comments,  
24 "Hardworking and fair." and "Fair and has a bright  
25 legal mind." One expressed concern is that your

1           **opinions do not follow a logical path. Could you**  
2           **explain a bit about your opinion and order-writing**  
3           **process?**

4    A.    Typically what I do -- of course there are  
5           procedures for more routine orders possibly a law  
6           clerk or a staff attorney may -- may produce a  
7           draft and then I will look at that. We have, at  
8           the Administrative Law Court, a video taping system  
9           and where my notes are insufficient or I've written  
10          some I can't even read my notes I go back often to  
11          that video system. But essentially what I will do  
12          is for more routine case I will go back to an  
13          earlier order. And I don't believe in cutting and  
14          pasting but I'll use that as a model. We have had  
15          some interesting orders with regard to certificates  
16          of need, some DHEC orders, that there are no  
17          patterns so we'll just start with an order.  
18          Typically, for my more difficult orders, if a staff  
19          attorney doesn't -- I'll sit and talk with my law  
20          clerk and my staff attorney and get ideas. But I  
21          typically will produce a draft with regard to that.  
22          I would imagine that the orders that anybody says  
23          are difficult to follow is because often, even in  
24          the midst of an order, I'm trying to make up my  
25          mind. And I will weigh evidence and talk about

1 evidence that is good and bad for a party. I was -  
2 - I am not afraid even in the context of an order.  
3 When -- even if I find for a party, I'm not worried  
4 in the context of an order by saying something that  
5 might be, at first glance, inconsistent with that  
6 finding because it was something that bothered me  
7 about, say, the respondent's or petitioner's case.

8 **Q. Thank you, Judge. And again for the record the**  
9 **vast majority of those comments were positive in**  
10 **nature.**

11 MS. DEAN: I would note that the Midlands Citizens  
12 Committee found judge Kimpson qualified in the  
13 evaluative criteria of constitutional  
14 qualifications, physical health and mental  
15 stability. The Committee found him well qualified  
16 in the evaluative criteria of ethical fitness,  
17 professional and academic ability, character,  
18 reputation, experience and judicial temperament.  
19 The Committee stated in summary, "Well qualified in  
20 all respects with great reputation. Well  
21 qualified."

22 **Q. Just moving to some housekeeping issues, Judge.**  
23 **Since submitting your letter of intent, have you**  
24 **contacted any members of the Commission about your**  
25 **candidacy?**

1 A. I have not.

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

5 A. I am.

6 Q. Since submitting your letter of intent, have you  
7 sought or received the pledge of any legislator  
8 either prior to this date or pending the outcome of  
9 your screening?

10 A. I have not.

11 Q. Have you asked any third parties to contact members  
12 of the General Assembly on your behalf or are you  
13 aware of anyone attempting to intervene in this  
14 process on your behalf?

15 A. I have not done so and I am not aware of anyone.

16 Q. Okay. Have you reviewed and do you understand the  
17 commissions guidelines on pledging and South  
18 Carolina code § 2-19-70(E)?

19 A. I am.

20 MS. DEAN: I would just note for the record that any  
21 concerns raised during the investigation regarding  
22 the candidate were incorporated into the  
23 questioning of the candidate today. Mr. Chairman,  
24 I have no further questions.

25 CHAIRMAN SMITH: Okay. Thank you very much. Judge

1 Kimpson, we were up here -- Vice Chairman I'm using  
2 -- your voice is completely different from your  
3 brother's so can you explain the difference to us?

4 JUDGE KIMPSON: Somehow he has an acquired twang. I  
5 cannot -- he's different from anybody in our  
6 family.

7 CHAIRMAN SMITH: So you're saying he made that up for  
8 political purposes, huh?

9 JUDGE KIMPSON: I have no idea how he came up with the  
10 twang. But it is very different.

11 CHAIRMAN SMITH: Oh, goodness. Well, Judge Kimpson, let  
12 me just say this and is one of the things we do in  
13 this time especially with sitting judges is talking  
14 to them about what we view as important  
15 characteristics in a judge. And you know your  
16 reputation and your temperament are very important  
17 and when we look at this and for these when we look  
18 at your candidacy and we look at these ballot box  
19 surveys and specifically ask for questions  
20 concerning your character, your reputation, and  
21 your judicial temperament and you score -- well  
22 amongst the highest in the state. So, you know, I  
23 wanted to recognize that. Those of us who've known  
24 you would expect no less from you but I just I look  
25 at this. You had zero people finding you

1 unqualified for your temperament. That means  
2 you've never had a bad day in your courtroom  
3 really, and so -- or at least people didn't  
4 perceive you to have a bad day in your courtroom so  
5 I wanted to just commend you for that.

6 JUDGE KIMPSON: Thank you.

7 CHAIRMAN SMITH: Encourage you to keep up that great  
8 work. Thank you for your service to us and to the  
9 state of South Carolina. And we appreciate the way  
10 you're handling your courtroom and appreciate the  
11 way you're upholding the integrity and the judicial  
12 branch. So thank you so much for that.

13 JUDGE KIMPSON: Thank you.

14 CHAIRMAN SMITH: Any further questions? Senator Sabb.

15 SENATOR SABB: No questions, Mr. Chairman, but I would  
16 like to make a comment. So Judge Kimpson and I met  
17 when we were both in law school at a moot court  
18 competition and that we were in Baton Rouge,  
19 Louisiana. And, of course, when I met him the name  
20 Milton Kimpson stuck out because when I was an  
21 undergrad I had his dad to come speak at a founders  
22 day program. And so I asked him whether or not he  
23 knew Milton Kimpson of course he was Milton, Jr.  
24 And, of course, we developed a relationship. And I  
25 say all of that to say that the kind, gentle,



1 intelligent law school student that I met has  
2 simply blossomed into a wonderful lawyer, judge,  
3 and I just could not be more proud of him. And so  
4 I just wanted to share that personal story with  
5 y'all.

6 JUDGE KIMPSON: Thank you. Thank you very much.

7 CHAIRMAN SMITH: All right. Any further questions?

8 Judge Kimpson, thank you, and this will conclude  
9 this portion of your screening process. I want to  
10 take this opportunity to remind you that pursuant  
11 to the Commission's evaluative criteria the  
12 Commission expects candidates to follow the spirit  
13 as well as the letter of the ethics law. We will  
14 view violations or the appearance of impropriety as  
15 serious and potentially deserving of heavy weight  
16 in the screening deliberations. As you may be  
17 aware, the record will remain open until the formal  
18 release of the report of qualifications. You may  
19 be called back at such time if necessary. Thank  
20 you for offering for this position and thank you  
21 for the work you've done and appreciate your  
22 service to the state of South Carolina.

23 JUDGE KIMPSON: Thank you. And thank all of you.

24 CHAIRMAN SMITH: Thank you for coming early, too. All  
25 right. Take care. Hope you make it back to that

1 long walk you have across the complex.

2 JUDGE KIMPSON: I'll be fine. Thank you very much.

3 CHAIRMAN SMITH: So Representative Johnson moves we go  
4 into executive section, all in favor signify by  
5 saying aye.

6

7 (Ayes are heard.)

8 CHAIRMAN SMITH: All opposed.

9 (No replies are heard.)

10 CHAIRMAN SMITH: The ayes have it we are in executive  
11 session.

12 EXECUTIVE SESSION

13 CHAIRMAN SMITH: All right. We're going back on the  
14 record and we're going to come out of executive  
15 session. Ms. McIver moves that we come out of  
16 executive session, all in favor signify by saying  
17 aye.

18 (Ayes are heard.)

19 CHAIRMAN SMITH: All opposed?

20 (No replies are heard.)

21 CHAIRMAN SMITH: Ayes have it. Let me state while we  
22 were in executive session there were no votes taken  
23 and no matters decided. And we're going to open  
24 the doors and I will turn it over to Erin once the  
25 thundering herd comes in and we're going to vote on

1 the candidates. So if you're ready I'll turn it  
2 over to you.

3 VOTE:

4 MS. CRAWFORD: Mr. Chairman first up we'll go yesterday  
5 we didn't vote on the circuit race. We've got five  
6 candidates -- the Honorable, no four candidates,  
7 excuse me. The Honorable Daniel McLeod Coble,  
8 Honorable Amy McCulloch, Kate Whetstone Usry and S.  
9 Boyd Young.

10 MR. STROM: Move to find them all qualified?

11 SENATOR SABB: Second.

12 MS. CRAWFORD: Okay. Mr. Chairman, the next thing I'll  
13 do is you each have three votes --

14 CHAIRMAN SMITH: Let me -- we got to vote on all being  
15 qualified.

16 MS. CRAWFORD: Oh, yeah.

17 CHAIRMAN SMITH: All right. So those in favor of finding  
18 all the candidates qualified, signify by raising  
19 your hand. All right. Let the record reflect  
20 Senator Rankkin are you voting for all candidates  
21 qualified?

22 VICE CHAIRMAN RANKIN: Yes.

23 CHAIRMAN SMITH: Okay. Let the record reflect it's  
24 unanimous.

25 MS. CRAWFORD: Okay. And you each have three votes and

1 I'm just going to read them in alphabetical order.

2 Honorable Daniel McLeod Coble. So is that nine?

3 VICE CHAIRMAN RANKIN: Nine.

4 MS. CRAWFORD: The Honorable Amy McCulloch. Is that ten?

5 No, nine. Kate Whetstone Usry. Five. S Boyd

6 Young? Okay with Coble having nine votes,

7 McCulloch having nine votes, Usury having five

8 votes and Young having seven. With those qualified

9 and nominated would be Coble, McCulloch and Young.

10 Moving to the next. Today's judges that we've

11 heard from, Honorable Frank Addy.

12 MR. SAFRAN: Move to find him qualified and nominated.

13 CHAIRMAN SMITH : Motion to find judge Addy qualified and

14 nominated, seconded. All in favor signify by

15 raising right hand. Unanimous.

16 MS. CRAWFORD: Honorable, Honorable Perry H. Gravely.

17 MR. SAFRAN: Qualified.

18 CHAIRMAN SMITH: Find judge Gravely qualified and

19 nominated and seconded, all in favor signify by raising

20 their hands. And it's unanimous also known as unanimous.

21 And next.

22 MS. CRAWFORD: The Honorable Alex Kinlaw, Jr.

23 MS. BLACKLEY: Move to find qualified, nominated.

24 MR. SAFRAN: Seconded.

25 CHAIRMAN SMITH: All right. Motion is seconded. All in

1 favor signify by raising their hand. Let the  
2 record reflect it's unanimous.

3 MS. CRAWFORD: Honorable Vicki J. Snelgrove.

4 MR. SAFRAN: Qualified and nominated.

5 CHAIRMAN SMITH: All right. Motion is find her  
6 qualified, nominated and seconded all in favor  
7 signify by raising their hand. Record reflect  
8 that's unanimous.

9 MS. CRAWFORD: Honorable Milton G. Kimpson.

10 MS. BLACKLEY: Move to qualify and nominate.

11 SENATOR SABB: Second.

12 CHAIRMAN SMITH: All right. Motion to find Judge Kimpson  
13 qualified and nominated everybody raise their hand.  
14 Let the record reflect that's unanimous. And  
15 that's all we have right now and with that we have  
16 lunch if Judge Bultman is here . Is he here? If  
17 he's here let's take him since he came early. All  
18 right, yeah, let's Senator Sabb motions to go into  
19 executive session all in favor signify by saying  
20 aye.

21 (Ayes are heard.)

22 CHAIRMAN SMITH: All opposed.

23 (No replies are heard.)

24 CHAIRMAN SMITH: The ayes have it. We're in executive  
25 session.

1 EXECUTIVE SESSION

2 CHAIRMAN SMITH: All right. Representative Johnson moves  
3 we come out of executive session, all in favor  
4 signify by saying aye.

5 (Ayes are heard.)

6 CHAIRMAN SMITH: All opposed.

7

8 (No replies are heard.)

9 CHAIRMAN SMITH: The ayes have it. We're out of  
10 executive session. Let me state while were in  
11 executive session no matters were decided and no  
12 votes were taken.

13 JUDGE BULTMAN: Afternoon.

14 CHAIRMAN SMITH: Hey, judge.

15 JUDGE BULTMAN: How are you?

16 CHAIRMAN SMITH: Doing well. You're going to benefit  
17 from us. We've had Brown's Barbeque for lunch so  
18 you're going to benefit from barbeque coma over  
19 here so may be the fastest screening ever so.

20 JUDGE BULTMAN: I'm presiding in Kingstree this week and  
21 I was at Brown's yesterday.

22 CHAIRMAN SMITH: Okay. Would you like us to feed you  
23 some more Brown's Barbeque?

24 JUDGE BULTMAN: No, I'm fine. It was delicious.

25 CHAIRMAN SMITH: All right, Judge Bultman, appreciate you

1 coming early. Sorry to pull you away. We're ahead  
2 of schedule so we'd like to keep moving. Would you  
3 please raise your right hand. Do you swear to tell  
4 the truth the whole truth and nothing but the truth  
5 so help you god?

6 JUDGE BULTMAN: I do.

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

11 JUDGE BULTMAN: Yes, sir.

12 CHAIRMAN SMITH: It is. Are they correct?

13 JUDGE BULTMAN: Yes, sir.

14 CHAIRMAN SMITH: Any changes or updates needed at this  
15 time?

16 JUDGE BULTMAN: No, sir. None.

17 CHAIRMAN SMITH: You have any objection to us making  
18 those as exhibits to your sworn testimony here  
19 today?

20 JUDGE BULTMAN: No objection.

21 CHAIRMAN SMITH: All right. Without objection will you  
22 hand those to Lindi for us please, sir, and we will  
23 mark those as an exhibit to your testimony here  
24 today. Judge Bultman, the judicial merit selection  
25 commission has thoroughly investigated your

1            qualifications for the bench. Our inquiry is  
2            focused on nine evaluative criteria. I has  
3            included a ballot box survey, a thorough study of  
4            your application materials, verification of your  
5            compliance with state ethics laws, search of  
6            newspaper articles in which your name appears,  
7            study of previous screenings and checks for  
8            economic conflicts of interest. There are no  
9            affidavits filed in opposition to your candidacy  
10           today and there are no witnesses here to testify.  
11           Do you wish to make a brief opening statement to  
12           the Commission?

13           (Exhibit Number 13 was marked for identification purposes  
14           - (13 pages) Personal Data Questionnaire for The  
15           Honorable Thomas M. Bultman.)

16           (Exhibit Number 14 was marked for identification purposes  
17           - (4 pages) Sworn Statement of The Honorable Thomas M.  
18           Bultman.)

19           JUDGE BULTMAN: I would.

20           CHAIRMAN SMITH: All right.

21           JUDGE BULTMAN: Since being a Family Court judge this is  
22           the best job I have ever had. I look forward to  
23           going to work every day. And in my 39 years of  
24           practice I certainly couldn't say that. It's a  
25           fantastic job.



1 CHAIRMAN SMITH: Stole some of my questions I was going  
2 to ask you at the beginning. I don't think I ever  
3 go anywhere without you thanking me and any of us  
4 for being allowing you to serve on the bench so I  
5 wish everyone had your enthusiasm. Answer any  
6 questions that your screening attorney may have,  
7 please, sir.

8 JUDGE BULTMAN - EXAMINATION BY MS. ROSS:

9 Q. Judge Bultman, this may be a bit redundant from  
10 what you just said but after serving for three  
11 years on the Family Court why do you want to  
12 continue serving as a Family Court?

13 A. Like I said it's the greatest job I've ever had I  
14 look -- I honestly look forward to going to work  
15 every day I really do.

16 Q. Thank you, Judge. Judge Bultman, what do you think  
17 your reputation is among attorneys that practice  
18 before you and the court personnel you work with?

19 A. I would hope it would be excellent. Treating them  
20 with respect, the temperament I have. That's what  
21 I would hope.

22 Q. Thank you, Judge. Judge Bultman the commission  
23 received 337 ballot box surveys regarding you with  
24 22 additional comments. The ballot box surveys for  
25 example contain the following positive comments,

1 "Judge Bultman is an excellent judge. His  
2 temperament and control of the courtroom is beyond  
3 perfect for this role. Each time I have been in  
4 front of him judge Bultman has always shown the  
5 parties as well as attorneys for both sides  
6 compassion and fairness. Judge Bultman runs under  
7 the radar but he's an intensely hard worker and  
8 knows the law. He takes this job very seriously."  
9 Only two of the written comments expressed any  
10 concerns. One of the concerns involved your  
11 demeanor with pro se litigants. Can you speak a  
12 bit to how you deal with pro se litigants in your  
13 courtroom?

14 A. Well we have most of the pro se litigants is going  
15 be on divorces uncontested. And I do treat them a  
16 little a bit differently than in contested trials  
17 because what I do is I review the file first to  
18 make sure everything's in order. And when they  
19 come in I ask the questions and we get in and out  
20 very quickly. With pro se litigants and contested  
21 cases where there's a lawyer on the other side, I  
22 tell them upfront that I treat them as if they  
23 graduated from law school and passed the South  
24 Carolina Bar and I don't help them out at all.

25 Q. Judge, another comment just questioned your

1           **decision making in choosing between issuing no**  
2           **contact orders versus order of protection. Can you**  
3           **speak a bit to how you go about how you would**  
4           **handle such a decision?**

5    A.    Most of the time in the hearings for orders of  
6           protection neither party is represented. The way I  
7           handle it is I put them under oath and I let the  
8           alleged victim testify. I then let the alleged  
9           perpetrator ask questions. And then I put the  
10          alleged perpetrator under oath, tell me what, and  
11          then the alleged victim can cross-examine or ask  
12          questions. And based on what's before me, if I  
13          find there is sufficient evidence to issue the  
14          order of protection, I do that. And depending on  
15          what other relief they're looking for most of the  
16          time you see it where the alleged victim is saying  
17          they don't want any visitation for the parent. I  
18          do that on a case-by-case basis.

19    **Q.    Thank you, Judge.**

20    MS. ROSS: I would note that the Pee Dee Citizens  
21           Committee found Judge Bultman to be well qualified  
22           as to the evaluative criteria of ethical fitness,  
23           professional and academic ability, character,  
24           reputation, experience and judicial temperament.  
25           Judge Bultman was also found qualified in the

1           evaluative criteria of constitutional  
2           qualifications, physical health and mental  
3           stability.

4    **Q.**    **Judge, just a few housekeeping items to go through**  
5           **with you. Since submitting your letter of intent**  
6           **have you contacted any members of the Commission**  
7           **about your candidacy?**

8    **A.**    I have not.

9    **Q.**    **Are you familiar with § 2-19-70, including the**  
10           **limitations on contacting members of the General**  
11           **Assembly regarding your screening?**

12   **A.**    I am.

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

17   **A.**    I have not.

18   **Q.**    **Have you asked any third parties to contact members**  
19           **of the General Assembly on your behalf or are you**  
20           **aware of anyone attempting to intervene in this**  
21           **process on your behalf?**

22   **A.**    I haven't asked anybody to do that and I'm not  
23           aware of anybody having done that.

24   **Q.**    **Have you reviewed and do you understand the**  
25           **Commission's guidelines on pledging in South**

1           **Carolina code § 2-19-70(E)?**

2           A.     I do.

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

8           CHAIRMAN SMITH: All right. Thank you very much. Judge  
9                    Bultman, let me just -- we've been going through  
10                   this and a lot of sitting judges in uncontested  
11                   elections and so we want to express things that  
12                   this Commission looks at as it relates to sitting  
13                   judges and how they're doing. And I think it's the  
14                   consensus of this Commission that your character,  
15                   your reputation and your temperament are generally  
16                   the most important things as a judge for -- and  
17                   that's one thing that we closely scrutinize. And  
18                   we do it through the ballot box surveys. And I  
19                   know they're anonymous and anyone can make a  
20                   comment about you without retribution or without  
21                   accountability. And so, you know, you got to take  
22                   them for what they are and there's outliers in  
23                   them. But generally you can see patterns within  
24                   there. And so we want to let you know what these  
25                   patterns are as they relate to each candidate who's

1 a sitting judge. And I tell you I look at yours  
2 and of all the comments you have, the unqualified -  
3 - as you know it's well qualified, qualified, and  
4 unqualified. And through you here you don't have  
5 anyone that says you're unqualified. As to your  
6 reputation, as to your character, and more  
7 importantly as to your temperament. So you are  
8 obviously doing a wonderful job on the bench so we  
9 want to thank you for that. We appreciate you  
10 upholding the ideals and integrity of the judicial  
11 system and the judicial branch through your service  
12 and we just encourage you to continue the fine  
13 service that you have right now.

14 JUDGE BULTMAN: Thank you so much.

15 CHAIRMAN SMITH: And the only other question now since I  
16 have you under oath, I have to ask you this and I'm  
17 sorry. But tell us how you felt when you heard  
18 that Bunt Wilson was retiring from practicing  
19 family law?

20 JUDGE BULTMAN: I thought he should go into mediation, I  
21 told him that before. And I know his daughter is  
22 here.

23 CHAIRMAN SMITH: Oh, lord. You going to miss his  
24 emergency hearings?

25 JUDGE BULTMAN: Well. What happened is he quit sending

1           them to me because I denied them.

2 CHAIRMAN SMITH: Okay. That's my law partner for y'all  
3           who don't know. He's never had a case that was not  
4           an emergency.

5 JUDGE BULTMAN: Exactly. I think I broke him with that.

6 CHAIRMAN SMITH: And Lucy Grey's father, so. So we  
7           proudly -- this is all kidding and affection with  
8           him.

9 JUDGE BULTMAN: I know that. I know that.

10 CHAIRMAN SMITH: All right. Any questions for Judge  
11           Bultman? All right. No questions. Judge Bultman  
12           we're going to --

13 JUDGE BULTMAN: Can I say my only regret is?

14 CHAIRMAN SMITH: Yes.

15 JUDGE BULTMAN: I've got to retire in four years.

16 CHAIRMAN SMITH: I know that. And I think the regret --  
17           that's the regret of the Bar in that you should  
18           have run a whole lot earlier when you had the  
19           opportunity.

20 JUDGE BULTMAN: Well, thank you very much.

21 CHAIRMAN SMITH: Well, Judge Bultman, this concludes this  
22           portion of your screening process and let me take  
23           this opportunity to remind you that pursuant to the  
24           Commission's evaluative criteria, the Commission  
25           expects candidates follow the spirit as well as the

1 letter of the ethics law and we will view  
2 violations or the appearance of impropriety as  
3 serious and potentially deserving of heavy weight  
4 in the screening deliberations. As you may be  
5 aware, the record will remain open until the formal  
6 release of the report of qualifications. You may  
7 be called back at such time if the need arises. I  
8 thank you for being here today and I thank you for  
9 your service to the state of South Carolina.

10 JUDGE BULTMAN: Thank you for having me. Y'all have a  
11 great day.

12 CHAIRMAN SMITH: All right. Safe travels back home,  
13 thank you.

14 (Off the Record)

15  
16 CHAIRMAN SMITH: Mr. Safran moves that we go into  
17 executive session. All in favor say aye.

18 (Ayes are heard.)

19 CHAIRMAN SMITH: All opposed?

20 (No replies are heard.)

21 CHAIRMAN SMITH: Ayes have it and we will go into  
22 executive session.

23 EXECUTIVE SESSION

24 CHAIRMAN SMITH: Coming out of executive session. All  
25 right. Representative Johnson moves we come out of



1 executive session, all in favor signify by saying  
2 aye.

3 (Ayes are heard.)

4 CHAIRMAN SMITH: All opposed?

5 (No replies are heard.)

6 CHAIRMAN SMITH: The ayes have it. We're out of  
7 executive session. And we're going vote on the  
8 candidacy of Judge Bultman.

9 VOTE

10 MS. CRAWFORD: Mr. Chairman, Judge Bultman is unopposed  
11 re-election Family Court 3rd circuit, seat one.

12 REPRESENTATIVE RUTHERFORD: Move to be found qualified  
13 and nominated.

14 MS. MCIVER: Seconded.

15 CHAIRMAN SMITH: All right. Motion seconded, all in  
16 favor signify by raising their hand. And the proxy  
17 vote of Senator Sabb is with him. The ghost. Well  
18 it's unanimous of those present and voting which is  
19 -- or eight.

20 MS. CRAWFORD: Thank you Mr. Chairman.

21 CHAIRMAN SMITH: All right. With that being said we'll  
22 go Ms. McIver moves that we go back into executive  
23 session and all in favor signify by saying aye.

24 (Ayes are heard.)

25 CHAIRMAN SMITH: All opposed?

1 (No replies are heard.)

2 CHAIRMAN SMITH: Ayes have it. And we're back in  
3 executive session.

4 EXECUTIVE SESSION

5 VICE CHAIRMAN RANKIN: All right we are back on the  
6 record and while in executive session no votes were  
7 taken, no business was conducted and now we will  
8 proceed to the next candidate. Judge Brigman,  
9 welcome.

10 JUDGE BRIGMAN: Thank you.

11 VICE CHAIRMAN RANKIN: And thank you for being patient  
12 with us.

13 JUDGE BRIGMAN: I'm glad to.

14 THE HONORABLE CELY ANN BRIGMAN, being duly sworn,  
15 testifies as follows:

16 VICE CHAIRMAN RANKIN: Very good. You've got a security  
17 attachment or detachment with you. Why don't you  
18 introduce that?

19 JUDGE BRIGMAN: This is my husband Greg, he's my hero and  
20 my biggest fan. So he came along for the show  
21 today.

22 VICE CHAIRMAN RANKIN: And he could be security for  
23 anybody.

24 JUDGE BRIGMAN: He could, he could.

25 VICE CHAIRMAN RANKIN: Welcome.

1 MR. BRIGMAN: Thank you.

2 VICE CHAIRMAN RANKIN: Very good. All right. We are  
3 going to jump into this and as you know, Judge, you  
4 have filled out for us again a personal data  
5 questionnaire and sworn statement, correct?

6 JUDGE BRIGMAN: Yes, sir.

7 VICE CHAIRMAN RANKIN: And those are ready to go in the  
8 record if they are complete and don't need any  
9 amendments.

10 JUDGE BRIGMAN: They are complete.

11 VICE CHAIRMAN RANKIN: All right. And if you'll hand  
12 those to Lindi to your left we will mark them and  
13 put them in as evidence in your record. You are  
14 aware and you have screened through JMSC before.

15 (Exhibit Number 15 was marked for identification purposes  
16 - (14 pages) Personal Data Questionnaire for The  
17 Honorable Cely Ann Brigman.)

18 (Exhibit Number 16 was marked for identification purposes  
19 - (6 pages) Sworn Statement for The Honorable Cely Ann  
20 Brigman.)

21 JUDGE BRIGMAN: I have.

22 VICE CHAIRMAN RANKIN: And so for the record we put this  
23 in there just to remind you and those that are  
24 reading hereafter but we look at nine evaluative  
25 criteria in our investigation of your candidacy and

1 your qualifications to serve on the bench. A  
2 ballot box survey, a thorough study of your  
3 application materials, verification of you  
4 compliance with the state ethics laws, a search of  
5 newspaper articles in which your name appears,  
6 study of previous screenings, and a check for  
7 economic conflicts of interest. No affidavits have  
8 been filed in opposition to your election and no  
9 witnesses are present to testify unless your  
10 husband signals to me that he'd like for me to ask.

11 JUDGE BRIGMAN: I'm not letting that happen.

12 VICE CHAIRMAN RANKIN: He's a little more security minded  
13 than you are. I'm going to -- if he winks, I'm  
14 going to let him come up.

15 JUDGE BRIGMAN: Okay.

16 VICE CHAIRMAN RANKIN: Judge you have the opportunity to  
17 make an ever so brief opening statement if you'd  
18 like.

19 JUDGE BRIGMAN: I would just say as I'm glad to be here  
20 and I would like this community to know what a  
21 great staff you have. Erin, Lindi and Roland have  
22 been very helpful and this is kind of a stressful  
23 time and they make it a little easier so I  
24 appreciate them.

25 VICE CHAIRMAN RANKIN: Very good. All right. Roland,

1 take it away.

2 JUDGE BRIGMAN - EXAMINATION BY MR. FRANKLIN:

3 Q. Thank you Mr. Chairman. Good afternoon judge  
4 Brigman.

5 A. Good afternoon.

6 Q. After serving six years on the Family Court why do  
7 you want to continue serving as a Family Court  
8 judge?

9 A. I will just tell you all that I love this job. And  
10 my husband will tell you there's not a day that I  
11 get up that I dread going to work. I love the  
12 people, I love the court staff, I've had the chance  
13 doing this job to meet people from all over the  
14 state and it's just something I want to continue  
15 doing.

16 Q. What do you think your reputation is among  
17 attorneys that practice before you?

18 A. I hope it's good. I hope it is. I try hard to get  
19 along with the attorneys and be available when they  
20 need things, so I hope so.

21 Q. Judge Brigman the Commission received 402 ballot  
22 box surveys regarding you with 38 additional  
23 comments. The ballot box survey, for example,  
24 contained the following positive comments. First,  
25 "Judge Brigman is always thoughtful about actions

1 before her and fair in her rulings. She explains  
2 everything to attorneys and parties in terms that  
3 are understandable. An asset to the bench."  
4 Second, as a young lawyer in the fourth circuit it  
5 has been a pleasure to appear in front of Judge  
6 Brigman regularly. She is helpful, respectful, and  
7 accommodating to lawyers." Third, "She is an asset  
8 to the Family Court bench always willing to  
9 accommodate litigants and lawyers, very accessible  
10 on and off the bench with emergencies and  
11 scheduling issues, possesses wonderful judicial  
12 temperament and is very practical." Finally, "I've  
13 only had the pleasure of appearing once before  
14 Judge Brigman several years ago as she was a  
15 visiting judge in our circuit. We were scheduled  
16 to appear before her in a three-day highly  
17 contested trial. With Judge Brigman's help, we  
18 were able to successfully reach an agreement with  
19 the opposing party. During that hearing, I was  
20 impressed with both her temperament and her  
21 knowledge of the law. Even though this hearing was  
22 over five years ago, I'll never forget appearing  
23 before her and the impression that she left on me  
24 as a relatively new attorney."

25 MR. FRANKLIN: Members of the Commission, there were no

1 negative written comments. I would note that the  
2 Pee Dee Citizens Committee found Judge Brigman  
3 qualified in the evaluative criteria of  
4 constitutional qualifications, physical health and  
5 mental stability. The Committee found her well  
6 qualified in the evaluative criteria of ethical  
7 fitness, professional and academic ability,  
8 character, reputation, experience, and judicial  
9 temperament. Now for a few housekeeping issues.  
10 Judge Brigman, are you aware that as a judicial  
11 candidate you are bound by the code of judicial  
12 conduct as found in rule 501 of the South Carolina  
13 appellate court rules.

14 A. I am.

15 **Q. Since submitting your letter of intent have you**  
16 **contacted any members of the Commission about your**  
17 **candidacy?**

18 A. I have not.

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

22 A. I am.

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

1           your screening?

2       A.     I have not.

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

7       A.     I have not.

8       Q.     Have you reviewed and do you understand the  
9           commissions guidelines on pledging and SC code § 2-  
10          19-70(E)?

11      A.     I do.

12      MR. FRANKLIN: I would note for the record that any  
13           concerns raised during the investigation regarding  
14           the candidate were incorporated into the  
15           questioning of the candidate today. Mr. Chairman,  
16           I have no further questions.

17      VICE CHAIRMAN RANKIN: Okay. Thank you, Roland. Judge,  
18           I want to just start it off here by complimenting  
19           you on your desire to continue serving and  
20           particularly comments that have been highlighted  
21           here in addition to lots of others that speak to  
22           your apparent light robe and people-centric,  
23           customer-service-centric attitude that you  
24           demonstrate. And it appears that you like your  
25           job.



1 JUDGE BRIGMAN: I love my job. I want you to keep  
2 letting me have my job.

3 VICE CHAIRMAN RANKIN: And your husband is doing an amen  
4 back there by the nodding of the head. And so as -  
5 - and this is not easy, an easy field of law. I've  
6 been through it, unfortunately.

7 JUDGE BRIGMAN: I have as well.

8 VICE CHAIRMAN RANKIN: And so to those who do it and do  
9 it with grace and love and compassion is remarkable  
10 with some of the horrific things that you see,  
11 other than just adults separating. And so how to  
12 steel yourself to continue to have that passion and  
13 that joy and that personal touch of help that you  
14 bring?

15 JUDGE BRIGMAN: I think it's just who I am. I mean, I  
16 think it's just sort of baked in that I was just  
17 brought up to treat other people the way I would  
18 want to be treated and I just try to live by that.

19 VICE CHAIRMAN RANKIN: And if you didn't do it you  
20 probably wouldn't get a letter from your priest  
21 written on your behalf as a member of -- you are a  
22 member of the vestry; is that correct?

23 JUDGE BRIGMAN: I am.

24 VICE CHAIRMAN RANKIN: And is that a deacon in the  
25 Baptist vernacular?

1 JUDGE BRIGMAN: It's not really a deacon it's kind of  
2 like the board of -- board, it's kind of like the  
3 governing board of the church.

4 VICE CHAIRMAN RANKIN: Very good. You are a gifted  
5 leader on our vestry leadership team at St.  
6 Matthews Church where reverend E. Ragland Coxe  
7 wrote on your behalf. Thank you for your desire to  
8 continue doing this.

9 JUDGE BRIGMAN: Thank you for allowing me to do it.

10 VICE CHAIRMAN RANKIN: Questions of any of the Commission  
11 members?

12 MR. STROM: Mr. Chairman.

13 VICE CHAIRMAN RANKIN: Mr. Strom.

14 MR. STROM: I don't have a question but I do want to say  
15 that you're just doing a wonderful job that the  
16 bench just has nothing but very high -- or the bar  
17 has nothing but high regard for you, they enjoy a  
18 hearing in front of you, you make their job  
19 pleasurable in a difficult time and keep up the  
20 good work.

21 JUDGE BRIGMAN: Thank you. Thank you. Mr. Strom had to  
22 -- and Susan had a case in front of me in Aiken as  
23 a visiting judge they gave me the gypsies. It was  
24 the DSS case for abuse and neglect.

25 MR. STROM: We prefer to call them the travelers.

1 JUDGE BRIGMAN: The travelers, okay, I'm sorry. My bad.

2 But anyway it was an interesting case.

3 MR. STROM: Yeah, it was an interesting case.

4 VICE CHAIRMAN RANKIN: All right. Senator Talley.

5 SENATOR TALLEY: Judge, good afternoon.

6 JUDGE BRIGMAN: Good afternoon.

7 SENATOR TALLEY: Thanks for being here.

8 JUDGE BRIGMAN: Thank you.

9 SENATOR TALLEY: Know you've been to the upstate a couple  
10 times, I think.

11 JUDGE BRIGMAN: I loved Spartanburg. That area up there  
12 is one of my favorites.

13 SENATOR TALLEY: Well we're glad to have you back any  
14 time. Just a question and something that we've  
15 wrestled with some of us a couple days and talked  
16 with other Family Court judges about. Obviously  
17 coming through Covid and some of the changes that  
18 were made particularly in regards to temporary  
19 hearings and dockets and packets and things of that  
20 nature. If we handed you the magic wand and said  
21 help us fix the Family Court docketing issues, what  
22 are some of your thoughts on that?

23 JUDGE BRIGMAN: Well that's one of the things that our  
24 circuit, I think, handled well. The way we handled  
25 Covid. But I think in terms of moving dockets

1 forward having an uncontested divorce be able to be  
2 done by packet will free up a lot of court time.  
3 There are some motions I think that could continue  
4 to be done by packet. I personally don't want to  
5 do any more WebEx than I have to but I think that's  
6 a tool that can be used to clear up and to keep  
7 things moving. We've now gone to -- since Covid  
8 actually we've gone to doing all of our bench  
9 warrants by Web-Ex so that streamlines and frees up  
10 time as well as making things easier for the  
11 detention center. So I think Covid taught us a lot  
12 about being able to keep things moving.

13 SENATOR TALLEY: Thank you.

14 VICE CHAIRMAN RANKIN: All right, Judge Brigman.

15 Anything else, anybody? And again, the lack of  
16 questions is great indication of our regard of the  
17 work that you're doing.

18 JUDGE BRIGMAN: Thank you. I appreciate that.

19 VICE CHAIRMAN RANKIN: Unless your husband has anything  
20 he'd like for me to ask --

21 JUDGE BRIGMAN: He does not.

22 VICE CHAIRMAN RANKIN: This then will conclude this  
23 portion of our screening process and again thank  
24 you for participating, thank you for serving.

25 JUDGE BRIGMAN: Thank you, Senator. Nice to see you all.

1 VICE CHAIRMAN RANKIN: Hold on, you're not done. The  
2 witness is not released from the chair just yet.

3 JUDGE BRIGMAN: Oh, I'm sorry.

4 VICE CHAIRMAN RANKIN: But you have to give me a verbal  
5 affirmation of this but again you know that we take  
6 this investigation very seriously.

7 JUDGE BRIGMAN: Yes, sir.

8 VICE CHAIRMAN RANKIN: And we abide by both the spirit  
9 and the letter of the law and expect candidates,  
10 that being the South Carolina ethics rules. So any  
11 violation of that or appearance of impropriety  
12 would be deemed very serious and potentially  
13 deserving heavy weight in our screening process.  
14 You know that this report is not issued until the  
15 final release of qualifications in that formal  
16 release. And so in the unlikely event that there  
17 would be anything in that area you know, do you  
18 not, Judge, that we could call you back for further  
19 questioning?

20 JUDGE BRIGMAN: I do understand that, yes, sir.

21 VICE CHAIRMAN RANKIN: We do not expect to see you but  
22 now you are dismissed, y'all have a lovely day.  
23 Thank you.

24 JUDGE BRIGMAN: Thank you so much, thank you for what you  
25 do.

1 (Off the Record)

2 VICE CHAIRMAN RANKIN: We're going to go back on the  
3 record. All right. Welcome. Raise your right  
4 hand, if you will. Don't knock your cup over. Is  
5 that your cup, by the way?

6 JUDGE HALL: That is.

7 VICE CHAIRMAN RANKIN: All right. Is it a spit cup or a  
8 drinking cup?

9 JUDGE HALL: No, it's a cup of water but I will do my  
10 best not to knock it over.

11 VICE CHAIRMAN RANKIN: If you're animated and slosh it to  
12 the right, Pete Strom likes getting showers.

13 JUDGE HALL: My wife told me to keep my hands on the  
14 table.

15 VICE CHAIRMAN RANKIN: All right.

16 THE HONORABLE DANIEL HALL, being duly sworn,  
17 testifies as follows:

18 VICE CHAIRMAN RANKIN: All right, sir. You have before  
19 you documents, a PDQ and a sworn statement, and  
20 I'll ask if those need to be amended, or are they  
21 ready to be introduced into the record?

22 JUDGE HALL: They're ready to be introduced.

23 VICE CHAIRMAN RANKIN: And you don't object to that,  
24 correct?

25 JUDGE HALL: No, I don't.

1 VICE CHAIRMAN RANKIN: Okay. If you'll hand those to the  
2 court reporter to your left. Jeni, thank you so  
3 much.

4 (Exhibit Number 17 was marked for identification purposes  
5 - (14 pages) Personal Data Questionnaire for The  
6 Honorable Daniel Hall.)

7 (Exhibit Number 18 was marked for identification purposes  
8 - (6 pages) Sworn Statement of The Honorable Daniel  
9 Hall.)

10 COURT REPORTER: Yes, sir.

11 VICE CHAIRMAN RANKIN: And at this point, Judge, you were  
12 last screened when?

13 JUDGE HALL: Six years ago, 2016. I filled Judge  
14 Alford's unexpired term, and I served a year -- or  
15 a year and a half and then I would re-screen for  
16 the six-year term.

17 VICE CHAIRMAN RANKIN: Okay. And I have not met you in  
18 this capacity on this Selection Commission, and so  
19 nice to meet you. We have --

20 JUDGE HALL: Can I introduce my guests?

21 VICE CHAIRMAN RANKIN: Well, please.

22 JUDGE HALL: This is my son, Charlie. He is a lieutenant  
23 colonel in the Marine Corps. I thought I needed  
24 military help today, so I called in the Marines.

25 VICE CHAIRMAN RANKIN: Very good. We had a Family Court

1 just bring her husband who I thought looked like he  
2 could be in the Marines, so -- Judge Brigman, so if  
3 you haven't met him, you might enlist him. So,  
4 thank you, sir, for your service in the Marines.  
5 We have, as you know, the very serious  
6 responsibility investigating your candidacy and  
7 your qualifications to serve on the bench. And in  
8 our investigation we focus on nine evaluative  
9 criteria, which includes the ballot box survey, a  
10 thorough study of your application materials,  
11 verification of your compliance with state ethics  
12 laws, a search of newspaper articles in which your  
13 name appears, a study of previous screenings and a  
14 check for economic conflicts of interest. We have  
15 received three affidavits filed in opposition to  
16 your election, and there are three witnesses  
17 present to testify. And at this point, you have  
18 the opportunity to make a brief opening statement  
19 if you would like before we turn it over for  
20 questioning by staff.

21 JUDGE HALL: I have no opening statement.

22 VICE CHAIRMAN RANKIN: All right.

23 JUDGE HALL - EXAMINATION BY MS. WILKINSON:

24 **Q. Good afternoon, Judge Hall. Judge Hall, after**  
25 **servicing many years on the Circuit Court bench, why**



1 do you want to continue to be a Circuit Court  
2 judge?

3 A. I have enjoyed my seven years of service. I  
4 believe that serving as a circuit judge, certainly  
5 for Judge Hall, is the highest honor that I can  
6 attain as an attorney. I also enjoy -- it's a huge  
7 responsibility being accountable to the public and  
8 the citizens of our state, and I'd like to continue  
9 to do that for another term.

10 Q. Judge Hall, I will note for the record that your  
11 SLED report indicated that there was a lawsuit  
12 filed against you since your last screening. It  
13 was filed against you in your capacity as a judge,  
14 and you were one of many named defendants. The  
15 lawsuit was subsequently dismissed. I'll also note  
16 that you've updated your PDQ to reflect that  
17 lawsuit. Is there any information you would like  
18 to provide regarding this lawsuit?

19 A. No.

20 Q. Judge Hall, what do you think your reputation is  
21 among attorneys that practice before you?

22 A. Up until a few weeks ago, I thought my reputation  
23 was that I was patient, fair, courteous, competent.

24 Q. Judge Hall, the Commission received 403 ballot box  
25 surveys regarding you with 75 additional comments.

1 The ballot box survey, for example, contained the  
2 following positive comments, "Having come to the  
3 practice of law late in life, Judge Hall brings  
4 with him a wealth of non-legal experience which has  
5 allowed him to use much needed common sense in  
6 fashioning practical solutions to legal problems.  
7 As a judge, Judge Hall is always courteous and  
8 respectful to parties that appear before him,  
9 regardless of their standing in our society. Most  
10 importantly, he is both independent and unbiased  
11 and is willing to fully hear from all parties  
12 before making a decision. No attorney receives a  
13 favorable ruling or decision in every case. There  
14 certainly have been times when I experienced  
15 unfavorable rulings on decision from Judge Hall."  
16 And of course, I am quoting here from the  
17 commenter. "That being said, I've always felt that  
18 in every case I have handled before Judge Hall,  
19 that he was earnest and sincere and trying to do  
20 what he believed was fair and just to the parties  
21 appearing before him. This is all an attorney or  
22 litigant can ask of a judge. In the 40 plus years  
23 I have practiced law, I have tried 100s of cases  
24 and appeared before most of the circuit judges in  
25 our state, and very few are as possessed of the

1 judicial temperament, legal ability and work ethic  
2 as Judge Hall. He's an asset to the people of  
3 South Carolina, and it would be a shame to lose  
4 such an able and compassionate judge. Another  
5 commenter stated, "Judge Hall is an excellent  
6 judge. He is wise, compassionate where  
7 appropriate, tough where appropriate, pragmatic and  
8 full of common sense. He treats all parties in  
9 front of him with respect and professionalism.  
10 Also, I believe he is one of the hardest, if not  
11 the hardest, working judge in South Carolina. He  
12 held court almost every day in the pandemic to make  
13 sure the local jail did not get overcrowded and  
14 that jail cases continued moving through the  
15 system. He is without a doubt one of the best  
16 judges in the state." Twenty of the written  
17 comments did express concerns. Many of the  
18 negative comments regarded the concern that you  
19 have a bias in favor of the defense. Some comments  
20 state that you have an open dislike of certain  
21 attorneys, and that you can be rude and belittling  
22 to those you don't care for. There are concerns  
23 that you do not have the ability to be impartial in  
24 your rulings due to your bias against certain  
25 attorneys. How do you respond to these concerns?

1 A. Well, you know, when I responded to one of the  
2 complaints, I'm not naive enough to know that we're  
3 not often the best judges of our own character.  
4 And I cannot think of an instance where I was rude  
5 in court toward any particular lawyer. I certainly  
6 believe my responsibility as a judge, particularly  
7 in the area -- in criminal courts, is to examine  
8 what's before me before I sign my name. I think in  
9 seven years I figured -- I probably very  
10 conservatively signed my name or, you know, at  
11 least 1,000, 1,500 individuals before me in general  
12 sessions court in any given year, sometimes maybe  
13 more than that. Over seven years that would be  
14 close to 10,000 individuals that have been before  
15 me. I take it very seriously how I treat the  
16 people in front of me. However, if I have been  
17 rude or perceived as rude -- and I understand the  
18 judicial canons about our demeanor can often be  
19 interpreted certain ways in court, and if that's  
20 something I need to work on -- and it's certainly  
21 always something I always need to work on -- and we  
22 learn to the day we die, and I hope that that would  
23 be a teachable moment. And I'll try to treat  
24 certain lawyers more courteously if they believe I  
25 have not. But I do not believe I've treated anyone

1           discourteously in court.

2   **Q.    Judge Hall, there were also concerns in the ballot**  
3           **box regarding insensitivity to and treatment of**  
4           **victims, and in particular the handling of domestic**  
5           **violence victims and their cases with one comment**  
6           **stating that you are not trauma informed. How do**  
7           **you respond to these concerns?**

8   A.    I don't know what trauma informed means.

9   **Q.    That is the quote that was used in the ballot box.**

10   A.    My answer is I don't know what trauma informed  
11           means.

12   **Q.    Yes, sir. And how would you respond to the**  
13           **concerns that you were insensitive to victims in**  
14           **the treatment of them?**

15   A.    Again, I attempt to -- I certainly listen to  
16           everyone that has a right to be in court. Victims  
17           on any crime have a right to be in court, have a  
18           right to be heard, and again, I believe that I  
19           listen. However, at the end of the day I'm called  
20           to be fair and impartial and to call balls and  
21           strikes on each particular case. And I do not  
22           believe I have a bias against domestic violence  
23           victims.

24   **Q.    Judge Hall, there were also concerns that you make**  
25           **decisions based on your personal feelings and you**

1           do not follow the law when ruling on an issue. How  
2           would you respond to those concerns?

3       A.     I do everything I can to follow the law. It's my  
4           responsibility. There have been occasions when  
5           lawyers, if I have ruled improperly, that if  
6           brought to my attention, I'll correct that. But  
7           again, it's my responsibility to rule correctly on  
8           the law. Certainly, lawyers may disagree with my  
9           view of the law and how I rule. However, again,  
10          that's the judge's call to make those rulings on  
11          the law.

12       Q.     **Judge Hall, there were additional concerns that you**  
13           **have a lack of understanding of the law in both**  
14           **civil and criminal court. How would you respond to**  
15           **those concerns?**

16       A.     I tell lawyers that appear in front of me in civil  
17           court and criminal court their job as lawyers is to  
18           educate Judge Hall. I can't -- I do not grasp all  
19           of the law, all the procedure, but the role of the  
20           lawyer is to educate the judge. I think I can make  
21           the decision when lawyers give me lawyerly (ph)  
22           answers. And I think I have an adequate grasp of  
23           the law to be able to proficiently do my job.

24       Q.     **And finally, Judge Hall, there were concerns that**  
25           **your sentences in criminal cases are too lenient.**

1           **How would you respond to those concerns?**

2       A.     I'd say that, again, --

3       **Q.     There were concerns that your --**

4       A.     Oh, no, I understand the question.  I was repeating  
5           myself.

6       **Q.     Yes, sir.**

7       A.     I just say again, each person that comes in front  
8           of me -- every case is unique.  I have had some  
9           complaints sometimes that, Judge Hall, you're not  
10          very predictable.  Sometimes as a defense attorney  
11          I understand that.  We want to be able to tell our  
12          clients that we think the judge is going to do so  
13          and so.  But I try to weigh each case that's in  
14          front of me and to sentence what I believe is an  
15          appropriate sentence that's proportional to the  
16          offense within the bounds of the law.

17       MS. WILKINSON:  I would note that the Piedmont Citizens  
18          Committee found Judge Hall qualified in the  
19          evaluative criteria of Constitutional  
20          qualifications, physical health and mental  
21          stability, and they found him well qualified in the  
22          evaluative criteria of ethical fitness,  
23          professional and academic ability, character,  
24          reputation, experience and judicial temperament.  
25          The Committee stated in summary, "Judge Hall brings

1 to the bench a wide range of professional  
2 experience, both legal and non-legal. This  
3 experience is reflected in his admirable work  
4 ethic, his dogged independence and his  
5 determination to treat all who come before him  
6 fairly and without preference. The Committee  
7 believes that Judge Hall is well qualified to serve  
8 as a Circuit Court judge." Mr. Chairman, I would  
9 like to turn your attention to Rule 8 regarding the  
10 Citizens Committee Report which provides in part,  
11 "The Citizens Committee's Report will be due no  
12 later than five days prior to the beginning of  
13 public hearings unless otherwise provided by the  
14 Commission. However, if during the course of its  
15 investigation, the Committee discovers information  
16 that warrants further investigation by the full  
17 Commission, the Committee shall forward its  
18 concerns as soon as possible along with the basis  
19 of those concerns to the Commission." Piedmont  
20 Committee Citizens' Chair, Mr. Stephen Cox, did  
21 forward a letter and an email to the Commission on  
22 November 11th, 2021 requesting that an addendum to  
23 the Committee's Report be sent to the respective  
24 candidates, made part of the Committee's Report and  
25 be included in the materials available to the



1 Commission members. The addendum is a transcript  
2 from a 2020 bond hearing which was held before  
3 Judge Hall, and the letter that you have before you  
4 from Mr. Cox, both of those should be on your  
5 system, Mr. Chairman, and I believe Judge Hall has  
6 been sent copies of both of those.

7 JUDGE HALL: Yes, thank you.

8 MS. WILKINSON: Mr. Chairman, the letter provides in  
9 part, "Shortly before the Commission submitted its  
10 screening report -- excuse me.

11 VICE CHAIRMAN RANKIN: Wait a minute.

12 MS. WILKINSON: Yes, sir.

13 VICE CHAIRMAN RANKIN: And that letter and Report is a  
14 part of the record?

15 MS. WILKINSON: Yes, sir.

16 VICE CHAIRMAN RANKIN: You're moving that in.

17 MS. WILKINSON: Yes, sir.

18 VICE CHAIRMAN RANKIN: There's no objection to that?

19 MS. WILKINSON: Yes, sir.

20 VICE CHAIRMAN RANKIN: And that will be published, okay.

21 MS. WILKINSON: Yes, sir. And I'm going to briefly  
22 restate the letter. "Shortly before the Committee  
23 submitted its" -- and I'm reading now -- "shortly  
24 before the Committee submitted its screening report  
25 to the Commission a few weeks ago, the Citizens

1 Committee began to hear numerous concerns from  
2 local bar members about the race. To assess these  
3 concerns thoroughly and to gather information  
4 relevant to their mandate, the chair of the  
5 Committee sent an email to all members of the bar  
6 of York County and Union, asking them for any  
7 information that would assist the Committee in  
8 conducting its evaluation. The Committee reviewed  
9 and considered approximately 25 to 30 emails and  
10 phone calls which were received in response to the  
11 email sent out by the Committee chair. The  
12 Committee does not believe that any of this  
13 information warrants a change to the screening  
14 report that was submitted to the Commission. They  
15 do want to bring the information to the  
16 Commission's attention so that the Commission can  
17 consider it in its deliberations. The letter goes  
18 on to state that Judge Hall was lauded by a number  
19 of members of the Bar for his fairness, his common  
20 sense, his excellent judicial temperament, but that  
21 a number of the members of the Sixteenth Circuit  
22 Solicitor's Office criticized Judge Hall strongly  
23 for what they perceived to be his noted bias in  
24 favor of defense counsel, and particularly the  
25 solicitors reported that Judge Hall had repeatedly

1 challenged their prosecutorial discretion in open  
2 court concerning a particular plea offer or a  
3 charge to pursue, for example. He regularly was  
4 short and combative with them in public and had  
5 openly shown a preference for the defendants and  
6 defense counsel. Several also said that they  
7 believed Judge Hall had wrongly applied the law in  
8 some cases. Mr. Cox states that upon further  
9 review, it appeared that the lawyers were really  
10 criticizing Judge Hall's applications of his own  
11 judicial discretion. Finally, some members of the  
12 solicitor's office said that Judge Hall minimized  
13 the significance of domestic violence cases and had  
14 undermined the solicitor's office attempt to make  
15 domestic violence an enforcement priority. The  
16 letter further states that in short the Commission  
17 received numerous reports evidencing a strong and  
18 persistent difference of opinion between Judge Hall  
19 and a significant number of local prosecutors. The  
20 Committee believes that the Commission should  
21 inquire thoroughly into this issue during its  
22 interviews. In particular, the Committee felt that  
23 it was important to address the criticism of Judge  
24 Hall's judgment in the Paul Johnson bond hearing.  
25 Mr. Chairman, I will provide the facts of the Paul

1 Johnson bond hearing as stated in the transcript  
2 that is before you on your system. Mr. Johnson had  
3 been charged with domestic violence of a high and  
4 aggravated nature, a violent crime pursuant to §  
5 16-1-60 and was initially granted bond by a York  
6 County magistrate. That bond was revoked by the  
7 magistrate, and Mr. Johnson went back to jail after  
8 he violated a condition of the bond by going back  
9 to the marital home at a time when the wife was  
10 apparently not at the home. Mr. Johnson sought a  
11 reconsideration of his bond revocation, and Judge  
12 Hall granted bond on the same conditions as those  
13 initially imposed by the magistrate. Tragically,  
14 Mr. Johnson shot and killed his wife and his five  
15 year old son and himself after being released from  
16 jail. Mr. Cox goes on to state in his letter that  
17 it was widely reported and suggested that Judge  
18 Hall had granted bond to Mr. Johnson over the  
19 objection of the solicitor's office. The Committee  
20 reviewed the actual transcripts, which again is  
21 before you, from the bond hearing. Mr. Chairman,  
22 as an aside, Judge Hall stated to me that he had  
23 provided the Citizens Committee with the transcript  
24 after filing the transcript. Mr. Cox has provided  
25 again the transcript for the Commission's review.

1 Mr. Cox goes on to state, "As you can see the  
2 assistant solicitor who handled that January 2020  
3 hearing did not object to bond being granted by  
4 Judge Hall. Indeed, neither the assistant  
5 solicitor nor the victim took any position  
6 whatsoever at that January hearing about whether  
7 bond should be granted or denied. Although it was  
8 the solicitor's office that moved to revoke bond in  
9 the first instance." Mr. Chairman, pursuant to the  
10 transcript, the victim was asked by Judge Hall if  
11 she thought that the defendant should stay  
12 incarcerated until the case was disposed of. The  
13 record reflects that she remained silent. Judge  
14 Hall noted for the record, however, that she  
15 appeared very, very nervous. Mr. Cox goes on to  
16 state in the letter that the Committee was informed  
17 during their investigation that the assistant  
18 solicitor did not speak up more forcefully at the  
19 bond hearing because she had been intimidated by  
20 Judge Hall in other proceedings. The Committee was  
21 not able to confirm this, but stated that it was  
22 worth noting that they believe Mr. Johnson, the  
23 Defendant in the case, had a good job and no other  
24 criminal history at the time he was granted bond.  
25 The Committee wishes to emphasize that they believe

1           it is unfair to criticize Judge Hall or any other  
2           Circuit Court judge in hindsight for making a  
3           particular bond decision that results in a tragic  
4           consequence that may have been difficult to  
5           foresee. The Committee believed Judge Hall should  
6           consider the entire history of a Circuit Court  
7           judge's bond decisions, those granting and denying  
8           bond, before singling out a particularly high  
9           profile case for criticism. And Mr. Chairman, that  
10          information has been entered into the record. Mr.  
11          Chairman, three complaints have been filed against  
12          Judge Hall at this time. I would ask that we move  
13          now to those complaints.

14       VICE CHAIRMAN RANKIN: Judge Hall, we're going to have  
15          you take a seat, and then we're going to hear  
16          these, and then obviously you'll have the  
17          opportunity to come back up and comment.

18       JUDGE HALL: All right. Thank you.

19       MS. WILKINSON: Two of the complaints were filed by Eddie  
20          and Daisy Neal, who are here with us today.  
21          They're the parents of a felony DUI victim whose  
22          case was before Judge Hall. Ms. Daisy Neal, will  
23          you please come forward? Ms. Neal, if you can just  
24          come to the podium, please. Ms. Neal, if you'll  
25          please remove your mask so that the court reporter

1           here can hear what you're saying, and if you'll  
2           state your name for the record, please.

3       MS. NEAL: My name's Daisy Darlene Neal.

4       VICE CHAIRMAN RANKIN: Ms. Neal, welcome.

5           DAISY NEAL, having been duly sworn, testifies as  
6 follows:

7       MS. WILKINSON: Ms. Neal, you have provided your  
8           Affidavit of Complaint to the Commission as well as  
9           transcripts from the proceeding in which your son  
10          appeared before Judge Hall; is that correct?

11      MS. NEAL: Yes, ma'am.

12      MS. WILKINSON: Mr. Chairman, at this time I would move  
13          that those be made a part of the record.

14      VICE CHAIRMAN RANKIN: Without objection.

15          (Exhibit Number 19 was marked for identification  
16          purposes - (75 pages) Affidavit of Daisy and Eddie Neal.)

17      MS. WILKINSON: Ms. Neal, your Affidavit of Complaint and  
18          the transcripts have been made a part of the  
19          record. Is there anything you wish to add  
20          regarding your complaint?

21      MS. NEAL: I just know that my son was really badly hurt,  
22          almost killed, in an accident. My son could have  
23          died. My son's got problems right now that he will  
24          never recover from. His hands are numb. His hands  
25          are so numb they go to sleep on him. They've never

1 done that before. He's going to be an invalid  
2 before he gets old. He will not be able to work.  
3 He will not be able to use his arms and his hands  
4 like he wants to. I feel sorry for my son, because  
5 he's got to go through life, and he didn't get  
6 hardly anything out of it, no remorse or nothing.  
7 The judge -- I just -- I'm upset with the judge for  
8 what he done. My son didn't get no -- nothing out  
9 of it at all. He didn't even get to say his piece.  
10 I stood there and cried because I was pushed back  
11 because I couldn't say anything, but I've got a  
12 statement here that I want to read if I could.

13 MS. WILKINSON: Ms. Neal, if I may, have we been provided  
14 that statement?

15 MS. NEAL: Yes, ma'am.

16 VICE CHAIRMAN RANKIN: So it is in the record, and I'm  
17 not trying to tell you not to publish it, but I  
18 wanted to make sure that was the same --

19 MS. NEAL: Yes, sir. It's in there.

20 VICE CHAIRMAN RANKIN: Very good.

21 MS. NEAL: My son, Daniel Neal, is a hard working young  
22 man who works every day and goes to church. Daniel  
23 was on his way to church on February the 18th, 2018  
24 when a drunk driver ran a stop sign and pulled out  
25 on the highway on 321 in front of my son, causing



1 my son to hit a car. He was on his motorbike. He  
2 hit the window of her car on the driver's side and  
3 came back out on the road. He couldn't even get  
4 up, and he yelled for help because his boss went to  
5 the church where it happened. They called for  
6 help. My son couldn't work because both his arms  
7 were broke, and he had to have rods in both arms.  
8 He is in constant pain. His pain will never go  
9 away. He has a broke tooth in the wreck, and it is  
10 still broke, and it hurts him all the time. He has  
11 permanent nerve damage in both arms that will hurt  
12 him for more than he -- when he gets older because  
13 of the veins in his arms. He was airlifted to CMC  
14 Charlotte. Daniel did not have any health  
15 insurance. He is -- this is a lifetime recovery.  
16 I want you to know that he is still working. He  
17 has not given up. He is a heavy equipment  
18 operator, but he will never be the same again. As  
19 of right now, the tips of his fingers are numb.  
20 What is going to be in 20 years from now? He won't  
21 be able to work. He won't be able to do anything.  
22 Daniel's income taxes was garnished because of his  
23 medical bills, entirely not his fault. Had to take  
24 off time from work to take care of him as if he was  
25 an infant. He wasn't able to take care of his

1 self. When the Defendant pleaded guilty on October  
2 the 5th, 2018 in front of Judge Hall -- the  
3 Defendant pleaded guilty in front of Judge Hall,  
4 but the sentencing was put off. When we went to  
5 court the second time for sentencing on January the  
6 24th of 2019, we saw Judge Hall again. We expected  
7 justice for at least two and a half years of prison  
8 time, something, because it was unnecessary. Judge  
9 Hall was more worried about the Defendant instead  
10 of my son and my family. Judge Hall gave her house  
11 arrest, and he told her that she could go wherever  
12 she wanted to go with a driver in the car with her.  
13 He gave her no punishment at all. I wanted to get  
14 up right there and say how I felt but I was pushed  
15 in the arm, and I couldn't say anything or I would  
16 be locked up. I was so, so mad. I started to cry.  
17 We are angry and disappointed in the judge. We did  
18 everything right, and my son didn't get any justice  
19 at all. We came back to court on February the  
20 12th, 2019 because Judge Hall gave a sentence that  
21 did not follow the statute. And we pleaded our  
22 case again, and he didn't give Daniel a chance to  
23 talk or anything. Judge Hall went to her side. He  
24 even let her tell him when it was best for her to  
25 take her time in jail to stay four hours a day for

1           30 days, and she will be home with her family.  
2           That is wrong. We did everything right. Why? I  
3           don't understand. And my son got slapped in the  
4           face in court. This is wrong. Judge Hall can't do  
5           his job. He needs to step down, because you just  
6           don't give a girl that was drinking no time at all  
7           and let her set her own time in jail for her crime.  
8           Thank you.

9   VICE CHAIRMAN RANKIN: All right, Ms. Neal. Thank you.

10   MS. WILKINSON: Mr. Chairman, the second -- I have no  
11           further questions of Ms. Neal.

12   VICE CHAIRMAN RANKIN: Do any members of the Commission  
13           have questions of Ms. Neal? Otherwise, thank you  
14           so much for being here.

15   MS. NEAL: Thank you.

16   VICE CHAIRMAN RANKIN: All right.

17   MS. WILKINSON: Mr. Chairman, the second complaint was  
18           filed by Ms. Neal's husband, Mr. Eddie Neal.

19   VICE CHAIRMAN RANKIN: Ms. Neal, you can sit down. Mr.  
20           Eddie Neal, come on up if you would like.

21   MR. NEAL: Sir, I think she said as much as I could say.

22   MS. WILKINSON: They were the same complaint, Mr.  
23           Chairman.

24   VICE CHAIRMAN RANKIN: And that's your wife who just  
25           spoke?

1 MR. NEAL: Yes, sir.

2 VICE CHAIRMAN RANKIN: Correct. All right. And we have  
3 your information as well.

4 MR. NEAL: Yes, sir.

5 VICE CHAIRMAN RANKIN: Would you like to add anything  
6 further that your wife hasn't already said?

7 MR. NEAL: No, sir, not really. It sounded pretty much  
8 right on the top to me with what she said about the  
9 girl not getting any punishment whatsoever. To us  
10 it was like no punishment.

11 VICE CHAIRMAN RANKIN: And real quick, just a  
12 housekeeping matter, if you don't mind.

13 MR. NEAL: Sir?

14 VICE CHAIRMAN RANKIN: If you don't mind, raise your  
15 right hand, please.

16 EDDIE NEAL, being duly sworn, testifies as follows:

17 VICE CHAIRMAN RANKIN: And everything you've said up to  
18 this point has been the truth?

19 MR. NEAL: Yes, sir.

20 VICE CHAIRMAN RANKIN: All right. So pardon me for  
21 interrupting you. Anything else that you would  
22 like to add?

23 MR. NEAL: No, sir, I think not.

24 VICE CHAIRMAN RANKIN: Okay. Any questions by the  
25 Commission members? If not, thank you so much.

1 MR. NEAL: Yes, sir.

2 VICE CHAIRMAN RANKIN: All right. Judge Hall, we're  
3 going to get you back up to comment on these  
4 complaints, and you have as -- we have a formal  
5 response from you in writing, I believe; is that  
6 correct?

7 JUDGE HALL: Yes.

8 VICE CHAIRMAN RANKIN: All right. And that is a part of  
9 the record?

10 MS. WILKINSON: Judge Hall, would you like that to be  
11 made a part of the record?

12 JUDGE HALL: Yes, please.

13 (Exhibit Number 20 was marked for identification purposes  
14 - (7 pages) Response to Neal Complaint.)

15 VICE CHAIRMAN RANKIN: All right. And you are welcome to  
16 again publish that if you like or a summary  
17 thereof.

18 JUDGE HALL: I have nothing further to add to my written  
19 response.

20 VICE CHAIRMAN RANKIN: And without objection, Judge  
21 Hall's written response dated -- and I'm looking  
22 for a date here. It is not dated, but this was in  
23 response to Daisy Darlene and Eddie Neal's  
24 Affidavits, correct?

25 JUDGE HALL: Yes.

1 VICE CHAIRMAN RANKIN: Okay. Members of the Commission,  
2 if you have any questions of the judge on that  
3 response, I would invite that at this time. If  
4 not, we will proceed to the next complaint.

5 MS. WILKINSON: Thank you, Mr. Chairman.

6 VICE CHAIRMAN RANKIN: Judge, you're welcome to sit back  
7 down.

8 MS. WILKINSON: Mr. Chairman, the third complaint was  
9 filed by Solicitor Kevin Brackett of the Sixteenth  
10 Judicial Circuit on behalf of members of his  
11 office. The Affidavit contains -- Mr. Brackett, if  
12 you'll please come forward.

13 KEVIN BRACKETT, being duly sworn, testifies as  
14 follows:

15 MR. BRACKETT: My name is Kevin Brackett. I'm the  
16 Solicitor for the Sixteenth Circuit.

17 VICE CHAIRMAN RANKIN: Very well. Martin Brackett, is  
18 that a name that you know, a lawyer in Charlotte,  
19 by chance?

20 MR. BRACKETT: All the Bracketts up in North Carolina and  
21 South Carolina are kin somehow, but I don't know  
22 how I'm kin to him.

23 VICE CHAIRMAN RANKIN: He's claiming kin so far as you  
24 know?

25 MR. BRACKETT: Well, yeah, as far as I know, but I don't

1 know. There's another down here, too, Michael  
2 Brackett who does some law in Columbia. But all of  
3 us came out of Casar, North Carolina, and then  
4 before that up in Pennsylvania. And before that up  
5 in Maine, and then before that in Ireland and --

6 VICE CHAIRMAN RANKIN: That's enough of ancestry.com.  
7 Stop right there.

8 MR. BRACKETT: I've learned a lot on ancestry. They've  
9 got some really good pictures, too.

10 VICE CHAIRMAN RANKIN: All right, super. Welcome,  
11 Solicitor Brackett.

12 MR. BRACKETT: Thank you.

13 MS. WILKINSON: Mr. Chairman, Solicitor Brackett filed an  
14 Affidavit on behalf of the members of his office.  
15 The Affidavit contains several allegations  
16 regarding bias against members of the solicitor's  
17 office and improper judicial temperament in the  
18 judge's treatment of certain attorneys. There are  
19 also allegations that the judge lets his deeply  
20 held beliefs influence his decisions, even when  
21 those decisions are at odds with the law or concern  
22 a policy decision that is within the discretion of  
23 the solicitor. Solicitor Brackett provided  
24 numerous examples of incidents he feels supports  
25 these allegations. He also submitted a letter he

1 wrote to Judge Hall regarding docketing issues, and  
2 he submitted a research memo on the  
3 Constitutionality of plea agreements and guilty  
4 pleas made without the disclosure of the identity  
5 of a confidential informant. This is an issue that  
6 the solicitor's office states has come up many  
7 times in guilty pleas before Judge Hall. Mr.  
8 Chairman, I would move to have the Affidavit and  
9 the attachments made a part of the record.

10 VICE CHAIRMAN RANKIN: All right. Without objection.

11 (Exhibit Number 21 was marked for identification purposes  
12 - (18 pages) Affidavit of Kevin Brackett .)

13 MS. WILKINSON: Solicitor Brackett, the Commission's  
14 purpose is to review the qualifications of the  
15 candidate based on nine evaluative criteria. These  
16 are Constitutional qualifications, ethical fitness,  
17 professional and academic ability, character,  
18 reputation, physical health, mental stability,  
19 experience and judicial temperament. Pursuant to  
20 Rule 13, complaint allegations must relate to the  
21 candidate's competency, character or ethics.  
22 Solicitor Brackett, your Affidavit and attachments  
23 have just been entered into the record and provided  
24 to the Commissioners for their review. Is there  
25 anything else you wish to add regarding this



1 complaint?

2 MR. BRACKETT: Well, by way of just an introductory  
3 statement, let me just say I take no joy whatsoever  
4 in being here today. I have been prosecuting and  
5 practicing law in York County for about 30 years.  
6 It will be my anniversary in about six days. And  
7 York has a good reputation as being a place where  
8 people get along and a place where I think we're  
9 considered to be efficient and courteous, and we  
10 treat each other with respect. And I think people  
11 can come and practice in York from other parts of  
12 the state -- have been nothing but complimentary,  
13 certainly other judges that come through. It's  
14 almost a point of pride for us that we all work  
15 together and try to get along. It's a hard job  
16 being in the criminal justice system. It's hard on  
17 the people that are involved. It involves  
18 difficult issues that are painful for people, and  
19 like I've said, we've got a good reputation, and it  
20 pains me to be here today to have to criticize  
21 somebody that I know and have known for over 25  
22 years, he worked in my office. And I would not be  
23 here if I really felt like I had no other choice.  
24 I've run out of options, so I don't know what else  
25 to do. Since he took the bench, it has been very

1 difficult for people on my staff, and it has really  
2 taken the fun out of the job. And we've lost some  
3 of the camaraderie and the spirit of our community  
4 within the criminal justice system, at least the  
5 people in my office, because we feel like he  
6 doesn't respect us and that he doesn't appreciate  
7 what we do or understand what our role is in the  
8 system. And I feel like, as I said in my  
9 complaint, that it's not because he's a bad person.  
10 This isn't like he's malicious. I think that this  
11 stems from the fact that he never stopped being an  
12 advocate. He never stopped, you know, taking  
13 sides. And that's great when you're an advocate.  
14 That's what you're supposed to do. But when you're  
15 a judge, you're an umpire. You don't have a side.  
16 You don't have a partisan position, but time and  
17 time again my staff has come back from the  
18 courtroom -- and I'm not in there all the time.  
19 I'm the solicitor. I've got management, budget,  
20 personnel issues. I come down here to see y'all on  
21 legislative stuff all the time. I don't see all  
22 this myself, but I hear the tumult, and I hear the  
23 groaning and I hear the wailing up and down the  
24 halls of people who have been in the courtroom and  
25 feel like they have just been disrespected. And

1 like I said, I did not do this without trying to  
2 exhaust other remedies. I have spoken to Judge  
3 Hall. I made a point of making an appointment to  
4 sit down with him over lunch just to say, look, you  
5 seem to have a problem with my office, and a lot of  
6 times it seems like it comes down to maybe policy  
7 issues, policy issues that my office takes because  
8 I set the policy. If you have a problem with the  
9 policy, bring it to my attention. My people don't  
10 set the policy, and beating up on them isn't going  
11 to change the policy. They're going to do what I  
12 tell them to do because I'm the boss. But if you  
13 show me that I'm wrong, I will adjust the policy.  
14 It hasn't worked. I've told him that twice to his  
15 face. The letter that I attached -- the only real  
16 relevant portion for y'all's sake is the last  
17 paragraph where I told him again, I'm the one who  
18 sets policy for my office. If you have a problem  
19 with it, come see me. It's not changing. Most of  
20 the complaints and incidents that I reference in my  
21 letter came after I had that conversation. So I  
22 don't know what else to do but come here. You  
23 know, my job is somewhat judicial in nature, too.  
24 I have non-partisan -- when I first pick up a case,  
25 I don't have a dog in the fight. I'm not for the

1 police. I'm not for the victim. I'm for the  
2 evidence and the facts, and I have to figure out  
3 what happened to make the right decision.  
4 Sometimes that's throwing the case out, and I'll do  
5 it, and I have done it plenty of times. I have a  
6 great relationship with most attorneys that I work  
7 with, I think. They tell me I do, anyway, at least  
8 to my face.

9 Q. In this lull, if I may --

10 A. Yes.

11 Q. -- I might ask you to direct your comments  
12 specifically, and we've got your complaint --

13 A. Yes, sir. I'm sorry.

14 Q. -- and I don't mean to cut you off, but there are  
15 particularly nine evaluative criteria that we're  
16 looking for.

17 A. Yes, sir.

18 Q. And so you have perhaps broad brushed, spoken on  
19 each one of those, but if I could ask you to direct  
20 specific comments to those that are not already  
21 laid out or, again, give us your synopsis of those,  
22 that would be helpful.

23 A. I wouldn't have much more to elaborate on than  
24 what's in the complaints. I won't go back and  
25 reread them all to you. You can read the

1 complaints, and you can read the incidents. I gave  
2 you the names of the lawyers. If you have  
3 questions, you can reach out to those people. You  
4 know, he just seems to have his idea of what the  
5 law should be in some instances and resents when  
6 you don't adopt his idea of what the law should be.  
7 And then, you know, if there are certain people in  
8 my office specifically that he really has an  
9 intense dislike for, and it is evident to that  
10 person and everyone else in the courtroom, and  
11 that's just wrong. You know, there's lawyers I  
12 don't like, but nobody would ever know that from  
13 how I talk to them or how I treat them. There are  
14 people I don't get along with but I always treat  
15 people with respect and courtesy, regardless of how  
16 I feel about them personally, and I'm always going  
17 to fair to them. So, you know, that's all we want  
18 is a level playing field in the courtroom and a  
19 judge who sits up on the bench and looks out over  
20 the courtroom and sees all the people sitting there  
21 and treats them equally, sees them all as equals  
22 and understands their positions, and he just  
23 doesn't do that. And I don't know anything else to  
24 do but come and tell y'all that. It's really --  
25 it's a very, very big problem in my office. And

1 we're the only ones that receive this treatment, in  
2 the solicitor's office. Defense attorneys don't  
3 experience this so it's clearly some sort of bias  
4 issue as well.

5 Q. If I could get you, again -- would you -- again.  
6 You know these nine evaluative criteria, right?  
7 You participate in Bench/Bar surveys, our anonymous  
8 surveys?

9 A. Yes, sir.

10 Q. All right. And so you know that we look very  
11 seriously at all of these for candidates and/or  
12 those seeking reelection. So my question to you --  
13 again, not to belabor this or --

14 A. Yes, sir.

15 Q. Do you consider this a character problem,  
16 constitutional qualification, ethical fitness?  
17 Again, you're familiar with them --

18 A. Yes, sir.

19 Q. Do you want me to read them out to you? Tell --

20 A. No, sir.

21 Q. -- me and this Commission for the record, which  
22 ones you are --

23 A. It's character when it comes to temperament and how  
24 he treats people and then the bias issue is an  
25 ethical issue. I think he's biased against our

1 office and so that would be an ethical problem.  
2 Those are the two primary concerns that I outlined  
3 in my complaint. And I think all the examples I  
4 gave speak to that.

5 **Q. And you heard the recitation of your Citizens**  
6 **Committee's both initial report and addendum, did**  
7 **you not?**

8 A. Yes, sir.

9 **Q. You disagree with what you heard from the Citizens**  
10 **Committee?**

11 A. Well, in what regard? Is there a specific thing?

12 **Q. Have you read it?**

13 A. I have read it, yes, sir.

14 **Q. Do you disagree with anything laid out by the**  
15 **Citizens Committee about Judge Hall?**

16 A. Well, I disagree with it to the extent -- well, I  
17 mean, they do comment on the fact that our office  
18 has a problem with him and that there is a lot of  
19 turmoil in our office on account of how we perceive  
20 his treatment of us. I agree with that part. That  
21 is certainly a problem. And as I said in my  
22 complaint, I think that his behavior towards my  
23 staff, particularly the younger attorneys, chills  
24 their enthusiasm for advocacy and causes them not  
25 to advocate. As far as the Paul Johnson matter is

1 concerned, I will say that I did speak to the  
2 press. I'm quoted in the article that Judge Hall  
3 was concerned about when we spoke in his courtroom,  
4 the incident I reference in my complaint. But I  
5 did not have the transcript in front of me when I  
6 spoke to the press. However, I will say that our  
7 office did advocate to have that bond revoked.  
8 There was an order filed by the magistrate revoking  
9 the bond, explaining that she had told the  
10 Defendant orally and in writing not to go to the  
11 house of the victim, but the victim had a right to  
12 be in that house and he did not. And he left the  
13 detention center and went straight to her house and  
14 was caught on the Ring doorbell. And that was the  
15 basis of the revocation, which was accomplished on  
16 the motion of my office in front of the magistrate.  
17 Ten or 12 days later, in a hearing in front of  
18 Judge Hall, my office was represented by a  
19 different attorney, a young girl who had two years  
20 or less experience. And she had been in domestic  
21 violence prosecution for some period of time, and  
22 she had been the recipient of the behavior that I  
23 describe in my complaint. And because of that, she  
24 is not as enthusiastic and is not as passionate as  
25 she should have been. I would love for her to have



1           said we object. But the fact of the matter is, the  
2           facts and the circumstances of that case and what  
3           she did describe and what the judge said he saw in  
4           the victim when he asked her what she thought, and  
5           he said she's obviously very scared. She stood  
6           there mute when he asked her what she thought. She  
7           couldn't say anything. She could talk before. But  
8           when he asked her that specific question, with the  
9           Defendant standing right there, she was too scared  
10          to say a word. And he acknowledged that fact.  
11          Based on the description of what he did to that  
12          woman, I don't think that anybody should have  
13          needed to tell him that the bond should not be  
14          reinstated. That man should have stayed in jail.  
15          That's my opinion. Now I understand being a judge  
16          is a difficult job. And I understand they have to  
17          make difficult decisions but that's my opinion.

18       **Q. All right. And so I appreciate your further**  
19       **comments. You have identified the problems you**  
20       **have as character and ethical fitness, correct?**

21       A. Yes, sir.

22       **Q. So again, we've talked about the Bench/Bar survey,**  
23       **and no doubt you participated in Judge Hall's,**  
24       **though you don't have to say you did. These are**  
25       **anonymous, correct?**

1 A. Yes, sir.

2 Q. All right. But I want to just ask you again, do we  
3 give credence to 255 respondents who said that  
4 Judge Hall's ethical fitness is that he is well  
5 qualified, and in the character of criteria, 251,  
6 62 percent character and 63 percent ethical  
7 fitness, well qualified.

8 A. Yes, sir.

9 Q. How do we square your complaint -- and to your  
10 knowledge, has there ever been a complaint filed by  
11 a solicitor against a resident judge?

12 A. In this forum?

13 Q. In this forum.

14 A. No, sir, not to my knowledge, but I --

15 Q. Not that it doesn't -- not that it can't happen.

16 A. Yes, sir.

17 Q. But this is, as you said --

18 A. Unusual.

19 Q. -- difficult for you, but so how do we square folks  
20 that don't share your view?

21 A. If you are an attorney practicing in front of him  
22 and he likes you or you are practicing in an area  
23 he doesn't have strong feelings in, such as  
24 criminal justice, I'm sure he's a wonderful fellow.  
25 I knew him when he worked in my office and the

1 public defender's office. I knew him before he was  
2 Judge Hall, back when he was just Dan, and he's a  
3 good person. You know, he's the Dan I remember  
4 playing Johnny Cash on Friday afternoons in his  
5 office and bringing flowers in for the paralegals.  
6 He's a good guy. He just doesn't like us. And  
7 two-thirds of the work that a circuit judge does is  
8 in the Court of General Sessions, and we're there  
9 for all of it. You can't dislike and have these  
10 biases and problems and issues with our sector of  
11 the criminal justice system. I know, you know, not  
12 everybody likes us but we are here, and we are an  
13 important part of it. We're half the equation in  
14 every single case. And 250 other lawyers, criminal  
15 defense attorneys, civil lawyers, all these other  
16 folks may love him. I say in my complaint, he  
17 doesn't give them problems. But it's a huge  
18 problem that he doesn't like us because we're there  
19 for two-thirds of the cases in Circuit Court.

20 **Q. Judicial temperament, 63.3 percent, well qualified.**

21 **Would you agree with that assessment?**

22 A. Temperament as in how he treats other people, well  
23 qualified? I would say from my perspective, no, I  
24 don't agree with that.

25 **Q. Representative Rutherford.**

1 MR. BRACKETT - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

2 Q. Thank you. Solicitor Brackett, in the Johnson  
3 transcript, it was fascinating to me that the  
4 solicitor didn't move to put him on -- to put Mr.  
5 Johnson on house arrest. Why not?

6 A. I don't know. I wasn't there. I haven't  
7 specifically asked her about that question. I will  
8 say my guess as to why she didn't was because she  
9 is afraid. I think she felt -- based on my  
10 conversations with her --

11 Q. Hold on, let me stop you, because you're under  
12 oath. And you're now testifying that your  
13 employee, who you have not talked to about this,  
14 you're going to tell her own feelings?

15 A. I did talk to her around the time. She wasn't my  
16 employee at the time. She had left my office, and  
17 I called her.

18 Q. So as to why she did not request that the Defendant  
19 be placed on house arrest, your answer is you don't  
20 know?

21 A. No, my answer is I think, based on my conversation  
22 with her -- but she would be the best person to  
23 question about that, because she's the one who  
24 actually held the hearing. I think that based on  
25 everything she had ever experienced in Judge Hall's

1 courtroom, she perceived him to have made his mind  
2 up. And pushing him on an issue could result in  
3 her getting beat up.

4 Q. And if I could go back to the young couple that  
5 just testified about their son and the motorcycle  
6 accident. There was, again, in that transcript the  
7 discussion of house arrest with electronic  
8 monitoring and GPS. You all have that program now,  
9 you had it in place when Mr. Johnson's bond  
10 revocation was done and the solicitor simply didn't  
11 take advantage of it?

12 A. There is no home detention act procedure in place  
13 for York County. We do not have a home detention  
14 act order. There are occasions when judges do  
15 place people on house arrest, and they've done it  
16 on their own initiative without, you know, us  
17 asking for it if they feel it's appropriate. But  
18 that's an option that's available for the judge,  
19 but we don't have a home detention act.

20 Q. And whose policy is that?

21 A. Which?

22 Q. To not avail yourself of 2015 technology to have a  
23 house arrest program in place for defendants that  
24 are either on bond or post conviction? Whose  
25 policy is that? Is that --

1 A. I don't know.

2 **Q. -- the solicitor or the sheriff?**

3 A. I haven't read the policy or the statute itself to  
4 see whether it's something that I have to decide or  
5 whether it's something the sheriff has to decide or  
6 we both have to agree on or whether it can be  
7 approved by the county council, sua sponte, without  
8 our agreement. I don't really know. But I will  
9 tell you to get to the gist of your question,  
10 Representative Rutherford, I don't agree with it.  
11 I see that there are too many abuses. There are  
12 too many times when people get put on house arrest  
13 and home detention and they don't comply, and  
14 nothing is done with it. And then to have them get  
15 credit towards their jail sentence when they sit at  
16 home for two years, you know, because we can't get  
17 the case in court, that does bother me.

18 **Q. I can see. But it also should bother you that Mr.**  
19 **Johnson, had he been in Richland County, Lexington**  
20 **County or 20 other places where I practice law,**  
21 **could have been put on a house arrest with**  
22 **electronic monitoring with a geofence so that she**  
23 **would have known had he gotten anywhere near her.**  
24 **But because the solicitor decides that he doesn't**  
25 **want to give credit to people post conviction he**

1 doesn't bother, or the sheriff doesn't bother, to  
2 have a program in place to save people's lives, Mr.  
3 Johnson was allowed to go near a victim without  
4 that victim being notified because you don't want  
5 people to get credit when they're convicted?

6 A. No, that's the home detention act.

7 Q. No. You're referring to the home detention act. I  
8 asked you whether you all had anything in place  
9 that allowed GPS monitoring of a defendant, pre-  
10 conviction, like we do in Richland County, which is  
11 done by the Richland County Solicitor's Office,  
12 defendant management systems. Dan Johnson put it  
13 in place, the solicitor --

14 A. Uh-huh.

15 Q. -- and it allows that someone like Mr. Johnson, who  
16 violated the conditions of his bond, would be put  
17 on GPS monitoring with house arrest so that the  
18 victim would know where he is. And if he went  
19 within three miles of her, she would be notified.  
20 Our solicitor put that in place. You don't think  
21 it's necessary?

22 A. We do have home detention or house arrest with GPS  
23 monitoring in York County. That isn't --

24 Q. A program that is done by your office --

25 A. No, sir.

1 Q. -- or you're saying that a judge could ask for  
2 that?

3 A. A judge orders it, makes the defendant pay for it  
4 if they think it's appropriate, and then it is  
5 monitored by a private company or in some instances  
6 probation may be asked to monitor it if the --

7 Q. But the solicitor's office in York County does not  
8 have a system where they can monitor criminal  
9 defendants that are out on bond for things like  
10 domestic violence, because as you said, you don't  
11 like the fact that they could be given credit for  
12 that if their case extends out two years; is that  
13 what you said or not?

14 A. Well, I will point out, Representative Rutherford,  
15 that until very recently 90 plus percent of our  
16 cases were moved within a year of arrest, and most  
17 of the people in our detention center were in there  
18 for less than six months, more than 90 percent of  
19 them. So until Covid hit, we moved our cases so  
20 quickly this wasn't a problem.

21 Q. But we're focusing on what -- and I guess you're  
22 talking about the time in which they're moved,  
23 which was an issue that you brought up. My concern  
24 is that people that are victims in Richland County,  
25 in Lexington County, Spartanburg, Greenville, have



1 programs run by the solicitor, run by the sheriff,  
2 where they know where that criminal defendant is 24  
3 hours a day. They have a geofence. They know  
4 whether they're close to them or not, and if they  
5 violate, it goes off instantly. If their monitors  
6 cut off, it goes off instantly. Those solicitors  
7 have chosen to do that, and in accordance with  
8 that, the victims are safer. Those solicitors  
9 aren't standing here saying that it's the judge's  
10 fault that my solicitor, I guess, knowing how other  
11 solicitors had been treated or how she had been  
12 treated or how she had been treated, didn't bother  
13 to ask that routine safeguards that are done all  
14 over this state aren't done in York County. And  
15 the problem is that you're then here blaming Judge  
16 Hall?

17 A. I think he should have left him in jail, yes, sir.

18 Q. And I think that your solicitor or your office  
19 should have a policy of protecting people, and that  
20 policy of protecting people -- if you go back to  
21 even the DUI case that you brought up, did you know  
22 that they now have GPS monitors that also have  
23 scam devices that can detect the presence of  
24 alcohol in someone's system and that the  
25 solicitor's office in Richland County has that

1 program. And so in that very case, your office,  
2 the victim in that case, would have been notified  
3 if the offender had ingested any alcohol. They  
4 also would have known where she was, if she was  
5 moving. And the sheriff would have been able to  
6 track that movement so that you're not just in the  
7 blind and making it the judge's fault. Does your  
8 office believe that you bear any responsibility at  
9 all for protecting the people of York County by  
10 remaining in the dark and not going into 2021 where  
11 GPS monitoring, where scam devices, where  
12 geofences are put in place on a routine basis, to  
13 protect everyone, because this is 2020, 2019?

14 A. We have GPS monitoring for people out on bond.

15 Q. Again, I'm not asking you whether a judge can order  
16 it. Whether it's your program, because it's the  
17 program that the solicitor's office put in place  
18 that is the one that is protecting people. In  
19 Spartanburg County, you sign an agreement. And  
20 that agreement states that if you get out on house  
21 arrest and you have a violation, you will be picked  
22 up immediately. And you agree to that as part of  
23 the solicitor's program. Do y'all have that, yes  
24 or no?

25 A. We do not have a solicitor-run program. However, I

1 will say that the policies that we do pursue in  
2 York County with regards to criminal justice and  
3 public safety have resulted in, again, pre-pandemic  
4 ten homicides pending in York County. Whereas, I  
5 know at the same time in Richland County they had  
6 over 200 pending. So I'm not entirely sold on the  
7 idea that this is going to be a panacea for  
8 criminal activity, but I appreciate what you're  
9 saying. We do not have the program.

10 **Q. And I appreciate what you're saying as well,**  
11 **because given the population of York and Richland,**  
12 **what would you say the difference is?**

13 **A. I would say York is probably slightly more than**  
14 **half of Richland.**

15 **Q. So about half. And so, again, as you talk about**  
16 **numbers and what other jurisdictions have done to**  
17 **provide safety to their people that your office has**  
18 **not. Let's deal with other policies. And you**  
19 **provided a brief about why it is that you think**  
20 **that a violation of the rules of discovery are**  
21 **allowed in York County by not giving a defense**  
22 **attorney the information that they are requesting**  
23 **on the name or just the basic information as it**  
24 **relates to an informant. And you provided a case,**  
25 **Rouise, and it talked about impeachment evidence.**

1           You are not trying to suggest to us -- and I assume  
2           that went to Judge Hall, it seemed to be sent to  
3           him, that impeachment evidence in federal as  
4           written in Rouise is the same as what the defense  
5           attorneys in York County were requesting that Judge  
6           Hall had a problem with. You're not saying that  
7           impeachment evidence is the same as what they are  
8           requesting, are you?

9       A.     I'm not sure I understand your question. It was  
10           rather --

11    Q.     Okay. Let me --

12    A.     -- distill that down to the essence of what --

13    Q.     I can. So you agree that the policy of your office  
14           is not to give information on confidential  
15           informants to a criminal defendant without them  
16           losing their ability to negotiate a plea; is that  
17           right?

18    A.     What we do, to be clear, is we tell the defendant  
19           here is your plea offer, and we make it a generous  
20           plea offer in a case where we do not wish to  
21           divulge the identity of the informant. And we do  
22           this to protect the informant from being harmed.  
23           So in those cases, we tell them you can have this  
24           generous plea offer, and we will give you all the  
25           evidence we possibly can that will not divulge the

1 identity of the defendant. However, if you want  
2 this other information, we will provide it because  
3 you are entitled to it. However, we will withdraw  
4 the plea offer. So -- and I have actually taken  
5 that issue. It's been argued. It was argued by  
6 Judge Hall when he was in the public defender's  
7 office. It's been argued by a couple of other  
8 attorneys, one of whom appealed it to the South  
9 Carolina Supreme Court. I went and argued the case  
10 in front of the Supreme Court, and they affirmed  
11 that that is in fact acceptable. It is within the  
12 law. It is ethical. There is no issue with that  
13 whatsoever.

14 **Q. And again, you are continuing to use this adjective**  
15 **of generous. Now it's generous to you, but**  
16 **generous to the defendant, generous to the defense**  
17 **attorney, may be a difference, obviously, because**  
18 **you took it to the Supreme Court. So someone**  
19 **disagrees with that adjective generous; you would**  
20 **agree with that?**

21 **A.** I'm talking about the plea offer, and everything is  
22 relative. Generous here versus California versus  
23 New York versus Texas, you're going to have --

24 **Q. No, generous to you is different than generous to**  
25 **the defense attorney and the defendant, otherwise**

1           **the case would not have been appealed; you agree**  
2           **with that?**

3    A.    Most of the time the people accept the plea offer  
4           so I assume that they also think it's generous, but  
5           I don't know what they're thinking.

6    Q.    **But again, you are speaking as if I've never had a**  
7           **case in York County that involved an informant, and**  
8           **your use of the word generous --**

9    A.    I know you've had cases --

10   Q.    **Right.**

11   A.    -- that have involved informants. I've worked on  
12           some of those cases with you where I protected your  
13           client who was the informant and protected that  
14           person from being divulged to help them also stay  
15           safe.

16   Q.    **But my concern is that you mentioned Rouise --**

17   A.    Yes.

18   Q.    **-- in your brief?**

19   A.    Yes.

20   Q.    **You realize that has nothing to do with what we're**  
21           **talking about, right?**

22   A.    It has everything to do. It's a United States  
23           Supreme Court case which said that you can withhold  
24           the identity of the informant --

25   Q.    **It did not. It did not.**

1 A. -- well, it allowed for fast tracking cases. It  
2 was maybe in a slightly different context, but it  
3 is dead on point.

4 Q. I will give you the benefit of the doubt that,  
5 because I read your background, you've been in the  
6 York County Solicitor's Office for the bulk of your  
7 practice, that you don't go into federal court.  
8 Federal court divulges the identity of their  
9 informants when you first get your discovery.  
10 Rouise talked about impeachment evidence as it  
11 related to other witnesses, not the identity of the  
12 informant. They give it to you. So that is why  
13 this is not relevant to what we're talking about.

14 A. But the concept is the same. You can withhold --  
15 in order to give them a generous offer or a more  
16 lenient or beneficial offer you're allowed to  
17 withhold evidence if they want the offer and you  
18 want to fast track the case. That came out of the  
19 Ninth Circuit, and the Supreme Court --

20 Q. That's simply not accurate. That's not what it  
21 says, and I would encourage your office to simply  
22 read it again.

23 A. I will do that.

24 Q. As it relates to other policies that -- because you  
25 talked a lot about policies, other policies that

1 Judge Hall may have an issue with that you are  
2 asking him to come and speak to you. What are  
3 those policies that you find that he has an issue  
4 with?

5 A. I'm sorry. What --

6 Q. You talk a lot about office policy, and that if you  
7 if he had an issue rather than deal with your  
8 assistants, he should come and talk to you about  
9 them.

10 A. That's --

11 Q. We talked about the discovery issue.

12 A. Yes.

13 Q. What other issues are there?

14 A. When we -- I can look through my notes here real  
15 quick. The other one was he's frequently critical  
16 of plea offers that we make. He doesn't agree with  
17 them, and he --

18 Q. If I could pause you.

19 A. Yeah.

20 Q. Other judges as well have expressed discontent with  
21 your plea offers, have they not?

22 A. Not to me.

23 Q. So you're saying that you've never heard other  
24 judges express discontent with your plea offers?

25 A. They may. There may be. I have no doubt there are



1 people who wish that we would make better plea  
2 offers. I don't know, but there's a difference  
3 between disagreeing with our plea offers and  
4 belittling and berating an attorney in open court  
5 in front of their peers because they disagree with  
6 that plea offer.

7 Q. So when a judge disagrees with your plea offer --  
8 and you cited one of the cases here where the young  
9 lady had committed an offense 30 years ago, and  
10 your office wanted her to plead guilty and get on  
11 probation, and the judge disagreed that; are you  
12 familiar with that case?

13 A. Cecelia Cunningham, I am.

14 Q. Yes, sir. And so in disagreeing with that and not  
15 accepting that negotiation, is not accepting the  
16 negotiation the way that a judge expresses their  
17 discontent?

18 A. It wasn't just that he didn't accept the  
19 negotiation. I can live with that, that's fine.  
20 But what I can't live with is saying, "Why are you  
21 even prosecuting this case, solicitor? This case  
22 is 30 years old. This is ridiculous. Why are you  
23 even bringing this into my courtroom?" Well, Your  
24 Honor, she stabbed a man in the throat with a knife  
25 and put him in the ICU for six days. It's been 30

1 years, we agree, but the man is still here, and he  
2 wants some piece of justice. And what he's asking  
3 for is not unreasonable. He just wants her to  
4 admit she did it and accept probation. I don't  
5 think that that's the same thing as disagreeing  
6 with whether or not the guy should get a negotiated  
7 six years or whether that should be a  
8 recommendation so that the judge can sentence less.  
9 That's the judge's discretion. But the judge's  
10 discretion about whether we choose to move forward  
11 with a lawful indictment and to prosecute somebody  
12 in court, and I will add, that the defense attorney  
13 also agreed. Everybody was in agreement but Judge  
14 Hall.

15 Q. So you also seem to be ignoring the fact that  
16 defense attorneys, because of the way that the laws  
17 are situated and some of the penalties that we have  
18 to deal with and what it means to have charges  
19 hanging over their client's head, if they're put in  
20 a position where you either accept this or things  
21 are going to get worse, sometimes they accept deals  
22 that may not be the best for their client. And for  
23 example, is it a policy of your office if someone  
24 is arrested for a drug offense, that that person,  
25 if law enforcement has made multiple buys off of

1           them, that that person waives their right to  
2           indictment on a second offense or a third offense  
3           and pleads guilty to second and third offenses  
4           without even prior convictions of a first, because  
5           of the fear of what you all would do, because of  
6           the multiple buys that were made. Is that a policy  
7           of your office?

8       A.     To charge people for all the sales that they made  
9           and prosecute them for them?

10    Q.     Yes, sir.

11    A.     Yes, we do do that.

12    Q.     Before they were convicted of any of them?

13    A.     Well, they are convicted eventually of them. They  
14           step up to the plate and accept responsibility for  
15           them.

16    Q.     Right. And because the law would say that if you  
17           don't plead guilty to this third offense, even  
18           though you've never had a first, we're going to  
19           seek life without parole, and you're going to be in  
20           jail, even though you never had a first or a  
21           second. But because law enforcement went out and  
22           made multiple buys without charging them, without  
23           bringing them in, without telling them they were  
24           making buys, you all are asking that person to  
25           waive their rights to get convicted of a first and

1           **a second, plead guilty to this third, and we won't**  
2           **seek life without parole. That's a policy of the**  
3           **office, is it not?**

4    A.    Depending on the person that we're dealing with,  
5           there can be some very, very bad people out there.  
6           And if it's somebody that is a high priority  
7           target, yes, but that doesn't happen to everybody.  
8           I would have to know more specifics about the  
9           individual that's involved, but generally speaking,  
10          when there are multiple buys made, we treat them  
11          all as one event and prosecute them. We may run  
12          them concurrent or something like that, but it can  
13          happen, depending on who the person is. That is  
14          correct.

15   Q.    **And so when a judge in the prior case or in the**  
16           **instant examples that we were just talking about**  
17           **expresses discontent with how you all handle that,**  
18           **he is supposed to come and talk to you about it and**  
19           **not saying anything about it in the courtroom when**  
20           **the case is brought in front of him?**

21   A.    That would be preferable, absolutely, because I am  
22           the only person that can change that. And people  
23           do come talk to me, Representative Rutherford.  
24           They actually do darken my door, sit down on my  
25           couch, and we go through -- and I have on many

1 occasions gone behind what one of my assistants did  
2 and said, no, we're not going to do that in this  
3 particular case. I am not an unreasonable person.  
4 But, you know, if nobody comes and talks to me, I  
5 can't do anything about it. But I certainly would  
6 say that if you disagree with my policy, then I'm  
7 the person to talk to, because I'm the one who can  
8 change it. And under no circumstances should you  
9 berate the specific attorney who's standing in  
10 front of you and humiliate them in front of their  
11 peers. That's unacceptable.

12 **Q. And so the penalty for not coming to talk to you is**  
13 **that you will appear here?**

14 A. The penalty for not coming and talk to me --

15 **Q. About your policies, the penalty for not**  
16 **complaining to you about your policies is that you**  
17 **will come and testify --**

18 A. No, sir. The penalty for belittling and berating  
19 and demeaning my employees in the courtroom is that  
20 I will come here.

21 **Q. Do you remember telling me that you didn't like for**  
22 **good judges to come to York County?**

23 A. Good judges, I'm sorry.

24 **Q. Do you remember telling me that you did not like**  
25 **good judges to come to York County, that you didn't**

1           **want them?**

2    A.    No, sir, I have no recollection of that.

3    **Q.    It was August 28th, 2014 --**

4    A.    I have no recollection --

5    **Q.    -- we were in Judge Gibbons' office.**

6    A.    I do not like good judges? Did I define good  
7           judges?

8    **Q.    Well, it was clear, because Judge Gibbons was**  
9           **telling you that he was not going to listen to what**  
10          **you were saying, and he was going to do what he was**  
11          **going to do anyway, and you told me --**

12   A.    That's fine.

13   **Q.    -- that you did not want good judges to come to**  
14          **York County; do you remember that?**

15   A.    I don't remember that at all.

16   **Q.    Okay.**

17   A.    And I would certainly need more context and  
18          information about that, but I have no recollection  
19          of that. And I have -- like I said, I've had quite  
20          a few judges come through. I can't really think of  
21          any that I don't get along with.

22   **Q.    So when you say you don't get along with him, is it**  
23          **because you have a judge, for example, a Judge**  
24          **Hayes from Spartanburg who comes, and your**  
25          **solicitors will simply stop calling cases in front**

1 of him and send him home on a Tuesday or Monday  
2 afternoon because you don't want to deal with what  
3 others would consider a good judge?

4 A. I don't have any knowledge of what you're talking  
5 about.

6 Q. You don't have any knowledge of that?

7 A. No, sir. And as a matter of fact, we don't run the  
8 docket anymore, so that's not my call.

9 Q. Right. But you've been there for how long?

10 A. Thirty years now.

11 Q. So policies of your office?

12 A. I have no idea what you're talking about, so --

13 Q. Okay. And you don't remember the conversation that  
14 you and I had?

15 A. No.

16 Q. Okay. I don't have any further questions at this  
17 time.

18 VICE CHAIRMAN RANKIN: Ms. Blackley

19 MR. BRACKETT - EXAMINATION BY MS. BLACKLEY:

20 Q. Hello, Solicitor. I want to see if you can clarify  
21 something that I didn't understand with the  
22 complainants that came in on the DUI case.

23 A. Yes.

24 Q. She stated that they weren't allowed to speak, her  
25 son nor was she. Can you tell me why?

1 A. I don't --

2 Q. A victim wouldn't be allowed to address the Court?

3 A. I don't know what took place in that particular  
4 situation. I wasn't even in the courtroom, ma'am,  
5 and I just met them for the first time today.

6 Q. Okay. That's my only question.

7 A. Yes, ma'am.

8 VICE CHAIRMAN RANKIN: Mr. Strom.

9 MR. BRACKETT - EXAMINATION BY MR. STROM:

10 Q. Solicitor, we've known each other a long time.

11 I've just got to tell you this whole thing kind of  
12 sickens me. You've obviously prosecuted a lot.

13 You've made prosecutorial decisions to dismiss.

14 I've made those decisions. We've had staff reduce  
15 charges and had bad outcomes on the other side of

16 it, and all of us -- I'm sure in this case

17 everybody wishes they could pick it up and start

18 over and not have a death. But what I'm trying to

19 -- but at the end of the day it's our system.

20 You've got make a call as a prosecutor.

21 A. Yes, sir.

22 Q. You've got policies. People elect you to make  
23 those policies, and if they don't like you, they

24 can vote you out. That's the way it works.

25 A. Yes, sir.



1 Q. And you serve your people. The judge has got a  
2 role to sentence people as he deems appropriate,  
3 and what I'm reading into this it sounds like it's  
4 -- is this more of a personality issue between the  
5 two of y'all, or is this happening with other  
6 solicitors, or is it just your office and him?

7 A. I don't know what's going on in other offices  
8 around the state, Mr. Strom.

9 Q. No other solicitor's complained about him that you  
10 can recall?

11 A. I've had people make comments, but I wouldn't trust  
12 my memory --

13 Q. Okay.

14 A. -- or feel it appropriate to call those out, but my  
15 specific problem -- and I understand. I've had  
16 judges make decisions that weren't in -- you know,  
17 that ended up being the wrong decision, and I don't  
18 criticize people. And in fact, in this specific  
19 case, the one you're talking about, the Johnson  
20 case, that reporter called me, and he gave me  
21 several opportunities to throw Judge Hall under the  
22 bus and, you know, floating questions out. What do  
23 you think of that? Are you -- you know, and I just  
24 -- I never took the opportunity, but when he asked  
25 me specifically, "Did your office do everything it

1           could?  Is there anything you wished", I think is  
2           how he phrased it, "that your office had done?"  
3           And I said, no, my office did everything it could.  
4           And I feel that.  You know, it's -- that's really  
5           one issue.  And if you read my complaint, I'm not  
6           complaining about that decision.  I'm complaining  
7           more about how he treated -- this is a personal  
8           example that I lived --

9   **Q.     Right.**

10  A.     -- myself and Sheriff Tolson, getting called into  
11  his courtroom and run down because of that article.  
12  And I -- you know, that was the purpose of me  
13  putting that in there is to -- you know, this is my  
14  -- you know, the opportunity I had, plus the  
15  conversation that I had as I left the courtroom  
16  that day after that meeting, because it was one  
17  more opportunity in April of 2020 for me to tell  
18  him.  Because he asked me some question, and I  
19  can't for the life of me remember what he said, but  
20  it prompted me to point out to him again -- I said,  
21  you know, people in my office -- they're -- you  
22  know, they dread going into your courtroom.  They  
23  don't -- you know, because of how you're going to  
24  treat them, and it chills their -- you can imagine.  
25  You were a young lawyer once.  When you're standing

1 up in front of a judge -- and these are people who  
2 don't remember him when he was Dan. He's been  
3 Judge Hall their whole professional career. And  
4 he's got gray hair and he's sitting up on the  
5 bench. And when they yell at you, it hurts. And,  
6 you know, so --

7 **Q. One of the judges came through earlier and said I**  
8 **don't remember every case I lost as a lawyer, but I**  
9 **remember every time I was mistreated in court.**

10 A. Yeah.

11 **Q. So that's --**

12 A. It is and if it's happening again and again because  
13 it's your local judge, then that's going to affect  
14 how you react in that courtroom. And it's going to  
15 affect how you advocate, which is the biggest  
16 problem. I don't have a problem that he disagrees  
17 with me on things. I don't. I mean, his  
18 philosophy's his philosophy. Those matters that  
19 are within his discretion are entirely within his -  
20 - I don't answer for his decisions, but don't take  
21 it out on my people. That's what I'm here for.  
22 I'm here to tell you that that's just not right.  
23 I've been doing this for 30 years, and these young  
24 lawyers coming through now --

25 **Q. So your view is that this is a disagreement between**

1           the two of y'all, and he's taking it out on your  
2           staff --

3   A.    No.

4   Q.    -- and he ought to be having a discussion with you  
5           about it; is that kinda --

6   A.    Well, that's my solution for it, but I don't think  
7           that that's really -- it's not just like between  
8           Kevin and Judge Hall. I think he, you know,  
9           disagrees with, you know, individuals when they say  
10          something he doesn't like, even if it's not a  
11          policy issue on my part, if it's something that  
12          they advocate for that he disagrees with. And then  
13          there are some people that I think he's developed  
14          such an intense dislike for that no matter what  
15          they say they're going to catch it.

16   Q.    **So how do you move forward?**

17   A.    I come here and I tell y'all about it, and I don't  
18          know what we do. I led at the podium today with I  
19          would rather be anywhere else. I did not look  
20          forward to coming here. I really, really didn't.  
21          But I don't know what else to do, y'all. I really  
22          don't. You know, people shouldn't get treated like  
23          this. They just shouldn't and it's not fair to  
24          them. And, you know, we should all just get along.  
25          And if he disagrees with us, rule the way he wants

1 to rule and that's fine, but don't beat somebody up  
2 about it. It's just -- its scarring, like you  
3 said. You remember every single time it happens,  
4 and it's always just us, you know. It's always us.  
5 He never yelled in -- the Cecelia Cunningham case,  
6 he didn't yell at the defense attorney and say,  
7 "Why did you agree to accept this probation  
8 recommendation? This is outrageous. What kind of  
9 lawyer are you?" That never happened. It's always  
10 us, our decision is the one that's at fault. We're  
11 the ones that screwed up. We're the ones that are  
12 behaving poorly.

13 **Q. Thank you.**

14 VICE CHAIRMAN RANKIN: Representative Rutherford.

15 MR. BRACKETT - RE-EXAMINATION BY REPRESENTATIVE RUTHERFORD:

16 **Q. Where are those transcripts of him talking to those**  
17 **prosecutors in that manner? And we can refer back**  
18 **to the Johnson case, and you said that she was**  
19 **afraid. Where is the transcript of him talking to**  
20 **her in a way that she should be afraid?**

21 A. I don't know. And you can't read from a cold  
22 transcript somebody's tone of voice. All you see  
23 are words on a page, so I don't know what -- I  
24 haven't heard the audio. But there is one I would  
25 refer you to if you can get the audio recording of

1 the WebEx for the Joanna Payne hearing in February  
2 of this year, I think that would be enlightening.  
3 From what I understand -- I was not present for it,  
4 but a number of people said he hates your guts  
5 about my -- to the attorney representing the State  
6 in that case. And that was in February of 20- --  
7 it's in my thing, and it was a pandemic case, and  
8 there was WebEx, and they were recording them all,  
9 so I assume that it's out there somewhere. And the  
10 audio recordings are going to be much more helpful  
11 than a transcript. You just can't tell how  
12 somebody's talking. I mean, you can be sarcastic  
13 and demeaning, but it doesn't translate to the  
14 page. You just can't pick it up.

15 **Q. But so where are those transcripts of someone being**  
16 **talked to in a demeaning way so that we can read**  
17 **them and say, oh, I see what you're talking about -**

18 -

19 **A.** I don't have them.

20 **Q. -- specifically regarding this solicitor, which you**  
21 **have testified under oath that she was afraid, and**  
22 **that's why she didn't ask for any other conditions.**  
23 **Where is a single transcript that she was talked to**  
24 **in a demeaning way and that is why she reacted the**  
25 **way that she did, which was to say nothing?**

1 A. You have the transcripts and the attachments that I  
2 gave. I don't have --

3 Q. **And so you don't have any?**

4 A. I did not bring --

5 Q. **So you base this solicitor being afraid not on  
6 anything that you've read, but on what?**

7 A. I based it on being in my office for the last seven  
8 years listening to people come to me --

9 Q. **This solicitor. Not people, this solicitor.**

10 A. -- and complain about how he -- every solicitor in  
11 my office.

12 Q. **No, sir. No, sir. You testified under oath that  
13 this solicitor --**

14 A. Which case?

15 Q. **-- the solicitor in the Johnson case --**

16 A. Okay.

17 Q. **-- which one was that?**

18 A. Her name was Carissa.

19 Q. **Carissa. That Carissa did not do her job because  
20 she was afraid. Do you have a single transcript  
21 for where Carissa was talked to in a demeaning way  
22 and that made her afraid?**

23 A. I don't have any other transcripts with me. All I  
24 have is my conversation with her, which I talked to  
25 her immediately around that time.

1 Q. Now you've known this was coming for months?

2 A. And other DV attorneys in my office.

3 Q. You've known this was coming for months --

4 A. Yes.

5 Q. -- and you have no proof that Carissa had any  
6 reason to be afraid of Judge Hall?

7 A. Well, what she said and what other people have told  
8 me over the years in my office as how they're  
9 treated in court and how that makes them feel and  
10 how they react to that when they present.

11 Q. And so I presume -- you're a lawyer, seasoned  
12 prosecutor --

13 A. Yes.

14 Q. -- that you went and pulled the transcripts. Let  
15 me see how this judge talked to my employee. Did  
16 you do that, yes or no?

17 A. I do not have any other transcripts, Mr.  
18 Rutherford.

19 Q. Okay. And so, again, your statement that she did  
20 not do all that she could to protect this victim  
21 when the reporter called you and said, is there  
22 anything else you could have done, you said, yes,  
23 my assistant should have done, could have done  
24 more; is that what you told the reporter?

25 A. No, I did not.



1 Q. And so you said that my assistant -- she's afraid  
2 because I've looked at transcripts, and she had  
3 every reason to be afraid of Judge Hall and not to  
4 ask for other protections, and so that's why she  
5 didn't; is that what you told the reporter?

6 A. As I indicated to you earlier, sir, I did not have  
7 the transcript from the hearing at the time I  
8 talked to the reporter. All I had was an  
9 accounting from my staff as to what the -- the  
10 basic outline of what took place in the history of  
11 that case leading up to that bond hearing.

12 Q. And so this employee told you that she was afraid  
13 of Judge Hall before or after the Johnson hearing?

14 A. That specific occasion was after. That's why I  
15 called her at her new place of employment. But I  
16 had heard from other people that his treatment of  
17 those attorneys, specifically in the domestic  
18 violence area, was of a character that led them to  
19 believe he didn't like what they were saying,  
20 didn't want to hear what they were saying, was  
21 demeaning to them when they said it, so they  
22 stopped saying it.

23 Q. And so just to be clear as it relates to the  
24 Johnson hearing, the solicitor in that case didn't  
25 tell you that they were afraid of Judge Hall until

1 after Mr. Johnson killed his wife; is that right?

2 A. Yes.

3 Q. And so, upon finding out that Mr. Johnson killed  
4 his wife, the solicitor that worked for you at the  
5 time said, oh, I didn't ask for anything else  
6 because I was afraid of Judge Hall?

7 A. That's not exactly how the conversation went down.

8 Q. Okay. So what you are asking us to do is to go off  
9 of you recounting what other people have told you  
10 he said when you have access to court records, to  
11 transcripts? You didn't bother to get any of those  
12 and bring those here today. You've had months to  
13 prepare for this. You knew that we were  
14 investigating Judge Hall, and even in a case where  
15 someone lost their life and there were multiple  
16 things that could have been done to protect them,  
17 you didn't bother to go and get a single transcript  
18 where Judge Hall talked down to that solicitor  
19 prior to the Johnson hearing to bring it in and  
20 say, this is Exhibit A?

21 A. I have no other transcripts, Mr. Rutherford.

22 Q. Okay. No further questions.

23 VICE CHAIRMAN RANKIN: Representative Johnson.

24 MR. BRACKETT - EXAMINATION BY REPRESENTATIVE JOHNSON:

25 Q. Thank you, Mr. Chairman. Good to see you again,

1           Solicitor. We've gotten to get to know each other  
2           the last few years.

3   A.    Yes, sir.

4   Q.    Oversight one of those --

5   A.    Yes, sir.

6   Q.    -- and appreciate you showing up and testifying to  
7           those. I read through the materials, and I've sat  
8           here and I've looked at a couple of things and kind  
9           of heard what's going on. But one of the things  
10          that kind of concerned me about this Johnson matter  
11          is the assistant solicitor that was there that day  
12          -- and I'm looking here, and it pretty well  
13          provides that the assistant solicitor did not  
14          object to the bond being granted that day; isn't  
15          that right?

16   A.    The solicitor did not say the words I object to  
17          bond being set in this matter. But the solicitor  
18          described the history of this in such a way that --  
19          and by -- I would also hasten to point out that we  
20          do consent bond orders, too. If we agree to it, we  
21          can just write that on a piece of paper and drop it  
22          off in chambers and that can -- you know, there's  
23          no need for a hearing. So by virtue of the fact  
24          that we were even having a hearing, we obviously  
25          had an issue with it. But we described what this

1 man did to this woman. We described how he had  
2 been arrested, how he had been taken to jail, how  
3 he had been admonished not to go back to the house,  
4 and how he went directly back to the house, how the  
5 magistrate judge had immediately revoked the bond  
6 and ordered him re-incarcerated. And I would point  
7 out to you at the beginning of the transcript one  
8 of the first things that Judge Hall says is, I  
9 don't even think she had authority to do that. So  
10 it's clear to me -- I can -- you know, I think I  
11 understand from -- he came out of the gate. He's  
12 going to reinstate the bond, and I'm sure that's  
13 what they thought. But they did what they could  
14 and presented all the facts, explained that he had  
15 violated the bond previously and -- immediately had  
16 violated the bond, and it was reinstated.

17 **Q. But if there's such a concern, but -- you know,**  
18 **about this and the bond, and hearing what, you**  
19 **know, that solicitor thought where the judge was**  
20 **going to go, isn't it incumbent upon that assistant**  
21 **solicitor to object? I mean, it's an advocate for**  
22 **the State, the solicitor's office is. Isn't that**  
23 **what the assistant solicitor should have done was**  
24 **objected and say, hey, he should not be out?**

25 **A. Ideally, but I understand why she did not.**

1 Q. And I think that's what we're dealing with --

2 A. Yes, sir.

3 Q. -- what's ideally. I mean, it's --

4 A. Yes, sir. And --

5 Q. -- unfortunately, what happened, however we're  
6 here, you know, on a complaint against a judge,  
7 and, you know, it's almost --

8 A. Yes, sir.

9 Q. -- as though what I'm hearing is on this -- I think  
10 what you're saying is the judge is the only one to  
11 blame.

12 A. No, sir, I didn't. And I would point out that that  
13 is one issue out of nine pages of issues. This  
14 Johnson thing is only one --

15 Q. I'm just talking about this one issue.

16 A. Yes, sir.

17 Q. I understand there might be others, and we'll talk  
18 about those a little bit later.

19 A. Yes, sir.

20 Q. But on this one --

21 A. Yes, sir.

22 Q. -- it's not just the judge. The assistant  
23 solicitor should have objected, been more of an  
24 advocate.

25 A. I feel like the base -- the fact that we were in

1 court, that we were not consenting to a bond, that  
2 we recounted everything that we did, I believe he  
3 should have known in and of itself. Now I agree we  
4 did not say that. Those -- the magic words, we  
5 oppose bond being reinstated in this case were not  
6 uttered by my office. And that would have been  
7 ideal, but I think based on all the facts and  
8 circumstances of the history of this case, I would  
9 not have reinstated the bond.

10 **Q. What's kind of confusing about the position is I'm**  
11 **hearing that this solicitor didn't advocate because**  
12 **this solicitor felt intimidated.**

13 A. Yes, sir.

14 **Q. That's just not a very good excuse when it comes to**  
15 **a solicitor who is supposed to uphold representing**  
16 **victims of the state.**

17 A. It's unfortunate that they felt that way, but this  
18 was a young assistant who had, like I said, I  
19 believe two years or less experience in the office,  
20 and she just was not as seasoned. I certainly  
21 would not have been intimidated, let's put it that  
22 way, but she was, I believe. And I think that the  
23 idea of saying anything further at the end of the  
24 hearing when he says, anything further from the  
25 state -- I think the idea of her saying anything

1 further and possibly incurring some criticism was  
2 what stayed her tongue.

3 Q. Okay. All right. The next thing that kind of  
4 concerned me that I saw was it appeared here -- I  
5 think one of these cases was 30 years old?

6 A. Yes, sir.

7 Q. And I think you've been the solicitor for 30 years,  
8 you said, correct?

9 A. Yes, sir.

10 Q. Approximately 30 years.

11 A. Yes.

12 Q. Whatever it is. Time does get away from us.

13 A. It does, indeed.

14 Q. I guess what I'm concerned about is why is this  
15 criminal matter pending for 30 years?

16 A. Well, in this particular case she was arrested,  
17 placed on bond, and then she fled the jurisdiction  
18 of the court. She did not return, so a bench  
19 warrant was issued. And our office routinely goes  
20 through bench warrants to make sure that, you know,  
21 a 30-year-old shoplifting bench warrant isn't going  
22 to be pending. We'll pull those after a while. If  
23 we haven't found them, we'll pull them and dismiss  
24 them, because we're not going to prosecute a  
25 shoplifting 30 years later. We're -- you know,

1 that's obvious, but when you see an assault and  
2 battery with intent to kill and you read the facts  
3 that, you know, a man was stabbed in the throat,  
4 those will stick around a little bit longer. So  
5 those will remain pending for -- you know, I mean,  
6 we've had a man prosecuted for killing somebody in  
7 Richland County 30 something years after the fact,  
8 40 years after the fact, a cab killing, but, you  
9 know, there's case that you're going to have. So  
10 that's why the case was pending. She was  
11 ultimately apprehended. It turns out that the  
12 bench warrant had been incorrectly entered into the  
13 NCIC system, the name had been wrong. So even  
14 though she had been arrested in the interim, in the  
15 intervening years for other things, that bench  
16 warrant had never flagged because the name was  
17 wrong, but then it sorted itself out somehow.  
18 Earlier this year she was apprehended, and the  
19 bench warrant was served, and that's how the case  
20 got reinstated.

21 **Q. When was she apprehended?**

22 A. I want to say it might have been a month or so  
23 before the plea, a month, maybe two at the most.  
24 It was shortly before the case resolved, because it  
25 resolved very quickly. It didn't linger. Once we



1 found it, our first thing was let's see if we can  
2 find the victim, if we have a case at all. Because  
3 if the victims are all gone or they're dead, then,  
4 you know, we don't have a case. So we did, and we  
5 found what turned out to be her exhusband. He was  
6 the gentleman stabbed in the throat. We found him,  
7 and he was interested in going forward. But as I  
8 said in my complaint, quite reasonable. He wasn't  
9 asking for jail time. He wanted accountability of  
10 some sort.

11 **Q. I saw about the bench warrant. I just didn't see**  
12 **the rest of it, so that's why I wanted to ask.**

13 A. Yes, sir.

14 **Q. I figured if there was a bench warrant, then they**  
15 **may have absconded. It just didn't say when --**

16 A. Yes, sir.

17 **Q. -- on the bench warrant.**

18 A. Just shortly after she was arrested. She just  
19 didn't come back to court.

20 **Q. Thank you.**

21 A. Yes, sir.

22 VICE CHAIRMAN RANKIN: Mr. Safran.

23 MR. BRACKETT - EXAMINATION BY MR. SAFRAN:

24 **Q. Thank you, Mr. Chairman. I kinda share a lot of**  
25 **Mr. Strom's angst over, I guess, some of the**

1           circumstances that have led us here. And I don't  
2           want to rehash everything. And candidly, I don't  
3           do criminal law. I find myself very blessed that  
4           that doesn't happen. Have done it years ago.  
5           Didn't enjoy it and admire people who do it,  
6           because it's not something I've got the stomach  
7           for.

8           A.     It's an acquired taste.

9           Q.     I understand. And I decided that it tasted too  
10          much like castor oil, so I didn't want anymore.  
11          Let me try to wrap my head around a few things,  
12          okay. I'm understanding from you, listening to, I  
13          guess, the sum total of what you said, that  
14          complaints from your staff are a common occurrence  
15          when it come to Judge Hall; is that fair?

16         A.     Yes, sir.

17         Q.     Okay. And that they come to you because he  
18          harasses, berates, belittles, whatever, but again,  
19          that is an ongoing process for all or most of your  
20          people; is that also fair?

21         A.     An ongoing process in that it happens regularly?

22         Q.     Meaning they're coming to -- yeah, that they're  
23          saying this happens. They come to you and say, how  
24          can I stop it. I mean --

25         A.     Yes. It's -- a lot of times it's just venting, you

1 know. You're at lunch with somebody. You walk  
2 through the break room and somebody -- did you hear  
3 what happened to so and so. Oh my gosh, it was  
4 terrible. And, you know, it gets everybody upset.

5 Q. And I guess what I'm understanding, though, is is  
6 that it's pretty prevalent, so I'm assuming there's  
7 not a length of time that's going by without this  
8 happening and you hearing something from somebody?

9 A. It's fairly common. I think a lot of my -- a  
10 number of my examples occurred in the last few  
11 months --

12 Q. Okay.

13 A. -- and we just -- they're like the most recent  
14 examples --

15 Q. Sure --

16 A. -- so we put them down.

17 Q. -- but I think you've also stressed that the last  
18 few months is just a microcosm of what's been  
19 happening for years?

20 A. Yes, sir.

21 Q. Okay. So I mean, I just want to make sure you and  
22 I are on the same page.

23 A. Yes, sir.

24 Q. Okay. Well, you know, and again, let's talk  
25 specifics. You know, I'm hearing from you, for

1 instance, that the solicitor in Johnson was too  
2 green basically to be able to stomach it. And so  
3 that she more or less took the coward's way out so  
4 to speak, and saying, "I'm not going to say  
5 anything. I don't want to get yelled at." We  
6 could call it that, or we could be nicer. She just  
7 decided that in her discretion she didn't want to  
8 subject herself to it.

9 A. Or she felt like it wasn't going to make any  
10 difference --

11 Q. Well, but, you know, she --

12 A. -- one of the two. I don't know. I don't know  
13 exactly what was going on, but I know she is  
14 generally trepidatious. There is trepidation, you  
15 know, when --

16 Q. Was that her or just generally somebody of that  
17 experience?

18 A. Well, I think anybody who is of that level of  
19 experience who either experiences it himself or the  
20 vicarious experience. Sitting in court and  
21 watching somebody else get blistered can be just as  
22 upsetting and unnerving as getting treated that way  
23 yourself.

24 Q. And so if I'm getting that, you say she had been  
25 there two years? You had not heard from her about

1           **this going on in the two years leading up to the**  
2           **Johnson hearing?**

3    A.    I had, and I had heard it not from her  
4           specifically, but just in general. I was taking  
5           notes of who was coming to me with which  
6           complaints, but there was this general atmosphere  
7           that this was a problem, yes.

8    **Q.    And I guess when they come to you, what do you tell**  
9           **them to do?**

10   A.    I tell them to be respectful no matter what happens  
11           in there, because, you know, no matter what happens  
12           you will not improve the situation by doing  
13           anything other than being respectful and that, you  
14           know, this is something that, you know -- that, you  
15           know, everybody has to deal with. At the beginning  
16           you say that. Then after a while at some point --  
17           and I can't remember exactly when -- I went and  
18           spoke with him.

19   **Q.    Well, and I guess what I'm asking, though too is,**  
20           **is you tell them to be respectful. Well, that's**  
21           **certainly good advice. And then I think you also**  
22           **tell them, you've got a job to do here, right?**

23   A.    Yes.

24   **Q.    You've got a role to play as a solicitor, correct?**

25   A.    Yeah, that's correct.

1 Q. And if you were in there, you have a position that  
2 we as an office are pursuing as part of my policy,  
3 you need to stand the ground and take the position,  
4 right?

5 A. Absolutely.

6 Q. All right. Well, obviously she didn't?

7 A. She did not.

8 Q. Okay. What is troubling to me, at least from what  
9 I'm hearing is is that, you know, you're telling us  
10 today that, you know, despite likely coming to you  
11 before, and despite your giving her that  
12 consolation at the same time, that instruction,  
13 hey, do your job, she didn't do it. And then  
14 what's worse is is we're hearing now that only  
15 after this thing became catastrophic is it now  
16 coming out that, "Oh, I was so afraid of him I  
17 didn't want to say anything."

18 A. Well --

19 Q. I mean, do you see the inconsistency of all that?

20 A. -- well, she did not do it as well as she should  
21 have, but I believe she did. I believe that there  
22 was enough on the record in between the magistrate  
23 judge's written order that was filed revoking the  
24 bond coupled with the statements in court and the  
25 fact that the victim stood up and when asked, what

1 do you want to happen was too terrified to say  
2 anything, I believe that there was enough in there.  
3 So I would not lay this exclusively at the  
4 assistant's feet either.

5 Q. And I agree. And you wouldn't lay it exclusively  
6 at the judge's either, though, would you?

7 A. I did not say I did.

8 Q. Okay. But I think that the focus of this is  
9 effectively you are. And that's where I think  
10 things are kind of troubling to me, because again,  
11 it's like you said. This is all kind of a  
12 collaborative process. We've got defense  
13 attorneys. We've got prosecution. We've got the  
14 judge. Everybody has a role to play. Everybody  
15 bears some responsibility. Everybody has certain  
16 things that they have to do. That's part of the  
17 game, correct?

18 A. Absolutely.

19 Q. Okay. And again, what I'm hearing is, though, at  
20 least when we talk about that, my disconnect is the  
21 solicitor's office isn't taking any responsibility  
22 for this. The solicitor's office is saying blame  
23 him (indicating). Now I'm with you in the sense  
24 that -- as Mr. Strom said, I've been doing this for  
25 35 years. I've been out there in the courtroom

1           some years ago, and I've had my butt chewed out.  
2           And I think it was Judge Burch told us the other  
3           day, and I agree with him, you don't remember every  
4           one you lost, but you remember every time you get  
5           yourself embarrassed. You know, you just can't  
6           help it.

7   A.     Sure.

8   Q.     And in that respect, I think we consistently say  
9           temperament -- respect goes both ways. So I'm  
10          certainly hearing you when it come to that. I just  
11          have some concerns, again, when we start talking  
12          about some of these incidents that you have  
13          highlighted as being reflective of what's going on,  
14          Johnson's not really a good case to point to,  
15          because I think there's pretty much a shared  
16          responsibility there, okay?

17  A.     Well, to be fair, sir, I did not point to that as  
18          an example. I pointed to the meeting we had in his  
19          office afterwards.

20  Q.     Well, but it's part of the package is what I'm  
21          saying.

22  A.     But I didn't raise that as, here's my Exhibit A as  
23          Johnson, and he did this.

24  Q.     But no, you --

25  A.     But I will say that I did -- and I have and I will



1 maintain that the chilling effect that his behavior  
2 towards my staff and my staff exclusively and no  
3 other actors in the criminal justice system -- the  
4 behavior has a chilling effect, and that is part  
5 and parcel of the problem. So you can't just  
6 divorce the consequence from the behavior. And  
7 that's really the essence of my complaint is how  
8 we're treated.

9 Q. Well, and that brings me to the next thing that  
10 I'm, again, having some difficulty with. I'm  
11 assuming you try to be as capable and as competent  
12 a solicitor as anybody in the state. That's the  
13 goal for everybody, correct?

14 A. Sure.

15 Q. Okay. And I'm sure that in your circuit you deal  
16 with the same issues that the other 15 solicitors  
17 deal with across the state, fair?

18 A. More or less, yeah.

19 Q. Okay. And philosophically I would assume that if  
20 this judge or any other judge has a particular  
21 bent, as you're suggesting here, that basically  
22 you're going to see it, not just when he's in front  
23 of your prosecutors, but if he's got that bent,  
24 you're going to see that bent other places,  
25 wouldn't you expect?

1 A. Well, and that's what I said in my complaint. I  
2 have been the recipient of what I consider to be  
3 unfair criticism. I've been the recipient of fair  
4 criticism by other judges. But the one thing I've  
5 noticed that is the case when a judge is  
6 criticizing you, you'll see them turn around and  
7 criticize the defense as well. When you only see  
8 your side getting criticized, then you start to go,  
9 is this just about he doesn't like me, he has a  
10 personal problem with me, or is he biased against  
11 the state. Because like I said, we're 50 percent  
12 of the equation in two-thirds of all the cases in  
13 Circuit Court. So it has to be a level playing  
14 field. And the judge is the umpire, and if he's  
15 always cheering when one team does well, then the  
16 fans are going to start to go, wait a minute, is he  
17 calling balls and strikes fairly.

18 Q. Well, and I guess I'm maybe being less than clear  
19 about what I'm suggesting. I get what you're  
20 saying. But what I'm also wondering is, where are  
21 the other 15 today? Where are they to tell us, my  
22 people are getting beaten constantly. My people  
23 are getting abused. This guy basically is making  
24 the law as he goes along. This guy is as poor an  
25 example of a judge when it come to the state as

1 I'll find. I'm looking for the other 15  
2 solicitors. They're not here, okay?

3 A. That's true.

4 Q. Okay. Now granted, that's your home circuit, but  
5 then again, he hasn't stayed there, rooted there,  
6 for the last five, six, seven years, and this is  
7 not the first time you've had a problem with him,  
8 is it?

9 A. No, sir.

10 Q. Okay. So I guess what I'm asking you is, are you  
11 now wanting us to maybe cut it down to the point  
12 where you're saying, this is a Kevin Brackett  
13 problem as opposed to a state problem?

14 A. I don't know what he does in other jurisdictions,  
15 because I'm not there. But I would suspect as  
16 reticent and as reluctant, rather, as I was to step  
17 up and come here and say these things, because it's  
18 hard, that to do it for a judge that blows through  
19 maybe once or twice a year, I would guess that they  
20 probably thought the candle wasn't worth the game.

21 Q. Well, and, you know, I guess the thing is is that  
22 I'm not necessarily going to sit here and tell you  
23 I'm familiar with every solicitor in the state  
24 right now. But I've known my share over the years,  
25 and I don't think we had a lot of shrinking

1 violets. I mean, I think most of them, if they  
2 felt as aggrieved as what I'm hearing from you,  
3 would have done something about as you are trying  
4 to do. I mean, you know some of them.

5 A. And I don't know whether the Committee has the  
6 scope of jurisdiction to go and make those  
7 inquiries, but it might be reasonable --

8 Q. Well, but I think the point is --

9 A. -- if you do.

10 Q. -- is that I don't think it's up to us to make that  
11 inquiry. I think what the inquiry would be is if  
12 this is a rampant problem, that is something that  
13 you've effectively got somebody run amuck, which is  
14 what you're basically telling us in every respect,  
15 then it would be something that -- it would be  
16 prevalent enough that we would be hearing from it  
17 from every corner of the state, but yet we're not.

18 A. Maybe we're just the recipients, the only  
19 recipients. That's possible, too. Maybe it's just  
20 you behave differently when you're out of town. I  
21 don't know. I really -- I've never been a judge,  
22 but I can only tell you what I'm experiencing. I  
23 don't know what's happening elsewhere.

24 Q. Well, and I agree. You know, I'm not asking you to  
25 kind of go and surmise, but maybe -- then it takes

1 us back to what you said, "I set the policy."

2 You've also, I think, acknowledged to Mr.

3 Rutherford that there have been other judges who

4 may have expressed some lack of satisfaction with

5 the policy over time, correct?

6 A. There have been judges who've expressed lack of  
7 satisfaction both ways. They think it's too soft.

8 They think it's too hard. We've had judges

9 criticize and refuse to accept pleas because they

10 thought it should be a greater plea offer. They

11 didn't agree with that, because the victim was

12 upset or whatever. So I have received complaints

13 from judges across the spectrum.

14 Q. Well, as we all.

15 A. Yes.

16 Q. As we all have. But I think again what it gets

17 down to is this. If we're not hearing from the

18 rest of them, if we know that maybe it could be the

19 policy in your particular circuit, if we know that

20 there's not been necessarily a unanimity of

21 satisfaction among the judges with that policy, as

22 it may be with other solicitors, too, then, you

23 know, this again maybe boils down to what Mr. Strom

24 might have said. I mean, this seems a lot more

25 personal than it would be, you know, a matter of

1 philosophical. I mean -- and if I'm wrong in  
2 coming to that conclusion, please let me know,  
3 because that kind seems where it's headed, and --

4 A. Well, under what circumstances is it ever  
5 appropriate to mistreat people?

6 Q. Well, my point is this, I already told you I agree  
7 with you in terms of someone needs to be temperate.  
8 But I think, again, it goes back to what Mr.  
9 Rutherford said is that, you know, we're sitting  
10 here and talking about this being per what you've  
11 expressed to us a chronic, ongoing, repeated  
12 problem, but yet we don't have anything in front of  
13 us other than anecdotally from you.

14 A. Well, I've given --

15 Q. I mean --

16 A. I've given specific examples and the names of the  
17 attorneys that were involved, and in many cases,  
18 exact dates.

19 Q. I understand that, but where are those attorneys?

20 A. Well, I assumed, and I said in my complaint that  
21 all of these people -- and I told you all of these  
22 folks will be made available to the Committee to  
23 answer any questions that the Committee's  
24 investigators may have.

25 Q. Well, and I guess the thing about it is we make an

1           obvious solicitation to anybody who has a complaint  
2           come on here. We'll listen to you.

3   A.     Yes.

4   Q.     It's open forum, but I don't see any of them here.

5   A.     I said my second sentence -- third sentence, I am  
6           filing this complaint on behalf of my office and my  
7           staff attorneys who work regularly with Judge Hall,  
8           so --

9   Q.     Okay.

10  A.     -- I filed that, and I assumed that was the proper  
11           protocol. If I was wrong, that's on me.

12  Q.     Well, and I think maybe you did it because you  
13           expressed to us earlier and said, hey, I set the  
14           policy. It stops with me. It begins with me.

15  A.     Well, I did it because I thought I'll share all  
16           these specific incidents with you, and then the  
17           Committee is free to investigate them to the degree  
18           and extent that they deem necessary. I don't know  
19           how the Committee works, to be honest. I've never  
20           been before the JMSC before, and hopefully I will  
21           not be back. Not that I don't like y'all, but --

22  Q.     I got you. Well, and, you know, again the thing  
23           that struck me a little bit -- and I'm going to try  
24           to close. But the thing that struck me also was  
25           that you suggest that there's no push back from

1 your office, but when I'm looking at this Neal  
2 transcript, whoever was in there -- I think it was  
3 -- was it Colton, yeah, Colton. She didn't have  
4 any reluctance to talk about how strongly the  
5 solicitor's office felt about, you know, what had  
6 apparently transpired before. So, I mean, is she  
7 unique in that respect?

8 A. In which case is this?

9 Q. This was the Neal transcript that the couple was  
10 here earlier, Mr. and Ms. Neal.

11 A. Oh, yes.

12 Q. They were kind enough to provide us with the  
13 transcript that I'm reading where your person there  
14 -- and I'm assuming that she's be subject to the  
15 same abuse. It didn't cool her down.

16 A. No, it did not. Nobody's cool. Nobody wants --  
17 nobody wants the fight. They just want to be able  
18 to do their jobs without being criticized. And,  
19 you know, you raise an interesting point. Because  
20 if somebody has a problem with somebody else to the  
21 extent that they can't get along with them and they  
22 can't treat them fairly, should they be hearing  
23 their cases?

24 Q. I don't know. I mean, from what --

25 A. I recuse myself usually. If it's something where



1 I'm associated with the victim or the defendant and  
2 so closely that somebody could reasonably question  
3 my partiality and how I would exercise my  
4 discretion --

5 **Q. Well, let me jus- --**

6 A. -- I wouldn't just abuse the other person, because  
7 I would just say, you know what, if this is all  
8 just a personality conflict, then that would be the  
9 appropriate course of conduct, not to continue to  
10 abuse them.

11 **Q. Well, let me ask you this, you know, because you**  
12 **brought it up. Is that why you're here?**

13 A. What?

14 **Q. To have him recused?**

15 A. No, it just occurred to me, honestly.

16 **Q. Okay. Well, you know, it seems like -- it seemed**  
17 **pretty obvious to me.**

18 A. Well, that is not the case, sir.

19 **Q. Okay. Thank you.**

20 MR. BRACKETT - RE-EXAMINATION BY VICE CHAIRMAN RANKIN:

21 **Q. I want to go back to very early, about, what, eight**  
22 **or ten hours ago before you started speaking -- and**  
23 **I'm being cute. You have been standing a while,**  
24 **and I appreciate your patience with our questions.**  
25 **But something concerning to me, as you defined the**

1 workload that is a solicitor -- or rather the  
2 judge, whether it's a resident or visiting judge,  
3 effectively you're reaffirmed it, I think, that at  
4 least half of the workload of a judge is with the  
5 solicitor's office; is that right?

6 A. I would say -- I'm not exactly sure with civil, but  
7 my recollection for the filings -- and I don't know  
8 how much that equates to workload, but between  
9 filings and what I see in the schedule of how many  
10 terms of Common Pleas there are versus how many  
11 terms of General Sessions, it seems to be about two  
12 to one. So I'm guessing two-thirds General  
13 Sessions, one-third civil, but I've not done a  
14 study of it, but --

15 Q. So more than half, two-thirds of day in, day out  
16 involves a solicitor's office and the judge --

17 A. Yes, sir.

18 Q. -- resident or --

19 A. Yes, sir.

20 Q. And you said that your role is somewhat judicial in  
21 nature?

22 A. Well, it has that element to it because there --  
23 the first decision that I have to make is whether  
24 or not the evidence justifies the charge. In other  
25 words, I'm not an advocate who's been hired by

1 somebody to represent them in a claim where I'm  
2 going to go and pursue that claim and file it if I  
3 think -- you know, if it's a civil matter, I can  
4 make money on it, or if I've been hired for a  
5 criminal matter. I am that person's advocate, and  
6 I must advocate for their interests. My job is  
7 different. My first duty is to see whether or not  
8 the claim, the criminal complaint, is meritorious,  
9 whether it's supported by the evidence, whether the  
10 crime that was charged is the appropriate crime.  
11 Sometimes they charge burglary first, and it's  
12 really a burglary second. My job is to make sure  
13 that the charge is reduced to the appropriate  
14 charge. Or sometimes I look at the evidence, as I  
15 have done very recently, and said, this charge is  
16 not supported by the evidence at all, and it's  
17 going away, and I dismiss the charge. So that is -  
18 - I guess I'm just trying to highlight the fact  
19 that I don't have a client. So in that regard I'm  
20 supposed to be neutral in evaluating the case in  
21 the first instance. Once I decide that the case is  
22 meritorious and is supported by the evidence and  
23 it's the appropriate charge, then I can move  
24 forward zealously and advocate passionately for the  
25 result that I feel is appropriate.

1 Q. And I appreciate that explanation, because I would  
2 suggest to you that without it reading a cold  
3 record without inflection or passion or whatever,  
4 some could read and take away from that comment,  
5 and perhaps this entire proceeding, that you really  
6 do want more of an equal role in that courtroom and  
7 that you do see the solicitor as having an equal  
8 judicial as well as prosecutorial responsibility on  
9 both bringing the case and the outcome.

10 A. Well, no, I think my sphere of responsibility and  
11 my duties are distinct, clearly distinct. And I am  
12 not -- I've never considered it in terms of parody,  
13 whether we're equal or whether we're not equal.  
14 We're the executive branch of government. The  
15 judicial is a different branch completely. My  
16 sphere of responsibility is completely different,  
17 and my role in the courtroom is completely  
18 different from the judge's. So it's not a question  
19 of that. It's really a question of that I be on  
20 equal footing with the defense, that I be treated  
21 the same and that my staff be treated the same so  
22 that they can zealously advocate for the result  
23 that they think is just and not worry about whether  
24 they're going to incur some lightning because the  
25 judge thinks that they shouldn't even have brought

1           this case in my courtroom to begin with because  
2           it's 30 years old, and why are you even here.  
3           That's what I'm saying. I don't believe in any  
4           way, shape or form -- when it comes to sentencing  
5           for example, a matter that is entirely within the  
6           discretion of the Court. If the sentence is up to  
7           ten years, I'm free to argue with what I think is  
8           appropriate, and the defense argues what they feel  
9           is appropriate. And then the judge is the one who  
10          ultimately makes that decision. But in that regard  
11          I'm on equal footing with the defense. I am just -  
12          - all I want to do is be heard the same way they  
13          are and have my position considered in the same  
14          fashion that the defense's is. And then the judge  
15          makes their decision, and that's their  
16          responsibility.

17       **Q.    So I asked you also whether you had participated in**  
18       **or had seen the addendum to the Citizens Committee**  
19       **on Judge Hall's qualifications; do you recall that?**

20       A.    I did. I read it once. I have not -- I'm not  
21       super familiar with it, but if you refresh my  
22       memory on the section you're concerned --

23       **Q.    All right. My question is which response do you**  
24       **recall seeing?**

25       A.    I'm sorry, I don't understand the question.

1 Q. You saw a report from the Piedmont Citizens  
2 Committee; is that correct?

3 A. I saw the report saying that she was qualified in  
4 expertise. There's several reports.

5 Q. The report on Judge Hall?

6 A. Oh, yeah, yeah, yeah, yeah.

7 Q. I asked you whether you agreed with that report or  
8 the addendum. Did you see one report or two  
9 reports, is my question to you.

10 A. I have seen one report.

11 Q. Okay. All right. And then finally, your other  
12 point that I heard, you have nothing else to do.

13 This is kind of your only opportunity to take it to  
14 the next level. I'm paraphrasing.

15 A. Yes, sir.

16 Q. Your characterization.

17 A. Yes, sir.

18 Q. Very good. That's all, thank you.

19 VICE CHAIRMAN RANKIN: Any other questions? All right.

20 If you'll take a seat, sir. I think we will have  
21 heard from you, and now we're going to give Judge  
22 Hall an opportunity to come back up and remind you  
23 you're still under oath, Judge Hall.

24 JUDGE HALL: Without digging into the details of each of  
25 the particular complaints, I will state that on the

1 Paul Johnson matter if you'll look at the record,  
2 that there was a senior assistant solicitor  
3 standing beside the young assistant solicitor,  
4 Jenny Desch, who was in charge of domestic violence  
5 cases at that time. She also did not offer any  
6 evidence or a position on bond when Mr. Johnson was  
7 in front of me. So it seemed to me as I sat there  
8 and listened it was -- the record, seemed to be --  
9 the State was limited to a young assistant  
10 solicitor being in there and being afraid. The  
11 record also reflects that Ms. Desch was there and  
12 also addressed the court. When I did ask the  
13 question about whether the magistrate had authority  
14 to revoke the bond that was simply in the context  
15 of a magistrate. Once an indictment -- I mean,  
16 once a warrant is transmitted from the magistrate's  
17 court to the clerk of court's office then they lose  
18 jurisdiction over the warrant. And so that was my  
19 question was not any preconceived notion on how I  
20 was going to rule in that particular case. It was  
21 simply -- because it's not often that a magistrate  
22 revokes a bond. I agree with that, but the Court  
23 wanted to be that the record was clear that she  
24 still maintains jurisdiction over that, and which  
25 she did and she properly did. So that was the

1 Johnson matter. The concern that I had in  
2 addressing the solicitor and the sheriff of the  
3 article -- this is four months after the bond  
4 hearing the article came out, and when I read the  
5 article I then -- I couldn't remember. I do so  
6 many bond hearings I could not remember Mr.  
7 Johnson's bond hearing. I immediately ordered a  
8 transcript. I sent that transcript to Mr.  
9 Brackett. I sent that transcript to the sheriff  
10 before I met with them. When he says -- I want to  
11 be sure that the record's clear. When I met with  
12 them in the courtroom. That was simply the place  
13 that we met. There was no one else present other  
14 than Mr. Brackett, the solicitor, my secretary and  
15 my law clerk. I met with them and I was upset.  
16 And I felt like I had been -- and I expressed to  
17 them that there appeared to be no mutual respect  
18 for the system and for the Court. And I didn't  
19 cuss but I was upset. And the meeting ended very  
20 quickly. However, I did go back and apologize to  
21 the sheriff and I apologized to Mr. Brackett for  
22 the way I conducted myself, that that was improper  
23 even in that private setting for me to do that.  
24 That's all I have to say about the Johnson case. I  
25 have never -- I disagree. I have never yelled at a



1 lawyer in my courtroom. I have never belittled a  
2 lawyer in my courtroom. I have certainly been --  
3 in court in my 30 some odd years as a lawyer. When  
4 I was first elected as a judge, one of my fellow  
5 judges told me the worst thing about being elected  
6 judge is that you can't complain about judges any  
7 longer. When I was a lawyer, whether as a  
8 solicitor or a public defender, often I would go  
9 back into the office and within the walls of the  
10 office complain about a judge and what they had  
11 done and their behavior. That's what we did. But  
12 it never left the walls of the office out of  
13 respect for the Court and for the system. If I'm  
14 reelected, and that again is left up to this body  
15 and also 51 percent of the legislature, I will  
16 continue to ask questions in Court. I believe that  
17 is my role of judicial review. Lawyers that come  
18 in front of me, whether they be assistant  
19 solicitors, whether they be young associates in a  
20 civil law firm are lawyers. It is a court of law.  
21 They've taken an oath when they stand before the  
22 court to uphold the Constitution and to be a  
23 lawyer. I expect them to be able to answer the  
24 questions that I have. Again, I sign my name at  
25 the bottom of everything that comes in front of me.

1 I want to be satisfied that I'm doing my job in  
2 judicial review. I expect them to be lawyers,  
3 which means they are on their own when they in  
4 front of the Court, because they are again a  
5 lawyer. Mr. Brackett has a very, very difficult  
6 job. Managing people is a very, very difficult  
7 job. The number of lawyers that he has is a very,  
8 very difficult job. If you're the solicitor --  
9 when I was an assistant solicitor, somebody's  
10 always mad at you. As John Justice used to say,  
11 it's not paranoia when they really are all against  
12 you. And I understand that from a prosecutor's  
13 standpoint. The judge is mad at you. Victims are  
14 mad at you. Law enforcement's mad at you. It is a  
15 hard, hard job. I have deep respect for anybody  
16 who tackles that job. Again, I'm not perfect. And  
17 certainly I want to be teachable until the day I  
18 die. I tell my law clerks, when I hire a law  
19 clerk, the most important thing they can do is to  
20 be teachable. And I think that applies to me. And  
21 if there are areas that I need to be more aware in  
22 how I treat particular lawyers, then I'll make  
23 every effort I can to change in that area. But I  
24 will not cease being what I believe is my role as a  
25 judge in dealing with each individual case that

1 comes in front of me. I feel for victims. The  
2 victims on a felony DUI is a difficult, difficult  
3 case. Y'all can read my response and what I  
4 believe were the reasons for the sentence that I  
5 gave in that case. Certainly bond issues are the  
6 most difficult because you never know what a --  
7 when someone you release on bond, what they're  
8 going to do. It is the -- it weighs heavy on what  
9 happens. In this particular -- Johnson -- that  
10 particular case, again, it occurred four months  
11 later. However, I don't apologize for using my  
12 discretion in court. And I will -- and again, I  
13 have never yelled at anybody in my courtroom. I  
14 have never bullied anybody in my courtroom. I have  
15 never used my office as a ruse to try to move  
16 cases. And so I don't apologize for the way that  
17 I've conducted my work or what I brought to the  
18 bench. That's not to say that there may be times  
19 when I do need to apologize and may need to make  
20 changes in the way I treat people. Thank you.

21 VICE CHAIRMAN RANKIN: Representative Rutherford --  
22 Judge, you mentioned your response to the Brackett  
23 complaint. Do you object to that being made a part  
24 of the record?

25 JUDGE HALL: No, I don't.

1 VICE CHAIRMAN RANKIN: Okay. All right.

2 (Exhibit Number 22 was marked for identification purposes  
3 - (23 pages) Response to Affidavit of Kevin Brackett .)

4 JUDGE HALL: Well, let me ask the Chairman this question.  
5 Is my response and the complaint now a part of the  
6 public record?

7 VICE CHAIRMAN RANKIN: Yes, sir.

8 JUDGE HALL: And so the world is entitled to read or  
9 publish any of those that they see fit?

10 VICE CHAIRMAN RANKIN: Correct, as well as the Piedmont  
11 Citizens report as well as their addendum.

12 Representative Rutherford, do you have a question?

13 REPRESENTATIVE RUTHERFORD: I do, but can I ask a  
14 question of staff first? Is there somebody else?

15 VICE CHAIRMAN RANKIN: Representative Talley.

16 JUDGE HALL - EXAMINATION BY REPRESENTATIVE TALLEY:

17 **Q. Judge Hall, I don't think we've ever met before**  
18 **today. The Solicitor, I think -- somebody correct**  
19 **me if I'm wrong -- stated that y'all met, I think**  
20 **he said on two occasions, that after reports from**  
21 **his staff about treatment in the courtroom or how**  
22 **an assistant solicitor may have been spoken to, am**  
23 **I accurate in saying that. Did y'all met on two**  
24 **occasions?**

25 **A. I remember one occasion we did go to lunch**

1 together. It was -- as well as I can remember, the  
2 context of that was we had a particular case  
3 involving a right-wing nationalist guy from -- and  
4 it somehow ended up in Rock Hill. He was charged  
5 with domestic violence. He -- I had a bond hearing  
6 on him. He and the victim had gone to Florida, and  
7 then reported it in Florida after she had followed  
8 him there. They ended up arresting him in Florida  
9 for domestic violence in York County. I asked her  
10 a lot of the -- and this was a senior assistant  
11 solicitor on that particular case. I asked her a  
12 lot of pointed questions about it. Because in my  
13 mind I wanted to know where, when, what happened  
14 for me to determine what the appropriate bond. I  
15 believe that that's probably what led to part of  
16 that discussion with Mr. Brackett, that that was  
17 perceived as me being -- mistreating that  
18 particular assistant solicitor, senior assistant  
19 solicitor, in court, which again I assured him that  
20 -- the same thing I've said today. I expect  
21 lawyers to be able to answer my questions. Again,  
22 I did not yell. She may have felt embarrassed, but  
23 that was -- that was the context of that, but we  
24 did meet, and we did discuss that. That was  
25 shortly before, then the article came out sometime

1 later, a month or so after that, as well as I  
2 remember that the Paul Johnson took place.

3 **Q. And just so I'm clear as we think through this,**  
4 **your recollection of that lunch meeting was**  
5 **specific to the one instance you think?**

6 A. No, no, no. It was a general, "Judge, how can we  
7 get along, and how can we work together." And my  
8 response is, you know, I'll do everything I can to  
9 work together. You know, I'm going to be fair and  
10 impartial. However, I do expect your lawyers to be  
11 able -- they're lawyers. I do expect them to be  
12 able to answer my questions in court.

13 **Q. Was that the only such meeting? I thought he said**  
14 **two again. I may be remembering that incorrectly.**

15 A. I mean, we have met on other occasions. That's the  
16 only time I met with him privately. I have met  
17 with him with the chief magistrate over a  
18 particular issue. I've met with him with the past  
19 chief public defender on trying to work on  
20 administrative matters, how to move cases, but in  
21 my mind that's the only time I've ever met with him  
22 privately.

23 **Q. Was that the only meeting where, for lack of a**  
24 **better way of saying it, allegations about your**  
25 **treatment of solicitors came up? I mean, it sounds**

1           like y'all were working on some administrative  
2           stuff in some of these other meetings. Have there  
3           been other occasions where he or anybody on his  
4           staff has come to you and said, hey, we feel like  
5           you're biased against our office or why did you --

6       A.     No one has ever said that to me. I've certainly  
7           felt it.

8       Q.     Thank you, Judge.

9       VICE CHAIRMAN RANKIN: Mr. Safran.

10      JUDGE HALL - EXAMINATION BY MR. SAFRAN:

11      Q.     Judge Hall, I think I -- like Senator Talley, I've  
12           never laid eyes on you before today. And I don't  
13           think we've ever met, ever spoken. But to be fair  
14           here, you know, Solicitor Brackett has basically  
15           talked about people being treated poorly, being,  
16           you know, embarrassed and subject to abuse. And I  
17           think as a group we have a consistent theme that  
18           our Chairman expresses in each one of these  
19           hearings that that is something that we frown on.  
20           And, you know, I want to make sure that it's  
21           understood that we take a very dim view of that  
22           type of behavior. Obviously, he says this goes on.  
23           I don't believe you feel that that isn't happening  
24           -- that does happen based on what I've heard from  
25           you; is that fair?

1 A. Yes.

2 Q. Now, you know, again, we have a pool of  
3 information, whether it be live testimony, the  
4 written complaints, the ballot boxes. I'm reading  
5 the ballot boxes and I'm seeing the opposite of  
6 that. But again, this is a cross section of people  
7 that go in front of you. But I mean, at least  
8 based upon these folks, they've extolling your  
9 virtue of patience, kindness, demeanor. I mean, am  
10 I to understand that when you get to York County  
11 all of a sudden Mr. Hyde comes out every time? I  
12 mean, is that basically what goes on?

13 A. Don't ask my wife. You know, I -- no. No, I do  
14 not believe that.

15 Q. Well, and the other thing is this, you know, you've  
16 rode the circuit, haven't you, or ridden the  
17 circuit?

18 A. Yes, sir. I've been in -- yes, I've been from  
19 Charleston to Greenville to Horry to York and  
20 everything in between.

21 Q. And you deal with solicitor's offices in all the  
22 other 15 circuits, I assume at some point, during  
23 your length of career, haven't you?

24 A. Yes.

25 Q. All right. I mean, do we have these issues in



1 other circuits as what I'm hearing from Mr.  
2 Brackett?

3 A. I would say no.

4 Q. Okay. I mean, does your philosophy change when you  
5 cross the county line --

6 A. No.

7 Q. -- in terms of what you think in the criminal area  
8 or how you believe the law should be applied? I  
9 mean, or do you pretty well take that same  
10 philosophy to every courthouse that you go to?

11 A. Yes, and I strive to do that.

12 Q. Well, and again, I want to be fair about this.  
13 Because, you know, it troubles me any time that I'm  
14 hearing from someone that a judge is berating  
15 someone, is belittling them, is making them feel  
16 terrorized to walk into a courtroom. That should  
17 never be the case. But again, I feel what I'm  
18 hearing from you December 10, 2021 that that  
19 doesn't happen.

20 A. Well, I -- as a lawyer, I just always wanted a  
21 judge to be nice to me and not embarrass me in  
22 front of his client -- my clients. And I still try  
23 to do that, keep that, and I -- but that does not  
24 mean that I have to be in a position of non-comment  
25 when I need to ask pointed questions about what's

1 before me. And I do believe that is part or a lot  
2 of -- and I take issue with a number of lawyers  
3 that Mr. Brackett says in his office complain about  
4 me, the young lawyers. I just did 120 pleas last  
5 week in three and a half days. Young lawyers were  
6 in there. I enjoyed the time they were in there.  
7 My perception is they enjoy being in there. I do  
8 believe that there are some lawyers in his office  
9 that would disagree with my discretion and my  
10 examining their cases.

11 **Q. Well, and I guess that was something that I wanted**  
12 **to just touch on -- is that I agree a judge has a**  
13 **right to ask questions. A judge has a right to ask**  
14 **pointed questions. But I mean, I'm assuming,**  
15 **because you've been a public defender, you have**  
16 **been a solicitor, you've been a judge for a period**  
17 **of time that you recognize there's a line between**  
18 **pointed questions and abuse.**

19 **A. I do.**

20 **Q. And do you think you go over that line?**

21 **A. No.**

22 **Q. Okay. Thank you.**

23 VICE CHAIRMAN RANKIN: Representative Rutherford.

24 JUDGE HALL - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

25 **Q. Judge Hall, are you familiar with Judge Michael**

1           **Baxley?**

2           A.     I've tried a case in front of Judge Baxley as a  
3           prosecutor, and I argued a pretty stupid motion  
4           that he told me later it was a pretty stupid  
5           motion. Yes, I knew Judge Baxley.

6           Q.     Did you know that I had a case in York County, a  
7           negotiated plea for a three-year sentence for a  
8           young lady for trafficking crack cocaine, and when  
9           the solicitor told Judge Baxley that it was a  
10          negotiated for three years, he refused to take it  
11          and told her that she needed to do better, and he  
12          gave her 30 days; did you know that?

13          A.     I did not know that.

14          Q.     And I guess the solicitor had never heard that  
15          either. Do you know Judge Gibbons?

16          A.     I do know Judge Gibbons.

17          Q.     Did you know that I had a case in York County, a  
18          trafficking marijuana case, and the young man was  
19          pleading guilty. The solicitor asked for a year in  
20          prison, and it was right over the ten pound  
21          threshold, and Judge Gibbons said, I'm not going to  
22          put him in prison for a year. Did you know that he  
23          complained to the solicitor's office about their  
24          sentence as well; did you know that?

25          A.     No, I did not.

1 Q. So if other judges complain about the sentences  
2 that are doled out in York County, and they're  
3 visiting judges, they don't get the same treatment  
4 from the solicitor because I guess they're not  
5 there all the time; is that what you would surmise?

6 A. I -- I can't answer that question.

7 Q. So Judge Hall -- and I meant to apologize to  
8 Solicitor Brackett while he was up there. My  
9 Chairman doesn't call on me a lot. He shields his  
10 face so he can't see me raise my hand. I don't  
11 know if you saw that, but it happens all the time.  
12 But it's okay, because I thought that the solicitor  
13 was bringing up the Johnson case to complain about  
14 what you had done as far as the bond was concerned.  
15 He, I believe, stated that that was not why he put  
16 that in there. He was concerned about your  
17 treatment of him in the private meeting that you  
18 all had had afterwards; did you hear that?

19 A. I did.

20 Q. Judge Hall, if you had ever been in front of this  
21 Committee or have ever heard us talk to other  
22 judges, we have said probably a million if not ten  
23 million times, it is not how you treat people back  
24 in the back. It's talking to them in front of  
25 their clients in the courtroom. But what Solicitor

1 Brackett is complaining about is how he and the  
2 sheriff were treated in a private meeting between  
3 you, your law clerk, your secretary and the  
4 solicitor and the sheriff?

5 A. That's what I heard, yes.

6 Q. And apparently they got their feelings hurt?

7 A. And I apologize for how -- what I'd said.

8 Q. Well, let me suggest to you that I've been  
9 practicing law since 1996. And I had Judge Barber  
10 tell me one time he was going to put me in jail if  
11 I spoke another word. He told my client how would  
12 he feel if his lawyer was sitting next to him in  
13 the jail cell. He told me that on the record.  
14 Does that mean I should come in here and complain  
15 because a judge talked to me -- and this was on the  
16 record -- that I should complain about how he  
17 talked to me?

18 A. That would be an ethical question that you would  
19 have to decide for yourself.

20 Q. And in fact, if the treatment was to me as a  
21 lawyer, and I see conduct that I believe to be  
22 unethical, do I not have an ethical obligation to  
23 bring that conduct up?

24 A. We are as -- all of us as lawyers operate under  
25 that ethical standard.

1 Q. And so these people, these lawyers that work in  
2 Solicitor Brackett's office that have been  
3 mistreated by you, none of whom have filed a single  
4 ethics complaint and none of whom sit here today,  
5 does that strike you as odd?

6 A. I have no comment about that.

7 Q. Well, let me just suggest to you that all my years  
8 -- and I've been on this Committee since 2015. I  
9 have never seen a lawyer come in and complain on  
10 behalf of other lawyers. And even worse, I've  
11 never seen anybody come in and complain about a  
12 sitting judge and lack any evidence about how those  
13 persons have been treated on the record, because  
14 that's why we have records. How they are treated  
15 in private meetings, I don't think that's any of  
16 this Commission's concern. In fact, they don't  
17 have to go to the meeting. He didn't have to go to  
18 the meeting with you, and in fact, his request to  
19 us was that your complaint about his policy should  
20 be taken up with him. But then when you take it up  
21 with him, he complains about you taking it up with  
22 him in the manner in which you did. So I'm not  
23 sure exactly why it is that lawyers who, if they  
24 are ethical, have an obligation to report unethical  
25 conduct. And if they -- either they've never seen,

1 and that's why they didn't report it, or there's  
2 somebody that is reporting it on their behalf, and  
3 they don't believe it to be unethical. I'm not  
4 sure which, but either way, private conduct in  
5 meetings with judges and solicitors and sheriff I  
6 don't believe are our purview. And I don't believe  
7 that that's what we're here for. And I believe  
8 we've repeatedly said that.

9 A. I'm not offended by Mr. Brackett bringing that to  
10 the Commission's attention. I mean, I believe as a  
11 judge my behavior in private should also reflect  
12 the way I should conduct myself in public. And so  
13 I did not find that offensive. I believe I have an  
14 explanation, but I did not find that offensive.

15 Q. Well, I just -- and I want you to know this. I  
16 don't find it offensive either. He and I disagree  
17 all the time. Like when I see him he knows we're  
18 going to disagree about something. And so this is  
19 not a surprise to him. It shouldn't be a surprise  
20 to anybody that knows how it is that we operate.  
21 The problem is this, that if what we do here is dig  
22 into private meetings and have that be the purview  
23 of this body, then we're going way too far, that  
24 what we should be concerned about is the treatment  
25 of individual lawyers and litigants on the record.

1 And as far as the record that has been presented to  
2 us, and this one has more than just about anything  
3 I've seen. I have not seen anything in here which  
4 leads me to believe that you have acted in any way  
5 not in keeping with the way you should act as a  
6 judge. And I say that, having read through all  
7 this, having looked all the ballot box surveys,  
8 having seen you operate in court. So at some point  
9 being a judge means that you are going to get  
10 criticized. It's like being a legislator. And  
11 people just are going to throw rocks at you, being  
12 a sheriff, being a solicitor. But I don't want you  
13 to believe that the fact that the solicitor  
14 complains about his treatment -- well, not even his  
15 treatment, just his treatment in a private meeting,  
16 but other people's treatment in your courtroom,  
17 means that you should change what you do. And I  
18 say that because what I'm missing and what I  
19 continue to miss, those persons who are innocent  
20 under the Constitution whose bond is too high. I  
21 don't ever hear solicitors come in and tell us,  
22 well, this judge sets real high bonds, and he  
23 probably shouldn't. I missed those. I missed  
24 those persons that sit in the Department of  
25 Corrections who believe that they got way too much



1 time. We don't ever see those people come in here.  
2 It's only the sentences that people don't like when  
3 it's not enough. It's never when it's too much.  
4 And so the balance seems to be what you've  
5 achieved. I don't believe that you're going to  
6 make everybody happy with what you do. But I do  
7 believe in looking at this evidence and looking at  
8 it from my five years on here that I just don't  
9 think you should change what it is that you do or  
10 believe that making one side happy over another  
11 that you're going to achieve any degree of balance  
12 other than what you've already done.

13 A. And I appreciate that. And my goal is not to make  
14 one side happy. But if there are areas in my  
15 conduct that I need to address, I'll address it.

16 VICE CHAIRMAN RANKIN: Ms. Blackley.

17 JUDGE HALL - EXAMINATION BY MS. BLACKLEY:

18 Q. Are you familiar with the Victims' Bill of Rights?

19 A. Yes, ma'am.

20 Q. And you understand what the rights are of prime  
21 victim?

22 A. Yes.

23 Q. Okay. How do you respond to the ballot box  
24 statements that you're insensitive to the victims?

25 A. Well, one, I don't --

1 VICE CHAIRMAN RANKIN: Let's take a five minute break.

2 We've been going at it for a little while, and I

3 think we all need about a five minute restroom

4 break, and I apologize -- the ladies up -- trust

5 me, I would not have interrupted this absent --

6 We've got five minutes to spend on whether we're

7 going to take a break. Let's do it real quick.

8 (Off the record.)

9 VICE CHAIRMAN RANKIN: Number one, my apologies to my

10 Commission member, Ms. Blackley for the

11 interruption and to you, Judge. Can you read the

12 question that was posed?

13 A. I think I can --

14 VICE CHAIRMAN RANKIN: Well, let start over. Again, my

15 apologies. Ms. Blackley.

16 **Q. I think you were beginning to answer my question in**  
17 **regards to what your response to why someone or**  
18 **people would think that you're insensitive to**  
19 **victims.**

20 A. Well, sometimes I think there's a misunderstanding  
21 of the Victims' Bill of Rights. I'm old enough to  
22 remember. When I first got out of law school, I  
23 worked for Solicitor Red Ferguson in York for a  
24 couple of years, and we didn't have the Victims'  
25 Bill of Rights. And many times I'd hear the

1           solicitor say, ah, victims, this is the State's  
2           case a victim doesn't have any say. And we  
3           wouldn't call victims. And so it took a while for  
4           prosecutors to learn, hey, look, and then we passed  
5           the Victims' Bill of Rights, to pass that, and then  
6           began to see their understanding of how it applies.  
7           I think we've come a long way, and rightly so, in  
8           learning how to apply the Victims' Bill of Rights.  
9           It is a number of rights that makes sure that the  
10          victim has an opportunity to be heard. They have,  
11          you know, notice -- be notified of every hearing  
12          applicable in a criminal case and a lot of other  
13          notice and right to be heard rights. Often there's  
14          a misconception that the victim has a right to  
15          disagree with a sentence or for a victim to be --  
16          has to be satisfied before a particular case is  
17          heard or sentenced. That is not in the Victims'  
18          Bill of Rights.

19       **Q.     That's correct. You're right, it's not.**

20       A.     We do not give the victims the right to -- in fact,  
21           I had a lawyer tell me that they wanted me to hear  
22           a particular matter because the victim had a right  
23           to testify. Well, they don't have a right to  
24           testify. They have -- you know, they can be  
25           subpoenaed and be required to testify, but often I

1 think it's a misconception of what the Victims'  
2 Bill or Rights actually says.

3 **Q. It says they have a right to be heard --**

4 **A. Right, right.**

5 **Q. -- that's what it states.**

6 **A. Right, and not to make the final decision on a**  
7 **particular case.**

8 **Q. Right.**

9 **A. And they may -- oftentimes they're very right, and**  
10 **sometimes they may not be. But I certainly intend,**  
11 **every time a victim is in front of me wish that**  
12 **they be heard. I give them the opportunity to be**  
13 **heard.**

14 **Q. Let me ask you this. You heard Ms. Neal when she**  
15 **presented earlier and stated that she didn't have a**  
16 **chance to speak nor did her son in this plea. Do**  
17 **you know why they didn't get that opportunity?**

18 **A. Well, when I read the record, I could not find**  
19 **where that -- where she didn't have the opportunity**  
20 **to speak. There was -- it may have been the last**  
21 **one. There were actually -- what happened is that**  
22 **the Defendant and her lawyer were in court. I**  
23 **believe it was in October, and she was eight and a**  
24 **half months pregnant. She had blown a .13 on the**  
25 **Breathalyzer and been in a -- she and her husband**

1 had an argument. She left the house, ran a stop  
2 sign. When she did, the victim on the motorcycle  
3 ran into her, and it was her fault. She caused it.  
4 When they were in front of me, certainly the  
5 victims spoke. As well as I can remember when I  
6 looked at the record had an opportunity to speak in  
7 detail at that time. The Defendant was eight and a  
8 half months pregnant. I decided at that time that  
9 the appropriate thing to do was to defer  
10 sentencing. One, she had no record. She had a  
11 seven year old child. And I made the decision that  
12 it would be in her interest, the State's interest  
13 and everybody else's interest that she not go to  
14 the Department of Corrections and have the baby in  
15 the Department of Corrections. So we deferred  
16 sentencing until January, after she had the child.  
17 At that point she was now nursing a baby. And I  
18 attempted to give her a sentence under the Home  
19 Detention Act, and then we don't -- that's another  
20 issue. That's not -- we haven't adopted that in  
21 York County. And as well as I can remember, she  
22 had an opportunity to again -- they had an  
23 opportunity to speak then. Then had to come back  
24 for a third time is when I sentenced -- finally  
25 sentenced, taking everything into consideration. I

1 don't --

2 **Q. You didn't make the decision not to allow them to**  
3 **speak?**

4 A. I don't -- I don't -- again, I can't remember what  
5 the record says. Any time if a victim says they  
6 want to speak, I give them an opportunity to speak.

7 **Q. That's customary, yeah, okay.**

8 A. Right.

9 **Q. Is there any particular reason why restitution for**  
10 **medical expenses weren't ordered, or were they even**  
11 **asked by the solicitor's office?**

12 A. I do not -- as well as I can remember looking at  
13 the record, they were not asked. The restitution  
14 was not asked for.

15 **Q. Restitution for the victim was not asked when it**  
16 **was great bodily harm, by the solicitor's office?**

17 A. As well as I remember the record, no, they didn't.

18 **Q. Have you ever had anybody, any solicitor or**  
19 **assistant solicitor in the Sixteenth Circuit,**  
20 **object to any type of ruling or motion or --**

21 A. They can have a motion to reconsider. Yeah, I've  
22 had those, yes. I've had -- in a formal sense, you  
23 know, I've heard motions, and I would hear both  
24 sides.

25 **Q. So that is customary that you would do that?**

1 A. Oh, yes, right. We're lawyers.

2 Q. And I don't -- I mean, I'm the only non-attorney up  
3 here, but my --

4 A. Well, you were the Clerk of Court in Spartanburg,  
5 which means you know more law than all the rest of  
6 us together.

7 Q. Well, you obviously know, but I can tell you one of  
8 the -- like Mr. Safran stated earlier, one of the  
9 common goals is to make sure that people are being  
10 treated correctly and right and not feel  
11 intimidated going in a courtroom. But I also on  
12 the other side before I became clerk, worked in  
13 administration here in Columbia for the governor  
14 for crime victims and assisted with the Victims'  
15 Bill of Rights. So that's where this question is  
16 coming from, because I can tell you having read  
17 this -- and I know that you're not to blame. You  
18 offered a bond. But what I am concerned about on  
19 this is when you -- it was presented to you that  
20 she had a bloody lip and was crying, she stated  
21 that Defendant had kneed her in the stomach,  
22 punched her in the ribs, slammed her on the ground,  
23 wrapped a belt around her neck, pulling it tight,  
24 strangling her until she felt faint. And he stated  
25 he could have ended her life right there. He also

1           threw a folded table at her, which hit her back.  
2           The deputy was able to see the folding table and  
3           the belt around, I'm assuming on the floor. The  
4           Defendant did admit that he dragged her to get her  
5           to leave, hit her in the lip with his knee. He did  
6           state he put the belt around her, but not to  
7           strangle her, just to get her to leave the home.  
8           And then there were a couple of things, and you  
9           asked Ms. Johnson what is her position. Do you  
10          normally ask victims what their position is when  
11          you give them bond?

12        A.     If the solicitor has not stated the position, I  
13          always try to. They have -- I think they have a  
14          right to be heard. And generally, if the solicitor  
15          -- I've had many times where the solicitor, where  
16          the victim, for whatever reason does not wish the  
17          court to say anything, then the assistant solicitor  
18          or even a victim advocate who is standing there  
19          with them gives me the victim's position. And I  
20          appreciate that, but that was not --

21        Q.     Do they normally do that in the Sixteenth Circuit?  
22                Do the solicitors or the assistant solicitors give  
23                you the victim's -- do they speak for them?

24        A.     Yes. When I say normal, many times they do.  
25          Sometimes they don't. Sometimes they speak for



1 themselves.

2 Q. Okay. I think that's all I have. I hate we're  
3 here under these circumstances where it's kind of  
4 gotten negative, because, you know, we have a  
5 sheriff, a solicitor and a judge here. We've got  
6 some work to do. But I appreciate all this work  
7 that you do for the circuit. And I know I -- I  
8 don't think we've ever met but thank you for  
9 coming, and thank you for answering my questions.

10 A. All right. Thank you.

11 VICE CHAIRMAN RANKIN: All right. Anybody else?  
12 Anything further in response to this?

13 JUDGE HALL: No, nothing further.

14 VICE CHAIRMAN RANKIN: Okay.

15 MS. WILKINSON: Mr. Chairman, I have nothing further  
16 regarding the complaints, but I do have some  
17 housekeeping issues.

18 JUDGE HALL - RE-EXAMINATION BY MS. WILKINSON:

19 Q. Judge Hall, since submitting your letter of intent,  
20 have you contacted any member of the Commission  
21 about your candidacy?

22 A. No. I think I told you that -- I assume when you  
23 ask that question that Representative Smith  
24 appeared in front of me at a hearing in Lexington  
25 County, but it had no relation to this matter at

1 all.

2 Q. Yes, sir.

3 A. That's the only contact I've had.

4 Q. Yes, sir. Are you familiar with § 2-19-70,  
5 including the limitations on contacting members of  
6 the General Assembly regarding your screening?

7 A. I am.

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

12 A. No.

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

17 A. No.

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

21 A. Yes, I am.

22 MS. WILKINSON: Mr. Chairman, I would just note for the  
23 record that any concerns raised during the  
24 investigation regarding Judge Hall were  
25 incorporated into the questioning of him today, and

1 I have no further questions.

2 VICE CHAIRMAN RANKIN: Okay. Thank you. Judge, I want  
3 to now tack from the complaint into some general  
4 observations and questions as well. And Madam  
5 Court Reporter, when did we start this portion of  
6 this hearing today.

7 COURT REPORTER: Just Judge Hall?

8 VICE CHAIRMAN RANKIN: Yeah.

9 COURT REPORTER: We started at 2:09.

10 VICE CHAIRMAN RANKIN: 2:09, so it's almost -- well, it's  
11 4:48. We've had a quick, awkward interruption on  
12 my request, Hope Blackley. Anyway, but we've been  
13 at this for a while, and I appreciate your  
14 standing, sitting, responding and participating as  
15 well as those who have come before you with the  
16 complaints that they have presented to us. And I  
17 don't want you to think that that is all that this  
18 record contains without giving you some of the good  
19 comments that you've heard before. And so you  
20 perhaps heard my questioning the Solicitor about  
21 your standing and your reputation in the Bar. Only  
22 attorneys get to fill out these ballot box surveys,  
23 and again, you've heard a number of the  
24 compliments. "You're a great man, efficient,  
25 prepared, excellent judge, decides cases on the

1 facts, not what the powers that be want, one of the  
2 most fair judges I've been in front of in my entire  
3 career, extremely conscientious, thoughtful,  
4 independent, professional, knowledgeable, one of  
5 the most thoughtful and considerate judges in South  
6 Carolina." And so those, again, are some of the  
7 comments. And so we, in this Commission -- and  
8 again, I've never met you before I don't think.  
9 I've never appeared before you to my knowledge.

10 JUDGE HALL: No. I've seen you from a distance standing  
11 in the garage at the courthouse, but -- I mean, at  
12 the State House.

13 VICE CHAIRMAN RANKIN: Well, that's close enough probably  
14 many would say. And depending on what's -- well,  
15 no, anyway -- but anyway, so I don't know you. And  
16 the complaints, again, I don't know, except what  
17 we've heard and what we've read. But what I do  
18 know is that as Mr. Brackett -- I asked about in  
19 judicial temperament, which we believe -- and I  
20 think this Commission places great weight on, you  
21 enjoy an overwhelming support as well qualified.  
22 Sixty-three percent of those hundreds who  
23 commented, well qualified. Reputation,  
24 overwhelmingly well qualified. Experience,  
25 overwhelmingly well qualified. Character,

1 professional and academic ability, ethical fitness,  
2 you score again by your peers and those who have  
3 taken the time to participate in these ballot box  
4 surveys, an incredible reputation. Are you without  
5 fault? Have you made errors? Would you have taken  
6 that Johnson bond over if you had the chance? Who  
7 wouldn't have? Who wouldn't have made a better  
8 record perhaps. But that Monday morning quarter  
9 backing unfortunately that cost -- not your  
10 decision, but the criminality of somebody -- cost  
11 everybody a tragic loss. But I just want you to  
12 take away our sense that this matters and how  
13 you've acquitted yourself today in the responses  
14 with what is clearly a personality conflict.  
15 Because what we've heard is not borne out by what  
16 folks have said overwhelmingly in your support. So  
17 it is a learning process, right?

18 JUDGE HALL: Until the day --

19 VICE CHAIRMAN RANKIN: We want to be better --

20 JUDGE HALL: -- until the day we die.

21 VICE CHAIRMAN RANKIN: And so I have to believe you're  
22 going to learn something from this, whether it's a  
23 milkshake, a tea, a beer or something and a walk in  
24 the park. I've got to believe some personality  
25 differences can be resolved in a way that everybody

1 can respect each other and respect the independence  
2 of a judge. And so I hope that that's the learning  
3 part, for you at least.

4 JUDGE HALL: I take that to heart.

5 VICE CHAIRMAN RANKIN: So unless there is anything else  
6 that we need -- and Judge you have an opportunity  
7 to make a closing statement if you like. You're  
8 not required to.

9 JUDGE HALL: I move that Judge Hall's session adjourn.

10 VICE CHAIRMAN RANKIN: Well, and I'm going to soon accept  
11 that motion. And so thank you, and this will  
12 conclude this portion of our process. And let me  
13 remind you that pursuant to our criteria, as you  
14 know, we expect the candidates for new positions or  
15 reelection to the existing, to follow both the  
16 spirit and the letter of the state ethic laws. Any  
17 violation or the appearance of impropriety will be  
18 deserving of a very heavy weight and consideration  
19 by our Commission. And so, as you know, this  
20 record is not closed until the formal release of  
21 the Report of Qualifications. You could be called  
22 back in the unlikely event that that were to occur.  
23 You understand that?

24 JUDGE HALL: I understand that.

25 VICE CHAIRMAN RANKIN: Very good. Judge Hall, thank you,

1 your son, thank you, and God speed to y'all.

2 JUDGE HALL: Thank you.

3 VICE CHAIRMAN RANKIN: Sheriff, Solicitor hang or not.

4 No, I say y'all are free to go. Hang or not.

5 (Off the record.)

6 VICE CHAIRMAN RANKIN: Under Representative Johnson's  
7 motion for executive session, we will go into  
8 executive session.

9 EXECUTIVE SESSION

10 VICE CHAIRMAN RANKIN: All right. We are back in open  
11 session and for the record during the executive  
12 session no votes were taken and no business  
13 conducted. We will now go to the ballot and Erin.

14 VOTE

15 MS. CRAWFORD: Mr. Chairman, I believe we have not voted  
16 on the Honorable Cely Ann Brigman reelection to  
17 Family Court fourth circuit seat one.

18 REPRESENTATIVE RUTHERFORD: Move that she be qualified  
19 and nominated by unanimous consent.

20 VICE CHAIRMAN RANKIN: Second. All those in favor please  
21 show by raised hand. And by unanimous consent so  
22 ordered. All right.

23 MS. CRAWFORD: Okay. Mr. Chairman, the next race is the  
24 Circuit Court, Sixteenth Circuit, Seat Two. The  
25 first candidate was the honorable Daniel Hall.

1 REPRESENTATIVE RUTHERFORD: Move that he be found  
2 qualified.

3 MR. SAFRAN: Second.

4 VICE CHAIRMAN RANKIN: All those in favor say aye or  
5 raised hands. And unanimously.

6 MS. CRAWFORD: Are there any proxies too?

7 VICE CHAIRMAN RANKIN: Yeah. Senator Sabb, Lucy Grey  
8 McIver, Pete Strom, Hope Blackley and, yeah, all  
9 right. Motion for nomination of Judge Hall? So  
10 moved there's a second, there's a second, all in  
11 favor of Judge Hall being nominated raise the hand.  
12 Unanimously those Pete Strom, Senator Sabb, Lucy  
13 Grey McIver.

14 MS. CRAWFORD: By a vote of nine to zero, qualified and  
15 nominated. Thank you.

16 VICE CHAIRMAN RANKIN: Motion to adjourn.

17 (There being nothing further, the proceeding concluded at  
18 7:35 p.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I REPORTED THIS PROCEEDING, ON TUESDAY, THE 17TH DAY OF NOVEMBER, 2021, AND THAT THE FOREGOING 231 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID PROCEEDING.

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 6TH DAY OF JANUARY, 2022.



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JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 11, 2023

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