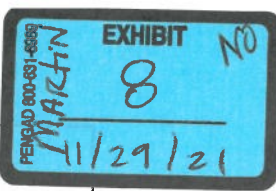


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings



**Family Court
(Incumbent)**

Full Name: Daniel E. Martin, Jr.
Business Address: 100 Broad Street, Charleston, S.C. 29401
Business Telephone: 843-958-4416

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

I feel that I am an effective, diligent and now seasoned judge who is able to continue serving the public. After more than 30 years in the legal profession, I feel that I am best able to serve the community as a judge more so than as a litigator. I have the greatest respect for the judiciary, the staff and fellow family court judges with whom I serve and I truly enjoy the work.

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

Yes. I plan to serve out my full term if elected.

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

At present, I have no plans to return to private practice.

4. Have you met the statutory 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?

Judges should not have *ex parte* communications with lawyers or litigants. When *ex parte* relief is sought by parties and litigants, they must comply with the Rules of Civil Procedure and the Rules of Family Court. Unless those rules are followed, attempts to communicate with judges are screened by court employees and never shared with the

judge. Having said that, there is a method by which litigants may seek certain ex parte relief when emergency situations such as the safety of a minor child is involved. I believe seeking such relief is totally acceptable but must be done with the scope of the rules.

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?

In all such circumstances, I would recuse myself. The appearance of impartiality is just as important as impartiality itself.

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

Such appearance would be disclosed on the record and I would then recuse myself from the case.

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

I do not accept gifts or social hospitality. The only exception is when family court judges are invited to attend annual conferences sponsored by legal organizations such as the South Carolina Bar and the South Carolina Trial Lawyers Association. In such events, the organization may waive the registration fee and/or pay for the judge's hotel accommodations. These expenses are listed annually on the Rule 501 annual disclosure statements that all judges are required to file. I have always disclosed such waivers and complimentary expenses which are offered to all judges who choose to attend.

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?

Such situations must be reported to the Office of Disciplinary Counsel or the Office of the Chief Justice of the Supreme Court. I would make such a report if I had direct knowledge of misconduct or the infirmity of a lawyer or fellow judge. If I had no such direct knowledge, I would seek to confirm such information, if able, or request that ODC or the Chief Justice

pursue(s) an investigation based upon the knowledge that I had.

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

No. I have not.

11. Do you have any business activities that you have remained involved with since your election to the bench?

No. I do not.

12. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?

I draft many orders myself. However, most orders are drafted by attorneys after receiving my detailed written instructions containing my rulings. The proposed orders are first vetted by opposing counsel before being submitted to me for review, editing and final issuance.

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

As a rule, I try to render my decisions within hours or days of the hearings. On the rare occasion when I am unable to do so, I keep the files in my office to remind me. My administrative assistant who has been with me more than 10 years, tracks all outstanding orders and alerts me when any are approaching near 30 days from the date of the hearing. This rarely happens. Additionally, it is required that our office report any orders more than 30 days outstanding to the S.C. Judicial Department.

14. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

Unless the parties file a motion to address concerns about the services of a Guardian ad Litem, the Court does not follow the work of the Guardian. When such concerns are raised, the Court would address such concerns on the record and remind the Guardian of his/her duties and responsibilities. When Guardian fail to meet the expectations of the Court, the Guardian can be removed.

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

I have no philosophy on judicial activism other than it has no place in family court. Family Court judges should not be promoting personal judicial philosophies that run afoul of our mission to dispense justice equally and fairly based upon the laws of the state of South Carolina. The public policy of the state should not be infringed upon by any judge's particular "judicial activism."

16. 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?

Currently, I have been asked by the Chief Justice to assist with a pilot program to seek ways to reduce the number of non-violent juveniles in detention. The program called Juvenile Detention Alternatives Initiative (JDAI) has been proven successful in several states through the country. Charleston County will be the first to implement the program here in South Carolina. I plan to continue this work. I've also worked as a member of the Children Justice Act task force, the Family Court Judges Advisory Committee, the Family Court Docketing Committee and the James L. Petigru chapter of the Inns of Court.

17. 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?

No. I have not felt such pressures.

18. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No. I am not.

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. I would not.

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. I am not.

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

Yes. I have.

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

I believe a judge should have an even temperament. She/he should be patient and allow the parties to be heard, of course, within the appropriate rules of court. The judge's demeanor should be stern, but not harsh. He/she should be able to control the courtroom while showing respect to all lawyers, litigants, court staff and court observers. I believe that these rules should apply whenever a judge is acting in his/her capacity as a judge. When judges are not on the bench, they must still display an even temperament but should be able to be relaxed among staff, colleagues and others.

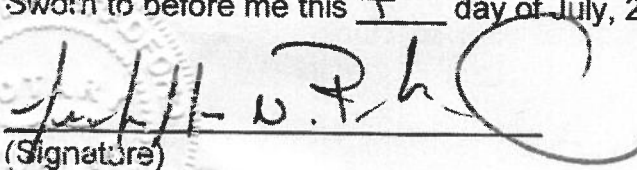
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

No, I do not. Demonstrations of anger are inappropriate when dealing with attorneys and pro se litigants.

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


DANIEL E. MARTIN, JR.

Sworn to before me this 4th day of July, 2021.


(Signature)

Jurdelle Bradford
(Print name)

Notary Public for South Carolina

My commission expires: 10.18.2024