



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

**Circuit Court
(Incumbent)**

Full Name: William Angus McKinnon

Business Address: 1675-1H York Highway, York, SC 29745

Business Telephone: 803-628-3047

1. Why do you want to serve another term as a Circuit Court judge? I have wanted to serve as a judge since my two clerkships with judges following law school. Both judges, Hon. Joseph F. Anderson, Jr. and Hon. Andrew J. Kleinfeld, exemplified the highest standards of our profession. They were bright, hardworking, impartial, and sought to apply the law fairly and evenly and not to advance personal agendas. That is the kind of judge I continue to work to be. It has been a great honor to serve our state and the Sixteenth Judicial Circuit as a circuit judge, and I would like to continue to serve and help assure that all litigants are treated fairly and with respect.

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

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

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

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I follow the precepts of Canon 3(B)(7)(a), which provides *ex parte* communications are permissible when circumstances require such communications, the communication is for administrative, scheduling, or non-substantive emergency purposes, and so long as no party obtains an advantage,

and the judge notifies the other party promptly and gives them an opportunity to respond.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I would defer to the party and I would grant such a motion pursuant to Canon 3(E)(1).
7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would recuse myself in situations like these in which my impartiality might reasonably be questioned.
8. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? Pursuant to Canon 4(D)(5), I do not accept gifts or hospitality other than ordinary social hospitality or wedding/birthday/special occasion.
9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge? If the misconduct or infirmity raised a substantial question as to the lawyer or judge's fitness for office, or a lawyer's trustworthiness, I would inform the appropriate authority. In less serious situations, I cannot give a specific answer because of the number of possible situations, but I would act to protect the public, the profession, and to get help if possible for the lawyer or judge.
10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. No
11. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No
12. How do you handle the drafting of orders? Depending on the nature and complexity of the order, the first draft of the order is written by

the party(ies), my law clerk, or myself. The final draft is my responsibility.

13. What methods do you use to ensure that you and your staff meet deadlines? My administrative assistant and myself keep separate Outlook (computer) calendars. Further, I keep a "Matters Under Advisement" spreadsheet that tracks all outstanding orders.
14. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I completely reject judicial activism. The role of a judge is to interpret and carry out the laws of South Carolina and the United States, not to make them or alter them. The job of making or amending the laws is entrusted to the elected representatives of the people in the US Congress and the SC General Assembly. Judges do not set public policy and only "promote" it by enforcing the public policies set out by the General Assembly.
15. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? As chief administrative judge, I am currently focused on improving our docket administration and reducing the trial backlog generated by COVID restrictions on trials.
16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? My spouse, stepdaughter, relatives, and friends are all extremely supportive of my service as a judge, and so far my service has not strained these relationships.

17. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: Everything else being equal, a repeat offender merits a more severe sentence than a first-time offender.
 - b. Juveniles (that have been waived to the Circuit Court): Everything else being equal, a juvenile offender merits a sentence more influenced by the possibility and goal of rehabilitation.
 - c. White collar criminals: I do not believe in lighter sentencing for people who commit "white collar" crimes. I do not think it is morally less culpable to steal via white collar fraud than by non-white collar means.
 - d. Defendants with a socially and/or economically disadvantaged background: If the defendant was not a threat to the public, and if there was not a lengthy criminal history, I am a little more likely to sentence in a way that would give the person an opportunity to turn their life around.
 - e. Elderly defendants or those with some infirmity: Unless their infirmity or age directly impacted their crime, I do not treat elderly defendants differently because one expects that older citizens would be wiser and know better. Age and ill health, of course, impact whether such a person would be a threat to the public, which would be something I take into account in any sentencing.
18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race,

sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period? Yes
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply? Calm, rational, reasoned, patient, confident, and sympathetic. I believe a judge should exhibit this demeanor at all times.
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? Anger is not appropriate in the sense of anger meaning yelling or berating a defendant. The "anger" of the judge, representing the public of South Carolina, at a horrific crime is expressed in the sentence imposed, not by yelling or similar antics. Yelling or visible anger is not appropriate at either counsel or pro se litigants either.

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

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

(Signature)

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