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HEARING PROCEEDINGS

November 29, 2021

JUDICIAL MERIT SELECTION COMMISSION

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: REPRESENTATIVE G. MURRELL SMITH, CHAIRMAN

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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

MS. ERIN CRAWFORD, CHIEF COUNSEL

18

* * * * *

19

DATE: November 29, 2021

20

TIME: 10:05 a.m.

21

LOCATION: Gressette Building

22

1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN SMITH: Mr. Safran moves that we come out of
2 Executive Session. All in favor, signify by
3 saying aye.

4 (Ayes are heard.)

5 CHAIRMAN SMITH: All opposed? The ayes have it. Let
6 me say, when we were in executive session, there
7 were no votes taken and no matters decided. And
8 we are up with our first candidate, Judge
9 McKinnon. How are you doing today?

10 JUDGE MCKINNON: Fine, sir. How are you?

11 CHAIRMAN SMITH: Good to see you. I see you brought
12 a guest with you today. Would you like to
13 introduce her?

14 JUDGE MCKINNON: Yes. This is my lovely wife, Ellen
15 McKinnon.

16 CHAIRMAN SMITH: Hey, Ellen. How are you doing?

17 MS. MCKINNON: Doing well. How are you doing?

18 CHAIRMAN SMITH: Doing well. Welcome today.

19 THE HONORABLE WILLIAM A. MCKINNON, being duly sworn,
20 testifies as follows:

21 CHAIRMAN SMITH: All right. Before you, you have your
22 Personal Data Questionnaire and your Sworn
23 Statement. Are those both documents that you've
24 submitted to the Commission?

25 JUDGE MCKINNON: Yes, sir.

1 CHAIRMAN SMITH: Are they correct?

2 JUDGE MCKINNON: If they're the same as what I
3 submitted, yes, sir, they are.

4 CHAIRMAN SMITH: All right. Do you have any objection
5 to us marking those as exhibits to your sworn
6 testimony here today?

7 JUDGE MCKINNON: No, sir.

8 CHAIRMAN SMITH: All right. Without exception, will
9 you hand those to Lindi, please, sir?

10 (Exhibit Number 1 was marked for identification
11 purposes - (13 pages) Personal Data Questionnaire for
12 The Honorable William A. McKinnon.)

13 (Exhibit Number 2 was marked for identification
14 purposes - (6 pages) Sworn Statement of The Honorable
15 William A. McKinnon.)

16 JUDGE MCKINNON: Well, the one thing -- I guess, I
17 emailed about there was a lawsuit in Florida. I
18 think the Commission is aware of that. I wasn't
19 sure if it was included. I never got served.
20 That wasn't mentioned.

21 CHAIRMAN SMITH: All right. But you have told your
22 screening counsel that?

23 JUDGE MCKINNON: Yes, sir.

24 CHAIRMAN SMITH: Okay.

25 JUDGE MCKINNON: And it was a disgruntled criminal

1 defendant who filed suit in federal court in
2 Florida. It was dismissed.

3 CHAIRMAN SMITH: A court in Florida?

4 JUDGE MCKINNON: Yes, sir.

5 CHAIRMAN SMITH: You should have used that as an
6 excuse to take a vacation down in Florida.

7 JUDGE MCKINNON: Yes, sir.

8 CHAIRMAN SMITH: All right. Well, we'll add that as
9 an amendment to your PDQ. All right. Judge
10 McKinnon, the Judicial Merit Selection Commission
11 has thoroughly investigated your qualifications
12 for the bench. Our inquiry is focused on the
13 nine evaluative criteria and has also included a
14 ballot box survey, a thorough study of your
15 application materials, verification of your
16 compliance with state ethics laws, a search of
17 newspaper articles in which your name appears, a
18 study of previous screenings and checks for
19 economic conflicts of interest. We received no
20 affidavits in opposition to your candidacy today,
21 and there are no witnesses here to testify. So
22 do you wish to make a brief opening statement to
23 the Commission?

24 JUDGE MCKINNON: Only to say it's been an honor and a
25 privilege to serve the state on the bench, and I

1 hope to be able to continue to do so.

2 CHAIRMAN SMITH: All right. Thank you so much.

3 Answer any questions that your screening counsel
4 may have for you.

5 JUDGE MCKINNON: Thank you.

6 JUDGE MCKINNON - EXAMINATION BY MS. BARTON:

7 **Q. Good morning, Judge.**

8 A. Good morning.

9 **Q. Judge McKinnon, after serving five years on the**
10 **Circuit Court bench, why do you want to continue**
11 **serving as a Circuit Court judge?**

12 A. It's been the privilege of my life to be able to
13 serve as a Circuit Court judge in South Carolina.
14 And I love being engaged in the practice, you
15 know, hearing great attorneys and thinking about
16 legal arguments. And I would hope to be able to
17 continue.

18 **Q. Thank you. Judge McKinnon, what do you think**
19 **your reputation is among the attorneys that**
20 **practice before you?**

21 A. I hope that it is that I am fair and that I give
22 everyone a chance to be heard and that I make the
23 best decision that I can make based on what's in
24 front of me.

25 **Q. The Commission received 444 ballot box surveys**

1 regarding you with 29 additional comments. The
2 ballot box survey, for example, contained the
3 following positive comments, "Excellent judge,
4 very intelligent, excellent temperament,
5 thoughtful and works hard." One of the comments
6 were from a -- I'm sorry -- there were three
7 negative comments that expressed concern. They
8 related to your lack of trial experience prior to
9 coming to the bench, your lack of common pleas
10 experience and favoritism to the prosecutor.

11 **What response would you offer to those concerns?**

12 A. All I can say is I spent my entire career in the
13 -- except for the very end when I was in the
14 solicitor's office as a civil attorney, so I'm
15 not entirely sure what to say to someone who says
16 I don't have any civil experience. And as to
17 favoritism to the prosecutor's office, I just --
18 I mean, I hear from both sides. And I strive to
19 be fair and impartial, and I don't think I show
20 any favoritism.

21 **Q. Thank you.**

22 MS. BARTON: I would note that the Piedmont Citizens
23 Committee found Judge McKinnon qualified in the
24 evaluative criteria of the constitutional
25 qualifications, physical health and mental

1 stability. The Committee found him 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 "Though his record of scholarship is formidable,
7 one cannot tell it from Judge McKinnon's humble
8 and conscientious approach to his work as a
9 judge. He is clearly a man who is always eager
10 to learn more, yet he tempers his intellect with
11 wisdom and common sense. His industriousness and
12 avowed love for his job bring credit not only to
13 his own work but the judicial profession
14 generally."

15 **Q. Judge, just a few housekeeping issues. Since**
16 **submitting your letter of intent, have you**
17 **contacted any members of the Commission about**
18 **your candidacy?**

19 A. No, ma'am.

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

23 A. Yes, ma'am.

24 **Q. Since submitting your letter of intent, have you**
25 **sought or received the pledge of any legislator,**

1 either prior to this date or pending the outcome
2 of your screening?

3 A. No, ma'am.

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

8 A. No, ma'am.

9 Q. Have you reviewed and do you understand, the
10 Commission's guidelines on pledging and South
11 Carolina Code 2-19-70(E)?

12 A. Yes, ma'am.

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

18 CHAIRMAN SMITH: All right. Thank you very much.
19 Judge McKinnon, let me start off and tell you
20 what I've told all the candidates, especially the
21 sitting judges who are running for reelection, is
22 that this Commission -- one of the biggest
23 attributes we believe of a judge is their
24 temperament and their demeanor while they're on
25 the bench. And so we take -- we look at the

1 ballot box surveys, and they're not
2 determinative, but they generally -- it's a
3 anonymous process to which anyone can say
4 anything good about you or say anything bad about
5 you. And so -- but you -- one thing that they
6 are to us is indicators if there's issues. You
7 see a pattern that may come through these. And I
8 want to congratulate you and commend you more on
9 your ballot box surveys. Because when we look
10 through this, judicial temperament -- and, you
11 know, you hold court, and you have to make
12 decisions, and you have litigants, and you have
13 lawyers who are not happy with your decisions at
14 some point. But I can tell you one thing that
15 you do is, however you handle your rulings and
16 how you handle yourself, you do without
17 offending, at least the lawyers. Because when I
18 look through this there are no negative comments
19 about your temperament. You have -- overwhelming
20 is well qualified, just a handful qualified and
21 zero unqualified. And so I just want to tell you
22 that puts you in the elite of the judges around
23 here from what we see. At least you've ticked
24 off somebody during your process of being on the
25 bench, but you apparently have not as a lawyer.

1 And so that's remarkable. And so what I want to
2 tell you is, you know, those things -- the way
3 you treat litigants, the way you treat the court
4 staff, the way you treat juries and the way you
5 treat lawyers all is something that is very
6 important to upholding the integrity of the legal
7 system. And you, obviously sir, have done it in
8 a remarkable fashion, and I want to thank you for
9 that. Thank you for your service, and all I can
10 tell you is keep up the good work. And hopefully
11 when you're back here again in six years you'll
12 see we'll have the same zero comments, and you'll
13 be in the elite of the judges in this state. So
14 thank you for upholding the integrity of our
15 bench and for our judicial system, and you're a
16 shining star in this. So thank you very much.

17 JUDGE MCKINNON: Thank you, Chairman Smith.

18 CHAIRMAN SMITH: All right. Any questions for Judge
19 McKinnon? All right. I think we're all
20 thoroughly impressed with your evaluations, your
21 qualifications. Again, thank you for the job
22 you've done, and I appreciate you being here
23 today. So let me -- all right. So this will
24 conclude this portion of your screening process.
25 Let me take this opportunity to remind you that

1 pursuant to the Commission's evaluative criteria,
2 the Commission expects candidates to follow the
3 spirit as well as the letter of the ethics laws,
4 and we will view violations or the appearance of
5 impropriety as serious and potentially deserving
6 of heavy weight in the screening deliberations.
7 As you know, the record will remain open until
8 the formal release of the qualifications, and you
9 may be called back at such time if the need
10 arises. So we thank you for being here today,
11 and thank you for your service to the State of
12 South Carolina. Wish you safe travels on the way
13 back to Rock Hill. Is that where you are this
14 week?

15 JUDGE MCKINNON: Yes, sir.

16 CHAIRMAN SMITH: All right.

17 JUDGE MCKINNON: Thank you, Chairman Smith. Members
18 of the Committee, thank y'all very much.

19 CHAIRMAN SMITH: Thank you so much, Judge McKinnon.
20 All right. Y'all have safe travels back.

21 JUDGE MCKINNON: Thank you, sir.

22 (Off the record.)

23 CHAIRMAN SMITH: Good morning, Mr. Warr. How are you
24 doing this morning?

25 MR. WARR: Good. If I take this coat off real

1 quickly. Thank you.

2 EUGENE P. WARR, JR., being duly sworn, testifies
3 as follows:

4 CHAIRMAN SMITH: Mr. Warr, before you you have your
5 Personal Data Questionnaire and your Sworn
6 Statement. Are both those documents you've
7 submitted to the Commission?

8 MR. WARR: Yes, sir.

9 CHAIRMAN SMITH: Are they both correct?

10 MR. WARR: Yes, sir. Your Honor, I just -- a thought
11 just occurred to me when Lindi asked me a
12 question about updating. I've not thought about
13 -- the thought about updating, nothing occurred
14 to me, but I just remember that a few months ago
15 I and two other partners bought an additional
16 property in Florence, which is not listed on my
17 property list.

18 CHAIRMAN SMITH: All right. Do you want to just
19 submit a subsequent amendment on that?

20 MR. WARR: If I could submit it, yes, sir. It's just
21 a commercial property we bought I did not think
22 about. I'm sorry. I'm placing it on this list.

23 CHAIRMAN SMITH: Well, just submit it to your
24 screening attorney, and we'll go from there.

25 MR. WARR: Thank you.

1 CHAIRMAN SMITH: Do you have any objection to us
2 marking those as well as your oral amendment you
3 made, which you'll subsequently amend, update?
4 Any objection to those being attached as exhibits
5 to your sworn testimony here today?

6 MR. WARR: No objection.

7 CHAIRMAN SMITH: All right. With that, would you hand
8 those to Lindi for me please, sir? All right.
9 Mr. Warr, the Judicial Merit Selection Commission
10 has thoroughly investigated your qualifications
11 for bench. Our inquiry has focused on nine
12 evaluative criteria, including a ballot box
13 survey, a thorough study of your application
14 materials, verification of your compliance with
15 state ethics laws, a search of newspaper articles
16 in which your name appears, a study of previous
17 screenings and checks for economic conflicts of
18 interest. There have been no affidavits filed in
19 opposition of your candidacy today, and there are
20 no witnesses present to testify. Do you wish to
21 make a brief opening statement to the Commission?

22 (Exhibit Number 3 was marked for identification
23 purposes - (18 pages) Personal Data Questionnaire for
24 Eugene P. Warr, Jr.)

25 (Exhibit Number 4 was marked for identification

1 purposes - (7 pages) Sworn Statement of Eugene P.
2 Warr, Jr.)

3 MR. WARR: Yes, sir, very briefly. I started
4 practicing law in 1985, working with Senator Ed
5 Saleeby. I've been 36 years doing it. And back
6 at that time when I started a long time ago, you
7 were expected to do some of everything, and
8 that's pretty much what we did at Senator
9 Saleeby's office. We did about whatever --
10 everything that came in the door pretty much we
11 did it, and it was parceled out between us. So
12 those first few years of practicing law I did
13 many different things. My plan was even going
14 back to law school was I would practice law for
15 ten years, and I would move on to something else.
16 I always thought I'd like to do different things
17 in life. Well, it didn't work out that way,
18 obviously, but I did start doing other things. I
19 started doing other business things as well as
20 practicing law, adding into it so that I had
21 other interests other than just staying at the
22 law desk all the time. Now at this point in my
23 life, age 62, I've gotten to where I believe that
24 through all the experience of practicing law and
25 life's experiences, being with people through all

1 sorts of situations, that I would like to do
2 something different. I think Family Court is
3 very interesting, and I think I could do a good
4 job. I would not be here before you if I did not
5 feel qualified that I could do a good job, and I
6 feel ready for that in my life. And I'm at a
7 point where I would really like to have the
8 opportunity to do something of that nature, and I
9 think I'm ready for it.

10 CHAIRMAN SMITH: All right. Thank you. Answer any
11 questions your screening attorney may have for
12 you, please, sir.

13 MR. WARR: Thank you.

14 MR. WARR - EXAMINATION BY MR. COHL:

15 **Q. Good morning, Mr. Warr. Please state for the**
16 **record the city and circuit in which you reside.**

17 A. I reside in Lamar, South Carolina, Fourth
18 Judicial Circuit, Darlington County.

19 **Q. Thank you.**

20 MR. COHL: Mr. Chairman, I note for the record that
21 based on the testimony contained in the
22 candidate's PDQ, which has been included in the
23 record with the candidate's consent, Mr. Warr
24 meets the statutory requirements for this
25 position regarding age, residence and years of

1 practice.

2 **Q. Mr. Warr, why do you want serve as a Family Court**
3 **judge, and why do you feel that your legal and**
4 **professional experience qualify and will assist**
5 **you to be an effective judge?**

6 A. Thank you. I consider myself a small-town lawyer
7 for 36 years representing regular people. I've
8 seen a lot of good and bad, seen a lot of
9 situations, dealt with many things, both as a
10 lawyer and in my community. And where I live, if
11 you're a lawyer, there are not many of us around.
12 People tend to come to you with a problem, they
13 tend to come to your house sometimes with their
14 problem. It's not just a matter of whether or
15 not you're in your office and they come and
16 officially retain you. And what you find that
17 you do, in an area where your mother and father
18 are both from nearby and you have many cousins
19 and friends, is that you do the best you can in
20 your community to be a lawyer and to be someone
21 who people can depend on. And so through the
22 years I've tried to be that person. I've tried
23 to be someone my mom and dad would not be
24 disappointed in. And I believe that I've done a
25 good job being a small town lawyer representing

1 people in all sorts of situations, Family Court,
2 every kind of court, every type of thing I've
3 pretty much done all except bankruptcy. And
4 through that I've gotten to where I believe that
5 I read people and deal with people and talk to
6 people fairly well. I think I'm pretty good at
7 calming people down and reasoning with people
8 when they're not so reasonable, and I've learned
9 to do that over many years of just tough
10 experiences. At this point in my life I believe
11 that I know enough about the law hopefully and
12 how courts are run and how life goes to be an
13 effective, practical Family Court judge. And I
14 think that I'm prepared for it at this point in
15 my life.

16 **Q. Thank you. Are there any areas of the law for**
17 **which you would need additional preparation in**
18 **order to serve as a Family Court judge, and how**
19 **would you handle that additional preparation?**

20 A. Yes, sir, there is. The area of juvenile justice
21 or DJJ cases as we so often call them. That is
22 one thing I've never done. I have already been
23 hoping that I would get to the point that I would
24 actually be sworn in one day. So working on that
25 I have spent some time in court with Judge Jim

1 McGee in Florence who has been kind and helpful
2 to me in many ways to try to prepare me. And I
3 have read quite a few materials that Judge
4 McGee's provided to me. Of course, reading
5 materials is not the same thing as being there
6 and doing it, but that is a weakness I have. I
7 have already tried to address it. My hope is I
8 will continue to have an opportunity to spend
9 some time in the courtroom on those, as they call
10 them, DJJ days, and learn.

11 **Q. Thank you. Please briefly describe your**
12 **experience in handling complex contested Family**
13 **Court matters and specifically discuss your**
14 **experience with the financial aspects of Family**
15 **Court work.**

16 A. In doing Family Court cases, most of the cases
17 that I've done through the years have been,
18 again, for regular people like my community and
19 around home, and those tend to be people who
20 don't have large amounts of assets to fight over.
21 On occasion, I handle cases where that would be
22 the case, but most of my cases would be not large
23 assets or debts and that sort of thing. However,
24 I majored in accounting in college. I also am a
25 real estate broker, one of the other things that

1 I've done. And I spend quite a bit of time
2 representing small businesses and purchasing and
3 selling businesses. I have a lot of business
4 experience. I deal with many different aspects
5 in my own personal life of business terms of
6 value and assets. For 32 years I've represented
7 Carolina Bank and Trust Company on a very regular
8 basis, and I've handled all sorts of things for
9 them that deal with financing, mortgages, debts,
10 asset values, appraisals, all sorts of things of
11 that sort. So, hopefully, if there is anything
12 that I know about, should know about, it would be
13 that area.

14 Q. Thank you, Mr. Warr. The Commission received 317
15 ballot box surveys regarding your candidacy with
16 22 providing additional comments. The ballot box
17 survey, for example, contained the following
18 positive comments, "Mr. Warr has a wealth of
19 knowledge and experience gained over a
20 distinguished legal career and as a public
21 servant. He also clearly possesses a temperament
22 that will serve him well as a judge and will be a
23 credit to the Family Court bench." A few of the
24 written comments express a concern with your
25 experience in Family Court, which you've touched

1 **on previously. Would you like to add anything**
2 **additional to that?**

3 A. Yes. For the last few years I have not been in
4 Family Court, except on rare occasion. Maybe I -
5 - for 30 years I did it regularly. I have two
6 partners who do a lot of it. It's simply a
7 matter of efficiency in the office. I've done
8 other things while they've focused really on
9 Family Court, but I have not been completely away
10 from it. I mean, I don't think I've forgotten
11 what I did for 30 years.

12 **Q. Thank you, Mr. Warr.**

13 MR. COHL: I would note for the record, the Pee Dee
14 Citizens Committee found Mr. Warr to be qualified
15 in the evaluative criteria of constitutional
16 qualifications, physical health and mental
17 stability. The Committee found him well
18 qualified in the evaluative criteria of ethical
19 fitness, professional and academic ability,
20 character, reputation, experience and judicial
21 temperament. Now for a few brief housekeeping
22 issues.

23 **Q. Mr. Warr, are you aware that as a judicial**
24 **candidate you are bound by the Code of Judicial**
25 **Conduct as found in Rule 501 of the South**

1 Carolina Appellate Court Rules?

2 A. Yes, sir.

3 Q. Since submitting your letter of intent, have you
4 contacted any members of the Commission about
5 your candidacy?

6 A. No, sir.

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

10 A. Yes, sir.

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

15 A. No, sir.

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

20 A. No, sir.

21 Q. Have you reviewed and do you understand the
22 Commission's guidelines on pledging in South
23 Carolina Code § 2-19-70(E)?

24 A. I am familiar, yes, sir.

25 Q. Thank you, Mr. Warr.

1 MR. COHL: I would just note for the record, that any
2 concerns raised during the investigation
3 regarding the candidate were incorporated into
4 the questioning of the candidate today. Mr.
5 Chairman, I have no further questions.

6 CHAIRMAN SMITH: All right. Thank you very much. Mr.
7 Warr, let me start off and just say I think when
8 you look at this, part of what the Commission
9 always looks at, is what's your temperament and
10 what's your character when you take the bench.
11 And so we look at these ballot box surveys and
12 look at the reports from the citizens committees
13 and the Bar committees to try to get an
14 indication of what that is. And I'll tell you
15 this, as we're telling everybody, those are the
16 characteristics and attributes of a judge that we
17 really closely scrutinize along with everything
18 else, but those are what make you a good judge
19 and make you welcome with the Bar members and the
20 litigants and court personnel, is how you treat
21 others. And so what's interesting as I look
22 through your ballot box survey is that you are
23 probably one of the few people I've ever seen
24 come through here that no one says that you're
25 unqualified for the position in any category. We

1 have all these other categories. I'm sure you
2 filled them out as a lawyer, and so it's easy for
3 people to say I don't -- basically anonymously
4 criticize somebody, and you admittedly have said
5 you haven't practiced a while in Family Court, so
6 the recent slew of Family Court attorneys don't
7 see you over at the courthouse. I've chosen -- I
8 did it for 15, 20 years, and then I chose to step
9 aside as you did. Life is a lot less stressful
10 not being in Family Court and having people call
11 you all the time with their emergencies. But
12 nonetheless, I just wanted to commend you for
13 this in that, you know, I rarely have seen this
14 of any lawyer. And it's a testament to the way
15 you've handled yourself, not only as a person but
16 as an attorney where you've gotten along well
17 with everybody. And some of these comments are
18 really -- are interesting. So like, "Extremely
19 well qualified. The only shortcoming is he
20 should have ran for this judge years ago. Will
21 strengthen the bench just by electing him." You
22 know, you also look through here -- you know, it
23 says, "He has very little Family Court
24 experience, but he has an outstanding
25 temperament, which will serve him well. He will

1 learn quickly." So you have kind of silenced the
2 naysayers about your experience in the way you
3 have conducted yourself in practicing law. And I
4 think that's a testament to a lifetime of service
5 and a lifetime of practicing law and the way you
6 treat people. And I think there's no doubt in my
7 mind that you're going to treat the litigants
8 that come before you, the court personnel, the
9 people that you see, the lawyers, with the same
10 amount of respect that you would like to be
11 treated with. And I think you're going to have a
12 successful career over there. So I want to
13 commend you on these ballot box surveys, because
14 this is unique from my experience of serving on
15 here.

16 MR. WARR: Thank you, Mr. Chairman. I'll do my best
17 every day if this Committee sees fit to screen me
18 out and the Legislature sees fit to elect me to
19 never disappoint any of you. I'll do my best
20 every day not to do that.

21 CHAIRMAN SMITH: Well, I don't doubt that. Thank you
22 very much. Any questions for Mr. Warr? Mr.
23 Strom.

24 MR. STROM: I just have a comment. Mr. Warr, I just
25 want to say that your lack of recent Family Court

1 experience doesn't bother me one iota. Your
2 accounting undergrad, your business experience,
3 buying and selling businesses, representing the
4 bank. You know, if there's a weakness on the
5 Family Court bench, it's judges who understand
6 complex financial situations. I'm sure Senator
7 Talley will agree with that. So I think this
8 experience you bring will be a huge attribute to
9 not only you in your area, but, you know,
10 hopefully you'll help educate other judges in
11 this area. And I want to think someone of your
12 experience or giving up what I know is a very
13 lucrative private practice and getting in the
14 trenches, which is what you're getting ready to
15 do. And, you know, being at that courthouse
16 every day grinding it out, taking care of
17 difficult problems for people. So thank you for
18 offering.

19 MR. WARR: Thank you, sir. Appreciate that greatly.

20 CHAIRMAN SMITH: Any further questions? Mr. Safran.

21 MR. SAFRAN: Thank you, Mr. Chairman. I just want to
22 echo in large part what Mr. Strom said. I think
23 the other thing that stuck out in reading these
24 responses was empathy and having an ability to
25 maintain a demeanor, which is something that

1 escapes most of us all the time. You know, I
2 know Kevin Barth, and I know he doesn't just give
3 references just casually. So I know he meant it
4 when he said it. And I believe, as Mr. Strom
5 said, you bring something that we have oftentimes
6 in short supply in that people need to understand
7 the dollars and the figures and the numbers. And
8 I think too often, because of a lack of
9 experience dealing with them, we get folks on the
10 Family Court bench that are really looking at
11 foreign subjects. You start out really with a
12 leg up in that respect, and I think what I've
13 read here tells me that the rest of it ought to
14 come quite easily. And so we're happy that
15 you've offered and hope you do exactly what you
16 said, which I have no doubt you will, that you'll
17 bring it every day. Thank you.

18 MR. WARR: Thank you, sir.

19 CHAIRMAN SMITH: All right. Any further questions?

20 Mr. Warr, this will conclude this portion of your
21 screening process. Let me take this opportunity
22 to remind you that pursuant to the Commission's
23 evaluative criteria, the Commission expects
24 candidates to follow the spirit as well as the
25 letter of the ethics laws, and we'll view

1 violations or the appearance of impropriety as
2 serious and potentially deserving of heavy weight
3 in the screening deliberations. As you may be
4 aware, the record will remain open until the
5 formal release of the report of qualifications.
6 You may be called back at such time if the need
7 should arise. I thank you for offering for this
8 position, and I thank you for your time today and
9 appreciate your service.

10 MR. WARR: Thank you, Mr. Chairman. Appreciate what
11 all of you do. Thank you.

12 CHAIRMAN SMITH: All right. Safe travels.

13 MR. WARR: Thanks to y'all. Same to you.

14 (Off the record.)

15 CHAIRMAN SMITH: All right. Mr. Murphy, how are you
16 doing today?

17 JUDGE MURPHY: Oh, doing pretty fair.

18 CHAIRMAN SMITH: Or Judge Murphy, I'm sorry. Are you
19 a judge?

20 JUDGE MURPHY: Yes, sir, part time in Dorchester
21 County.

22 CHAIRMAN SMITH: Okay. Well, congratulations on that.
23 I see you have someone with you today. Would you
24 like to introduce her?

25 JUDGE MURPHY: Yes, sir. This is my wife, Carrie

1 Murphy.

2 CHAIRMAN SMITH: Hey, Carrie. How are you doing?

3 MS. MURPHY: Nice to meet you.

4 CHAIRMAN SMITH: Welcome.

5 MS. MURPHY: Thank you.

6 JUDGE MURPHY: Thank you, sir.

7 THE HONORABLE MICHAEL H. MURPHY, III, being duly
8 sworn, testifies as follows:

9 CHAIRMAN SMITH: Before you, you have your Personal
10 Data Questionnaire and your Sworn Statement. Are
11 both of those documents to which you've submitted
12 to the Commission?

13 JUDGE MURPHY: Yes, sir.

14 CHAIRMAN SMITH: All right. And are both of them
15 correct?

16 JUDGE MURPHY: Yes, sir, they are.

17 CHAIRMAN SMITH: Any changes or amendments that need
18 to be made at this time?

19 JUDGE MURPHY: None, sir.

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

23 JUDGE MURPHY: None, sir.

24 CHAIRMAN SMITH: All right. Will you hand those to
25 Lindi for me, please, sir, and we'll make those

1 as exhibits. Judge Murphy, the Judicial Merit
2 Selection Commission has thoroughly investigated
3 your qualifications for the bench. Our inquiry
4 is focused on nine evaluative criteria and has
5 included a ballot box survey, a thorough study of
6 your application materials, verification of your
7 compliance with state ethics laws, a search of
8 newspaper articles in which your name appears, a
9 study of previous screenings and checks for
10 economic conflicts of interest. We received no
11 affidavits today in opposition to your candidacy,
12 and no one is present to testify. Do you wish to
13 make a brief opening statement to the Commission?

14 (Exhibit Number 5 was marked for identification
15 purposes - (19 pages) Personal Data Questionnaire for
16 The Honorable Michael H. Murphy, III.)

17 (Exhibit Number 6 was marked for identification
18 purposes - (8 pages) Sworn Statement of The Honorable
19 Michael H. Murphy, III.)

20 JUDGE MURPHY: Just very briefly, Commission. I
21 appreciate y'all's time, appreciate the staff,
22 Lindi, Ms. Crawford. They have been very
23 helpful, but, sir, I'm ready to proceed.

24 CHAIRMAN SMITH: All right. Answer any questions that
25 your screening attorney may have, please, sir.

1 JUDGE MURPHY - EXAMINATION BY MR. MALDONADO:

2 Q. Thank you, Mr. Chairman. Judge Murphy, can you
3 please state for the record the city and the
4 circuit in which you reside?

5 A. Summerville, South Carolina, Dorchester County,
6 First Circuit, Seat 2.

7 Q. Thank you.

8 MR. MALDONADO: Mr. Chairman, I would note for the
9 record that based on the testimony contained in
10 the candidate's PDQ, which has been included in
11 the record with the candidate's consent, the
12 Honorable Michael H. Murphy, III meets the
13 statutory requirements for this position
14 regarding age, residence and years of practice.

15 Q. Judge Murphy, why do you want to serve as a
16 Family Court judge, and why do you feel that your
17 legal and professional experience will qualify
18 you and assist you to be an effective judge?

19 A. I can. Family Court probably takes up about 85 -
20 - if you add my juvenile work, about 90 percent
21 of my practice. I started out with the Ninth
22 Circuit Solicitor's Office in Berkeley County. I
23 was originally hired as a general sessions
24 prosecutor, did forgery up to murder. Former
25 Assistant Solicitor, now retired, Judge Cate,

1 whenever she had to cover down in Charleston, she
2 was kind enough to give me her docket, and I
3 started doing juvenile work. Loved doing
4 juvenile work, especially having a child that may
5 be on the wrong path and getting them on the
6 right path. So I handled numerous juvenile
7 cases, and then finally went into a private
8 practice. Started at Steinberg Law Firm, and
9 then I started getting into contested family law
10 cases. I've been doing this for -- became a
11 licensed attorney May 11, 1998, and I've done
12 numerous family law cases. I think I've handled
13 anywhere from five to 500 cases, simple divorces,
14 contested cases, juvenile cases. At one time I
15 was the contract attorney for the Department of
16 Social Services, Abuse and Neglect, in Berkeley
17 County. I just love family work. I love, to the
18 best of my ability, representing the best
19 interests of children. Which I think if you have
20 a family law case, the first thing that you ask
21 is whether or not children are involved. If they
22 are, that's the center of the case. I love that
23 family law is the court of equity. I love it's
24 based on facts. I love having complicated cases
25 in front of me, representing individuals and

1 doing the best that I can. I believe I'm
2 uniquely qualified for this position in -- I
3 guess, in my experience.

4 **Q. Thank you. Judge, are there any areas of the law**
5 **for which you would need additional preparation**
6 **in order to serve as a Family Court judge, and**
7 **how would you handle such additional preparation?**

8 A. I don't want to toot my own horn. I don't think
9 there is. I've been a contract attorney for the
10 Department of Social Services. I've dealt with
11 abuse and neglect on that side. In the private
12 sector, I've represented people in abuse and
13 neglect. I was a juvenile prosecutor. Now I do
14 juvenile defense. I've handled divorces,
15 separate support and maintenance cases. I've
16 done property settlement agreements, TPRs,
17 adoptions, serving people overseas. I'm at a
18 loss for words for, you know, any additional
19 experience that I need.

20 **Q. Thank you. Can you please briefly describe your**
21 **experience in handling complex contested Family**
22 **Court matters, and specifically discuss your**
23 **experience with the financial aspects of Family**
24 **Court work?**

25 A. Financial -- as I've said, I've handled simple

1 divorces. I've handled highly contested cases
2 with multiple children, out of state defendants,
3 people that are at the, I guess, lower economic
4 end. I've represented doctors before. I've
5 represented lawyers before with significant
6 retirement accounts, developing, drafting
7 quadros. I've represented colonels before in the
8 military, generals before, drafting quadros, or I
9 guess the military version of quadros for a
10 thrift savings plan, former spousal divisions.
11 So handled substantial amounts of high value -- I
12 guess you would term it high value cases. But
13 again, you know, that's easy, but if you've got
14 children involved, money comes and goes and the
15 center's always at children.

16 **Q. The Commission received 276 ballot box surveys**
17 **regarding you with 21 additional comments. The**
18 **ballot box survey, for example, contained the**
19 **following positive comments, "Excellent demeanor,**
20 **always prepared, conscientious, considerate of**
21 **others, decisive and clear in stating his**
22 **position, humble and has an excellent work**
23 **ethic." Also, "He is a professional of the**
24 **highest character and has a strong work ethic.**
25 **He has been in my courtroom on many occasions and**

1 is courteous and always civil, highly recommended
2 for a Family Court judge." Two written comments
3 expressed concerns. One comment questioned your
4 work ethic. What response would you offer this
5 concern?

6 A. Work ethic, I mean, here I am. I have a
7 successful private practice. I have, in the
8 coming two weeks, nine contested hearings to the
9 point where I'm turning away business. I'm a
10 part-time magistrate. I started as an E1 private
11 in the National Guard. Now I'm an O6 full bird
12 colonel. I've been on two deployments. I'm a
13 veteran. So work ethic, I think just my
14 accomplishments -- and again, I'm very humble. I
15 hate to make this comment, but I mean, I think my
16 -- what I've accomplished thus far and I have so
17 much more to accomplish, shows a work ethic, a
18 great work ethic.

19 Q. Thank you. Another comment expressed concerns
20 regarding your family connections, politically
21 and on the bench. How would you address this
22 concern?

23 A. I mean, of course, my brother has been with the
24 House. He started out with Dorchester County as
25 a county council member. Of course, he's a

1 fellow attorney. We went to the same law school.
2 He's doing extremely well with the House
3 Judiciary, Chairman of that. Of course, my
4 sister-in-law, Maite is a Circuit Court judge,
5 but there's only one person that's running for
6 this position, and this is me. My brother
7 doesn't do family law. Of course, Maite, or
8 Judge Murphy, doesn't and I rest on my own. I
9 think one of the comments that I overheard was a
10 judicial dynasty. This is Michael Murphy running
11 for this position, and I'm running on my
12 accomplishments only. It's not going to be a
13 problem whatsoever.

14 **Q. Thank you.**

15 CHAIRMAN SMITH: Hold on. Hold on a second. Let me
16 deal with this. First, Madam Court Reporter,
17 we're going to strike all that about the last
18 question, strike that from the record and Ms.
19 McIver moves that we go in Executive Session.
20 All in favor, signify by saying aye.

21 (Ayes are heard.)

22 CHAIRMAN SMITH: All opposed?

23 (No replies are heard.)

24 CHAIRMAN SMITH: Ayes have it. Judge Murphy, you
25 stay. Ms. Murphy, you're going to have to leave

1 the room for us real quick, please, ma'am. And
2 we'll be right back with you.

3 EXECUTIVE SESSION

4 CHAIRMAN SMITH: All right. We're back on the record,
5 Senator Talley moves that we come out of
6 Executive Session. All in favor, signify by
7 saying aye.

8 (Ayes are heard.)

9 CHAIRMAN SMITH: All opposed?

10 (No replies are heard.)

11 CHAIRMAN SMITH: Ayes have it. While in executive
12 session, let me state, there were no votes taken,
13 no matters decided while we were in executive
14 session. We were in there for a confidential
15 legal matter. And with that, I will turn it back
16 over to Mr. Maldonado.

17 MR. MALDONADO: Thank you, Mr. Chairman.

18 **Q. Judge Murphy, your SLED check indicated that you**
19 **were a named party in several lawsuits. In 2018,**
20 **you were named as a party in the civil suit,**
21 **Natasha Lawrence v. Michael Murphy, III. Can you**
22 **please explain the nature and the disposition of**
23 **the lawsuit?**

24 **A. It was dismissed with prejudice. Natasha**
25 **Lawrence was a former client. It was a**

1 grandparent visitation right case. I represented
2 her at the temporary hearing. After the
3 temporary hearing, fees were not paid, so we did
4 a consent order to be relieved. When she
5 appeared in front of Judge Landis, I think about
6 six or seven months later, the case was
7 dismissed. And then shortly after that she sued
8 me as well as my law partner prior to trial, and
9 it was in Berkeley County Magistrate's Court. It
10 was dismissed with prejudice.

11 **Q. Thank you. In '97, you were the plaintiff in a**
12 **case involving K-Mart. Can you please describe**
13 **your involvement in that case?**

14 A. No, sir, I don't remember that case, or I don't
15 believe I was -- I've never sued Wal-Mart or K-
16 Mart.

17 **Q. Yeah, K-Mart.**

18 A. No, huh-uh.

19 **Q. In 1999, you were named as a defendant in the**
20 **case, Everett Leon Stout v. David Schwake. Can**
21 **you describe your involvement in this case?**

22 A. I don't -- unless I was a prosecutor, and it was
23 a drug forfeiture.

24 **Q. In 2006 you were named as a plaintiff involving**
25 **Steve and Adrian Barnett. Can you please**

1 **describe your involvement in that case?**

2 A. I don't -- was that like the III, because I know
3 there's other Michael Murphys. And I'm sorry, I
4 --

5 **Q. In 2011, you were named in a case involving Wells**
6 **Fargo Bank v. The Estate of Patrick J. Murphy,**
7 **Sr. Can you please describe your involvement in**
8 **that?**

9 A. I remember that one. That was my father. That
10 was his prior property. And all the siblings
11 were, I guess, beneficiaries, and there was a
12 property that was foreclosed on.

13 **Q. Thank you, Judge Murphy.**

14 MR. MALDONADO: I would note for the record that the
15 Low Country Citizens Committee reported Judge
16 Murphy to be well qualified in ethical fitness,
17 character, reputation, experience, judicial
18 temperament and professional ability. The
19 Committee reported him to be qualified in the
20 constitutional qualifications, mental stability
21 and physical health. The Committee added a
22 further comment, "Judge Murphy is a well-rounded
23 candidate with a strong juvenile practice. He is
24 an excellent problem solver with an excellent
25 record of performing under high pressure

1 situations." I'll finish up with some
2 housekeeping questions.

3 Q. Judge Murphy, are you aware that as a judicial
4 candidate you are bound by the Code of Judicial
5 Conduct as found in Rule 501 of the South
6 Carolina Appellate Court Rules?

7 A. Yes, I am.

8 Q. Since submitting your letter of intent, have you
9 contacted any members of the Commission about
10 your candidacy?

11 A. None.

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.

16 Q. Judge Murphy, since submitting your letter of
17 intent, have you sought or received the pledge of
18 any legislator, either prior to this date or
19 pending the outcome of your screening?

20 A. No.

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

25 A. No.

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

4 A. Yes, I do.

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

10 CHAIRMAN SMITH: Thank you. All right. Judge Murphy,
11 let me just start off to tell you first, thank
12 you for your service to our country, Colonel.
13 And are you still in the National Guard?

14 JUDGE MURPHY: Yes, sir.

15 CHAIRMAN SMITH: You're in the National Guard?

16 JUDGE MURPHY: Yes, sir.

17 CHAIRMAN SMITH: Okay. Well, thank you for your
18 service. Let me say when we are going through
19 this -- as chairman I'm kind of tasked to be the
20 one to deliver the message that, you know, as we
21 go through this one of the -- obviously there are
22 a lot of characteristics and attributes which
23 make a good judge. But one of the ones that we
24 look at and scrutinize closely is your judicial
25 temperament and your reputation, because those

1 are kind of indicators of how you treat other
2 people. And so when we look through this, this
3 ballot box survey, which is always easy to throw
4 rocks if you want to and without any
5 accountability back to somebody -- but when I
6 look through this, your reputation through this
7 is overwhelmingly excellent. Your judicial
8 temperament in someone who served as a judge and
9 as a Family Court lawyer, which is probably one
10 of the more contentious areas of the law,
11 generally you tick off lawyers during that
12 process. But you seem to have not done that
13 where there's only three people who find you
14 unqualified out of all the participants. So that
15 demonstrates to us as we look through here that,
16 you know, you have a -- you treat people well.
17 You treat litigants well. You treat other
18 lawyers well. You treat the personnel around the
19 court well, and those are things that are
20 important to us is how you will treat others when
21 you get on the bench, because it's easy to come
22 up here and tell us you're going to be a great
23 judge. But when you zip up that robe, you know,
24 sometimes things change. And so I would
25 encourage you -- the way you have conducted

1 yourself throughout your time as an attorney and
2 the reputation that you have earned throughout
3 the Bars of the tri-county area is obviously very
4 well thought of around there. And I want to
5 continue to urge you as you go through this, and
6 if you're successful in the candidacy, to make
7 sure that you show those same characteristics on
8 the bench.

9 JUDGE MURPHY: Yes, sir.

10 CHAIRMAN SMITH: So with that, any questions for Judge
11 Murphy? All right. Judge Murphy, this will
12 conclude this portion of your screening process.
13 And let me take this opportunity to remind you
14 that pursuant to the Commission's evaluative
15 criteria the Commission expects candidates to
16 follow the spirit as well as the letter of the
17 ethics laws. And we will view any violations or
18 the appearance of impropriety as serious and
19 potentially deserving of heavy weight in
20 screening deliberations. As you may be aware,
21 the record will remain open until the formal
22 release of the report of qualifications, and you
23 may be called back at such time if the need
24 arises. Thank you for offering for this
25 position, and thank you for your service.

1 JUDGE MURPHY: Thank you, appreciate it.

2 MR. STROM: All right. Good to see you. Y'all have
3 safe travels back.

4 JUDGE MURPHY: Thank you.

5 (Off the record.)

6 CHAIRMAN SMITH: All right. Judge Martin, appreciate
7 you being here today.

8 THE HONORABLE DANIEL E. MARTIN, JR., being duly sworn,
9 testifies as follows:

10 CHAIRMAN SMITH: All right. Before you, Judge Martin,
11 you have your Personal Data Questionnaire and
12 your Sworn Statement. Are both of those
13 documents that you have submitted to this
14 Commission?

15 JUDGE MARTIN: Yes, sir. This is the information I've
16 submitted.

17 CHAIRMAN SMITH: Okay. Any changes or amendments that
18 need to be made at this time?

19 JUDGE MARTIN: None whatsoever.

20 CHAIRMAN SMITH: Okay. Do you have any objection to
21 us making those as exhibits to your sworn
22 testimony here today?

23 JUDGE MARTIN: I have no objection.

24 CHAIRMAN SMITH: Having no objection, we will make
25 those exhibits. And hand those to Lindi for me,

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

16 (Exhibit Number 7 was marked for identification
17 purposes - (16 pages) Personal Data Questionnaire for
18 The Honorable Daniel E. Martin, Jr.)

19 (Exhibit Number 8 was marked for identification
20 purposes - (6 pages) Amendment to Personal Data
21 Questionnaire for The Honorable Daniel E. Martin, Jr.)

22 JUDGE MARTIN: Just -- certainly. It's been an honor
23 and a pleasure for me have served the people of
24 the State of South Carolina for the last ten
25 years. It's a job that I thoroughly enjoy, and I

1 look forward to another six years if this
2 Committee should find me qualified and the
3 General Assembly were to afford me that
4 opportunity.

5 CHAIRMAN SMITH: All right. Thank you very much.

6 Answer any questions your screening attorney may
7 have for you, please, sir.

8 JUDGE MARTIN - EXAMINATION BY MR. COHL:

9 **Q. Good morning, Judge Martin.**

10 A. Good morning.

11 **Q. Having served ten years on the Family Court, why**
12 **do you want to continue serving?**

13 A. Primarily because I think that it's a job that
14 requires a person who is steadfast, who loves the
15 people, who loves the children who are affected
16 by its ruling. I think that over the last ten
17 years I have shown myself to be a person
18 qualified to do that. And if allowed, I think
19 another six years would be beneficial to the
20 people that I serve.

21 **Q. Thank you, Judge Martin. What do you believe is**
22 **your reputation among attorneys that practice**
23 **before you?**

24 A. From what I've heard, and I've not heard a lot,
25 but I think they believe me to be fair, that I

1 would judiciously consider all evidence presented
2 before me, that I am impartial and threats of
3 appeals or some attorneys who wish to try to
4 throw their weight around has no impact on my
5 decisions, and I think they know that.

6 Q. Thank you, Judge Martin. The Commission received
7 531 ballot box surveys regarding you with 63 of
8 those providing additional comments. The ballot
9 box survey, for example, contained the following
10 positive comments, "Judge Martin has a great
11 judicial temperament. He is thoughtful, reasoned
12 and tactful. He handles complex litigation with
13 respect." An additional comment provided, "Judge
14 Martin is well qualified. He handles himself in
15 the most professional manner. He is well
16 respected by all judicial staff, attorneys, court
17 reporters and deputies."

18 MR. COHL: I would note for the record that the
19 Lowcountry Citizens found Judge Martin to be
20 qualified in the evaluative criteria of
21 constitutional qualifications, physical health
22 and mental stability. The Committee found Judge
23 Martin well qualified in the evaluative criteria
24 of ethical fitness, professional and academic
25 ability, character, reputation, experience and

1 judicial temperament. The Committee stated, in
2 summary, "Judge Martin is leading the charge in
3 keeping Family Court moving forward during Covid
4 and has developed some innovative methods for
5 efficiencies in his dockets."

6 **Q. Now for a few brief housekeeping issues. Judge**
7 **Martin, since submitting your letter of intent,**
8 **have you contacted any members of the Commission**
9 **about your candidacy?**

10 A. I have not.

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

14 A. Yes, I am.

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

19 A. I have not.

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

24 A. I have not and I am not.

25 **Q. Have you reviewed and do you understand the**

1 **Commission's guidelines on pledging in South**
2 **Carolina Code § 2-19-70(E)?**

3 A. Yes, I have.

4 **Q. Thank you, Judge Martin.**

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

11 CHAIRMAN SMITH: Thank you very much. Judge Martin,
12 let me just compliment you -- I'm looking through
13 your ballot box surveys. And the one thing that
14 we're trying to do, especially with sitting
15 judges, is tell them what -- everything obviously
16 that you do in the courtroom is important, but
17 one of the most important attributes is your
18 temperament and how you treat others and your
19 reputation among not only the Bar, but among the
20 litigants and among the public in general and the
21 court personnel. And I can say without
22 reservation, these are probably some of the best
23 comments I've seen this entire screening period
24 and maybe probably even in my tenure on being on
25 this Commission. I mean, just wonderful

1 comments. When you go through here, we look at
2 your judicial temperament as a Family Court
3 judge. Only two people said you're unqualified
4 out of 334 responses, so you must be doing
5 something right because I've never seen -- in my
6 time when I practiced in Family Court never saw
7 both parties walk away happy about the way
8 they've been treated nor the lawyers. And so I
9 want to point that out and let you know that the
10 things that we look at and assess on how a judge
11 is doing on the bench is you are getting glowing
12 reviews. And, you know, I just wanted to read
13 one or two of these things, these comments that
14 people submitted. And as you know, it's an easy
15 time to criticize a judge on those, because
16 there's no repercussions. You don't know who
17 they are, and they can just say whatever they
18 want to about it. And I always tell the judges
19 it's not determinative of whether we find you
20 qualified or unqualified, but it shows a pattern
21 to us that we either -- if someone's got some
22 issues, we need to further investigate, and in
23 your case it shows that you are doing nothing but
24 an excellent job, but it just says, "Judge Martin
25 is an excellent judge, lawyer and gentleman and

1 is a credit to the judiciary." And then what's
2 very compelling is the last comment I read on
3 here. And I won't read it, because it'll take me
4 about five minutes, but someone took the time to
5 talk about them being a juvenile public defender
6 in Charleston, and a 17 year old girl with DSS
7 who was having two jobs and paying the rent and
8 utilities, take care of her mother and that you
9 did the right thing at that time. And the young
10 lady that you gave a second chance and allowed
11 her to walk out the courtroom is now -- it says
12 was crying tears of joy from your ruling and said
13 she promised the lawyer that she was going to be
14 a better person for this, and they talk about how
15 she is now doing a great job. And she has kept
16 up with her and how they're proud of the work
17 that she's done, and that's all because of your
18 ruling that day. So you temper your justice with
19 mercy, and that's very important. But I just
20 want to tell you thank you for your service.
21 These are very good, if not great, comments about
22 you and the job you're doing, and I just would
23 encourage you to keep it up.

24 JUDGE MARTIN: Thank you, Chairman. I appreciate
25 that.

1 CHAIRMAN SMITH: All right. Any other questions for
2 Judge Martin? Judge Martin, this will conclude
3 this portion of your screening process. I want
4 to take this opportunity to remind you that
5 pursuant to the Commission's evaluative criteria,
6 the Commission expects candidates to follow the
7 spirit as well as the letter of the ethics law,
8 and we will view violations or the appearance of
9 impropriety as serious and potentially deserving
10 of heavy weight in the screening deliberations.
11 As you may know, the record will remain open
12 until the formal release of the report of
13 qualifications, and you may be called back at
14 such time if the need arises. Appreciate you
15 being here today, and thank you for your service
16 to the State of South Carolina and upholding the
17 integrity of the judiciary.

18 JUDGE MARTIN: Well, thank you. I thank you all for
19 those wonderful comments. Appreciate it.

20 CHAIRMAN SMITH: All right. Safe travels. Good to
21 see you. Appreciate you coming early.

22 JUDGE MARTIN: Thank y'all.

23 CHAIRMAN SMITH: Mr. Safran moves that we go in
24 Executive Session. All in favor, signify by
25 saying aye.

1 (Ayes are heard.)

2 CHAIRMAN SMITH: All opposed?

3 (No replies are heard.)

4 CHAIRMAN SMITH: The ayes have it. We are in
5 Executive Session.

6 EXECUTIVE SESSION

7 CHAIRMAN SMITH: All right. Representative Rutherford
8 moves that we come out of Executive Session. All
9 in favor, signify by saying aye.

10 (Ayes are heard.)

11 CHAIRMAN SMITH: All opposed?

12 (No replies are heard.)

13 CHAIRMAN SMITH: The ayes have it. Let me state,
14 while we were in Executive Session, no votes were
15 taken and no matters were decided. All right.
16 Judge Seigler, how are you doing today?

17 JUDGE SEIGLER: Good, sir.

18 CHAIRMAN SMITH: Thank you for coming early and
19 appreciate you moving your screening up three and
20 a half hours early, so --

21 JUDGE SEIGLER: Thank you for accommodating me. I was
22 in Lexington already, and I got down here quick
23 as I could without breaking any traffic laws.

24 CHAIRMAN SMITH: You're making our schedule easy, so
25 thank you.

1 THE HONORABLE WILLIAM GREGORY SEIGLER, being duly
2 sworn, testifies as follows:

3 CHAIRMAN SMITH: All right. Before you, you have your
4 Personal Data Questionnaire and your Sworn
5 Statement. Are those both documents you
6 submitted to the Commission?

7 JUDGE SEIGLER: Yes, sir.

8 CHAIRMAN SMITH: Are they both correct?

9 JUDGE SEIGLER: Appear to be, sir.

10 CHAIRMAN SMITH: All right. Any changes or additions
11 that need to be made at this time?

12 JUDGE SEIGLER: No, sir.

13 CHAIRMAN SMITH: All right. Do you have any objection
14 to us making those as exhibits to your sworn
15 testimony here today?

16 JUDGE SEIGLER: No, sir.

17 CHAIRMAN SMITH: Without objection, hand them to Lindi
18 for me, please, sir, and we'll mark those as
19 exhibits to your sworn testimony. All right.
20 Judge Seigler, the Judicial Merit Selection
21 Commission has thoroughly investigated your
22 qualifications for the bench. Our inquiry is
23 focused on the nine evaluative criteria. In
24 addition there is also included a ballot box
25 survey, a thorough study of your application

1 materials, verification of your compliance with
2 state ethics laws, a search of newspaper articles
3 in which your name appears, a study of previous
4 screenings and checks for economic conflicts of
5 interest. There have been no affidavits filed in
6 opposition to your candidacy today and no
7 witnesses are here to testify. Do you wish to
8 make a brief opening statement to the Commission?

9 (Exhibit Number 9 was marked for identification
10 purposes - (12 pages) Personal Data Questionnaire for
11 The Honorable William Gregory Seigler.)

12 (Exhibit Number 10 was marked for identification
13 purposes - (1 page) Amendment to Personal Data
14 Questionnaire for The Honorable William Gregory
15 Seigler)

16 (Exhibit Number 11 was marked for identification
17 purposes - (4 pages) Sworn Statement of The Honorable
18 William Gregory Seigler.)

19 JUDGE SEIGLER: Thank y'all for your time. I know
20 everybody dedicates a lot of time to this
21 process. This is the fourth time I've been
22 before this Honorable Commission, and I
23 appreciate the dedication to this process.

24 CHAIRMAN SMITH: All right. Thank you so much.

25 Answer any questions your screening attorney may

1 have for you, please, sir.

2 JUDGE SEIGLER - EXAMINATION BY MS. ANDERSON:

3 **Q. Good afternoon, Judge Seigler.**

4 A. Yes, ma'am.

5 **Q. After serving for more than seven years on the**
6 **Family Court, why do you want to continue serving**
7 **as a Family Court judge?**

8 A. Well, I thoroughly enjoy it. It's been an honor
9 and a privilege to serve the people of this
10 state. And I believe with all due respect to the
11 colleagues on the Circuit Court and various other
12 courts, the Family Court is quite possibly the
13 most important forum, and the most significant
14 cases are heard, and I've enjoyed it. And I hope
15 to have the privilege to continue on the bench.

16 **Q. Judge Seigler, what do you think your reputation**
17 **is among attorneys that practice before you?**

18 A. Hopefully well, hopefully good. I know you told
19 me there were a couple of negative comments.

20 **Q. And we're going to get to that.**

21 A. And my goal was to -- this time to have zero, so
22 I failed. I can only hope to do better.

23 **Q. All right. Well, about those comments. The**
24 **Commission received 349 ballot box surveys**
25 **regarding you with 29 additional comments. The**

1 ballot box survey, for example, contained the
2 following positive comments, "Firm but fair, very
3 fair, professional and dedicated to the position,
4 does a wonderful job dealing with attorneys and
5 the various parties that appear in front of him."
6 Five of the written comments did express
7 concerns. One concern relates to your
8 temperament. For example, disparate treatment of
9 litigants and being ill tempered on the bench.
10 What response would you offer to this concern?

11 A. Well, again, I don't know the context of what
12 they're referencing, but if someone interpreted
13 my demeanor in that fashion, then I need to work
14 on that. It certainly wasn't intentional. There
15 are very serious matters that come before us, and
16 again, I've done everything that I can personally
17 to avoid misinterpretation, and I'll continue to
18 do better.

19 Q. Another concern regards your preparation in
20 matters in which you preside. What response
21 would you offer to this concern?

22 A. Again, I don't know the context of that either,
23 but I read every file numerous times before I
24 hear it, oftentimes more than that. So I will
25 continue to do better in that regard as well.

1 Q. And the final area of concern regards you making
2 comments about others with the implication that
3 you work more or would make accommodations that
4 other judges may not. What response would you
5 offer to this?

6 A. You know, when you told me that at our initial
7 meeting, I have been thinking about that daily.
8 And I have no idea where that's coming from. The
9 judges in my circuit and throughout the state are
10 under enough scrutiny without us turning on each
11 other. And the only thing I've ever said about
12 another judge is positive.

13 Q. Okay. Thank you, Judge Seigler.

14 MS. ANDERSON: I would note that the Midlands Citizens
15 Committee found Judge Seigler qualified in the
16 evaluative criteria of constitutional
17 qualifications, physical health and mental
18 stability. The Citizens Committee found him well
19 qualified in the evaluative criteria of ethical
20 fitness, professional and academic ability,
21 character, reputation, experience and judicial
22 temperament. The Committee stated in summary,
23 "Well qualified" and further commented, "a
24 veteran judge with good temperament and
25 experience."

1 Q. Judge Seigler, since submitting your letter of
2 intent, have you contacted any members of the
3 Commission about your candidacy?

4 A. No, ma'am.

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

8 A. Yes, ma'am.

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

13 A. No, ma'am.

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

18 A. No, ma'am.

19 Q. Have you reviewed and do you understand the
20 Commission's guidelines on pledging in the South
21 Carolina Code § 2-19-70(e)?

22 A. Yes, ma'am.

23 MS. ANDERSON: I would note for the record that any
24 concerns raised during the investigation
25 regarding Judge Seigler today were incorporated

1 into his questioning. Mr. Chairman, I have no
2 further questions.

3 CHAIRMAN SMITH: Judge Seigler, let me say I've looked
4 through this ballot box survey, and they're not
5 always indicative. They're anonymous, and
6 anyone can say whatever they want, and there are
7 really no repercussions through the process. And
8 I went back and looked at your prior screening,
9 too. And I just wanted to tell you when I looked
10 through these, overall they are in the top of
11 what we're seeing of sitting judges when you're
12 looking of you being well qualified. And if
13 you're a Family Court judge and only eight people
14 say on your judicial temperament that you're
15 unqualified, you probably have been too nice to
16 the lawyers that are in your courtroom, in my
17 opinion. Everyone knows Family Court's a very
18 difficult area and contentious, and lawyers are
19 as contentious as the litigants sometimes. And
20 one thing this Commission looks for is a couple
21 of things. You know, obviously we go through all
22 your evaluative criteria in great detail and
23 close scrutiny. But also things that they've
24 tasked me as Chairman this year to tell
25 especially the sitting judges how you treat

1 people and your temperament are very important to
2 us. And when I look through this, it tells us
3 that you're doing a good job of that. And I want
4 to just encourage you to keep it up. I looked at
5 your last screening, and, you know, it looks like
6 there's a vast improvement from the ballot box
7 surveys from then to there. And when you were
8 asked those questions earlier about, you know,
9 need to do better, I take that at heart. Because
10 I guess you're looking for perfection and it's
11 hard to find that in your area at the bench. But
12 nonetheless, you know, I think you're doing an
13 excellent job when we look at these. From
14 looking at the evaluations from the Citizens
15 Committee and the Bar committee, you're doing a
16 good job. And I want to encourage you to keep up
17 the good work, and the way you treat people is
18 very important. It's reflective on the judiciary
19 how litigants, courtroom personnel and lawyers
20 who come before you -- you're a reflection of
21 what we elect and what the judiciary stands for.
22 And you're upholding those ideals right now, and
23 I'm going to encourage you to continue to keep up
24 the good work.

25 JUDGE SEIGLER: Thank you, Mr. Chairman.

1 CHAIRMAN SMITH: All right. Any further questions?
2 Mr. Strom.

3 MR. STROM: Thank you, Mr. Chairman.

4 JUDGE SEIGLER: If you all will forgive me. I ran
5 over here from my car. So I'm just not in as
6 good a shape as I was when I was at the Citadel.
7 I didn't mean to interrupt you, Mr. Strom.

8 MR. STROM: That's all right. Mr. Chairman, I want to
9 join in what you're saying. When Mr. Seigler
10 first ran and he came up the next time we had a
11 little chat with him, and he has improved his
12 demeanor. He's one of the very few people that
13 has really listened to what he heard here, and
14 his reputation now is just outstanding with the
15 Bar. There are four or five people, I could
16 probably name them, that would write something
17 bad about him if he were a saint. But Judge
18 Seigler, you're doing an outstanding job. You
19 heard what we had to say. The Bar's happy with
20 you. Litigants are happy with you and I look
21 forward to having you six more years.

22 JUDGE SEIGLER: Thank you, sir.

23 MR. STROM: Thank you.

24 CHAIRMAN SMITH: Mr. Safran.

25 MR. SAFRAN: Thank you, Mr. Chairman. Judge, I wasn't

1 here the last time, but I take -- I guess I pay a
2 lot of attention to the fact that people who were
3 are saying they're seeing a very noticeable
4 difference, and that's really what we look for.
5 If we're bringing out things that people are
6 saying, it's not just for the sake of criticizing
7 or scolding. It's trying to say, look, we just
8 want the judge in question really to recognize
9 that there's a heck of a lot at stake, in
10 particular, these matters. And that, you know,
11 in those circumstances the last thing you want to
12 do is become kind of the wrong center of
13 attention, to be the one that more or less is
14 making things worse. You've got a real hard job
15 as a Family Court judge. I mean, it's a circus
16 in there most of the time. What I was impressed
17 with is where somebody said that when those
18 things get out of hand, you're the one being a
19 calming influence, which is a very, very
20 significant and very favorable comment. The
21 other thing I like about the fact is, is that
22 somebody said he's really risen to the occasion.
23 And what that means is, is that something
24 obviously has changed for the better. And I
25 think again, to echo what I've already heard,

1 particularly in Family Court, you're going to
2 always have people who are upset. You're always
3 going to have people walking away shaking their
4 heads. And the fact is, is as few a comments
5 that were negative in that context is impressive,
6 and we really do appreciate your heeding what was
7 said before and taking the effort to change in a
8 positive way.

9 JUDGE SEIGLER: Thank you, sir.

10 CHAIRMAN SMITH: All right. Any further questions.

11 Judge Seigler, this will conclude this portion of
12 your screening. And let me take this opportunity
13 to remind you that pursuant to the Commission's
14 evaluative criteria, the Commission expects
15 candidates to follow the spirit as well as the
16 letter of the ethics law. We will view
17 violations or the appearance of impropriety as
18 serious and potentially deserving of heavy weight
19 in the screening deliberations. As you may be
20 aware, the record will remain open until the
21 formal release of the report of qualifications,
22 and you may be called back at such time if the
23 need arises. I appreciate you being here today,
24 and I thank you for your service to the State of
25 South Carolina and wish you safe travels back to

1 Lexington County.

2 JUDGE SEIGLER: Thank you all again for your service,
3 too. Ms. Anderson, thank you so much for your
4 help during this process. Hope y'all have a good
5 day. Thank you again.

6 CHAIRMAN SMITH: All right, you too.

7 MS. ANDERSON: Thank you.

8 CHAIRMAN SMITH: Thank you for accommodating us,
9 really appreciate it.

10 JUDGE SEIGLER: I appreciate it, too. Y'all have a
11 good day. Thank you.

12 CHAIRMAN SMITH: All right. Take care. Ms. Blackley
13 moves that we go into Executive Session. All in
14 favor, signify by saying aye.

15 (Ayes are heard.)

16 CHAIRMAN SMITH: All opposed?

17 (No replies are heard.)

18 CHAIRMAN SMITH: The ayes have it. We are in
19 Executive Session.

20 EXECUTIVE SESSION

21 CHAIRMAN SMITH: Ms. Blackley moves that we come out
22 of Executive Session. All in favor, signify by
23 saying aye.

24 (Ayes are heard.)

25 CHAIRMAN SMITH: All opposed?

1 (No replies are heard.)

2 CHAIRMAN SMITH: The ayes have it. Let me state,
3 while we were in Executive Session there were no
4 votes taken and no matters decided. And with
5 that, let's have Judge Stricklin. Thank you for
6 accommodating us and coming early. You
7 interrupted our lunch, so I'm not so sure we're
8 appreciative of your accommodation.

9 JUDGE STRICKLIN: I want y'all to be happy. So I'm
10 happy to go sit down until y'all tell me to come
11 back up here.

12 CHAIRMAN SMITH: That was what I told them earlier. I
13 said we'll make sure to let him wait for
14 accommodating us.

15 THE HONORABLE C. VANCE STRICKLIN, JR., being duly
16 sworn, testifies as follows:

17 CHAIRMAN SMITH: All right. Before you you have your
18 Personal Data Questionnaire and your Sworn
19 Statement. Are those both documents you have
20 submitted to the Commission?

21 JUDGE STRICKLIN: Yes.

22 CHAIRMAN SMITH: Are they both correct?

23 JUDGE STRICKLIN: Yes, sir.

24 CHAIRMAN SMITH: Any changes or amendments that need
25 to be made at this time?

1 JUDGE STRICKLIN: No, sir.

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

5 JUDGE STRICKLIN: No, sir.

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

22 JUDGE STRICKLIN: Well, I'll be brief, because that
23 way it gives y'all a chance to take a bite and
24 chew and swallow. This has been a wonderful
25 experience despite the fact that it all happened

1 over Covid. It's a great job, the opportunity to
2 serve. But also to hopefully help, hopefully
3 make a difference on a more regular and frequent
4 basis. You know, when you're in private
5 practice, you're helping folks, but your file
6 cabinet doesn't have nearly as many names as you
7 get when you are a judge. You just get to touch
8 so many more cases, get to be involved in so many
9 more things. It was also a good time in life for
10 a new challenge. So I appreciate y'all allowing
11 me the opportunity to serve. I look forward to
12 serving without the Covid world. You know, I
13 came onboard right as everything was shutting
14 down. And I feel like we're starting to get
15 close to normal, and then you watch the news we
16 hear about Omicron, but once again, it has been a
17 good experience. And hopefully I'm getting
18 better and better at the job every day.

19 (Exhibit Number 12 was marked for identification
20 purposes - (14 pages) Personal Data Questionnaire for
21 The Honorable C. Vance Stricklin, Jr.)

22 (Exhibit Number 13 was marked for identification
23 purposes - (6 pages) Sworn Statement of The Honorable
24 C. Vance Stricklin, Jr.)

25 CHAIRMAN SMITH: All right. Thank you very much.

1 Answer any questions your screening attorney may
2 have for you.

3 JUDGE STRICKLIN - EXAMINATION BY MR. STIMSON:

4 **Q. Judge Stricklin, what do you think your**
5 **reputation is among attorneys that practice**
6 **before you?**

7 A. Well, I think it's a good reputation. I always
8 tried really hard to get along with lawyers when
9 I was a member of the Bar. I've never changed.
10 I think I told this -- I heard a joke a long time
11 ago, and I hope never to forget it. We were out
12 in the hallway of the Richland County Courthouse
13 and an older lawyer pulled me aside, and he said,
14 do you know what the definition of nanosecond is.
15 I said, no, I don't. He goes, it's the amount of
16 time it takes a judge to forget what it's like to
17 be a lawyer. And, you know, of course, he starts
18 laughing because he thinks it's hilarious, but
19 it's a good point. And that is robeitis is
20 something you need to worry about. Forgetting
21 what it's like being a lawyer is something you
22 need to worry about. And hopefully I'll never
23 forget those things. And I've tried hard to
24 remember what it's like, and I still know what
25 it's like to be a lawyer. And so I think my

1 reputation is somebody who understands what
2 you're going through, whether it's a difficult
3 case, difficult client, difficult adverse party.
4 Sometimes it's bad facts. You know, you get a
5 witness who gets sick the day before trial, but I
6 think they appreciate the fact that they know
7 I've been there, and I'm not new to what they're
8 experiencing in most situations.

9 **Q. What do you think your reputation is among court**
10 **personnel that work with you?**

11 A. Well, I guess probably the first thing is I'm a
12 Carolina fan because I bring my mug around
13 everywhere. We talked about that game this
14 morning. But I get along really well with all
15 the court reporters, the deputies, the folks down
16 in the clerk's office. I think my -- I have an
17 open door. It's not uncommon to have the clerks
18 coming up saying, hey, we need to solve this
19 problem. As a matter of fact, a kind of
20 unfortunate situation, Judge Hurley's mother
21 passed away over the holiday weekend. And so the
22 clerk was in my office first thing this morning
23 trying to figure out what we can move around so
24 that we could give her the time off that she
25 needed to make arrangements. And, you know, I

1 think they know that I'm always happy to take
2 more on my docket and help figure out how to
3 answer questions. The court reporters -- you're
4 no longer assigned a court reporter, but you have
5 an extra office in your -- at least in Richland
6 County for court reporters. And so when Dayton
7 Granger, who had been there for a long time -- I
8 know some of you probably know Dayton. When he
9 retired, we took that extra room in my office and
10 we turned it into a pseudo court reporter lounge
11 for the Family Court court reporters so they
12 would have a place to go and have lunch. We got
13 a refrigerator in there, you know, coffee and
14 microwave. And we keep it open so they will have
15 a place to go. Because, you know, if you're a
16 court reporter, you can't count on going out for
17 lunch. You know, you're at the whims of the
18 docket. And so we try to treat everybody like
19 we'd want to be treated. And I keep saying we
20 because I'm referring to Betty, who is my
21 assistant. Betty's -- she wouldn't mind me
22 saying it. She's 70 years old and helped train
23 me. She worked for Kermit King, Harvey Golden
24 and Mark Taylor and then helped break me in as a
25 young lawyer, and she's my assistant. So when I

1 say we I'm talking about -- she's terrific.
2 She's terrific.

3 **Q. Thank you, Judge Stricklin. The Commission**
4 **received 561 ballot box surveys regarding you**
5 **with 51 additional comments, all of which were**
6 **very positive. We're going to move on to your**
7 **Citizens Committee report now**

8 MR. STIMSON: And I'd note that the Midland Citizens
9 Committee found Judge Stricklin qualified in the
10 evaluative criteria of constitutional
11 qualifications, physical health and mental
12 stability. The Midland Citizens Committee found
13 him well qualified in the evaluative criteria of
14 ethical fitness, professional and academic
15 ability, character, reputation, experience and
16 judicial temperament. The Committee stated in
17 summary that Judge Stricklin is well qualified
18 and further commented that he is well respected
19 with excellent qualifications.

20 **Q. We just have a few more housekeeping issues.**
21 **Judge Stricklin, since submitting your letter of**
22 **intent, have you contacted any members of the**
23 **Commission about your candidacy?**

24 A. No, I have not.

25 **Q. Are you familiar with § 2-19-70, including the**

1 limitations on contacting members of the General
2 Assembly regarding your screening?

3 A. Yes, I am.

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

8 A. No, I have not.

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

13 A. I have not.

14 Q. Have you reviewed and do you understand the
15 Commission's guidelines on pledging in South
16 Carolina Code § 2-19-70(E)?

17 A. Yes.

18 MR. STIMSON: I would just note for the record that
19 any concerns raised during the investigation
20 regarding Judge Stricklin were incorporated into
21 the questioning of him today. Mr. Chairman, I
22 have no further questions.

23 CHAIRMAN SMITH: Thank you so much. Judge Stricklin,
24 let me say this. It probably comes as no
25 surprise to those of us who know you. But I want

1 to congratulate you or commend you, more
2 importantly, on your ballot box surveys. No
3 negative comments, and they're anonymous, as you
4 know. There's no repercussions. And people tend
5 to like to throw rocks at judges and lawyers, and
6 obviously they have not done that in your case.
7 And the one thing that we all want to tell
8 sitting judges, especially ones like you, is to
9 make sure we recognize those who are upholding
10 the ideals of the judiciary and doing a great job
11 of treating litigants, lawyers, court personnel
12 and everybody with dignity and respect. You're
13 doing that, and so we appreciate the job you do
14 and just urge you to keep up the good work.

15 JUDGE STRICKLIN: Thank you.

16 CHAIRMAN SMITH: Mr. Safran.

17 MR. SAFRAN: Mr. Stricklin, when you came through I
18 think I was nothing short of delighted that
19 basically you had made the decision to go on the
20 bench. You were an exemplary Family Court
21 lawyer, and I had no doubt that you were going to
22 turn into a super judge. And aside from the
23 ballot boxes, I've asked, and they tell me he's
24 wonderful. He has brought to the bench exactly
25 what he brought to the Bar. And if there's any

1 example of, I guess, a candidate that I think
2 would be one that falls within the intent of the
3 change in the compensation for the judges, you
4 are it. You certainly gave up a very lucrative
5 practice to do this. And I just want you to
6 understand, as the Chairman said, we often get
7 criticized because we're supposedly just beating
8 up on folks and criticizing, you know, candidates
9 and not recognizing what the real world stressors
10 are for judges. But when people like you show up
11 with these kind of ballot boxes and what the word
12 is on the street, it tells us that's a pretty
13 kind of hollow complaint. We want people to know
14 that it can be done, and you're certainly proof
15 positive that it is done every day, and we do
16 appreciate your continued service.

17 JUDGE STRICKLIN: Thank you very much.

18 CHAIRMAN SMITH: All right. Any further questions for
19 Judge Stricklin? All right. Judge, this will
20 conclude this portion of your screening process.
21 Let me take this opportunity to remind you that
22 pursuant to the Commission's evaluative criteria,
23 the Commission expects candidates to follow the
24 spirit as well as the letter of the ethics law.
25 We will view violations or the appearance of

1 impropriety as serious and potentially deserving
2 of heavy weight in the screening deliberations.
3 As you may be aware, the record will remain open
4 until the formal release of the report of
5 qualifications, and you may be called back if
6 such need arises. I appreciate you coming here
7 today, accommodating us, and appreciate your
8 service to the State of South Carolina.

9 JUDGE STRICKLIN: Thanks. Good to see all of y'all.

10 CHAIRMAN SMITH: All right. Thank you. Ms. McIver
11 moves that we go in Executive Session. All in
12 favor, signify by saying aye.

13 (Ayes are heard.)

14 CHAIRMAN SMITH: All opposed?

15 (No replies are heard.)

16 CHAIRMAN SMITH: We are back in Executive Session.

17 EXECUTIVE SESSION

18 VICE CHAIRMAN RANKIN: Welcome. If you will -- all
19 right. We are back in open session, and in
20 Executive Session no votes were cast and no
21 business was conducted. Judge Jones, welcome.

22 THE HONORABLE GWENDLYNE YOUNG JONES, being duly
23 sworn, testifies as follows:

24 VICE CHAIRMAN RANKIN: You have before you the
25 documents you prepared, the Personal Data

1 Questionnaire and Sworn Statement, correct?

2 JUDGE JONES: Yes.

3 VICE CHAIRMAN RANKIN: If you don't have any changes
4 that you want to make, I'd ask you to hand them
5 to Ms. Putnam to your left, and we will put them
6 in the record with your consent, correct?

7 JUDGE JONES: Correct.

8 (Exhibit Number 14 was marked for identification
9 purposes - (16 pages) Personal Data Questionnaire for
10 The Honorable Gwendlyne Young Jones.)

11 (Exhibit Number 15 was marked for identification
12 purposes - (2 pages) Amendment to Personal Data
13 Questionnaire for The Honorable Gwendlyne Young
14 Jones.)

15 (Exhibit Number 16 was marked for identification
16 purposes - (6 pages) Sworn Statement of The Honorable
17 Gwendlyne Young Jones.)

18 VICE CHAIRMAN RANKIN: All right. And again, if you
19 needed to amend them, you could, but you don't
20 need to make amendments, correct?

21 JUDGE JONES: No.

22 VICE CHAIRMAN RANKIN: All right. Then do you see --
23 is there a green button in front of you? Is that
24 on? If I'll stop talking, and you start talking,
25 we'll be able to hear you. Very good, super.

1 All right. Judge, you are familiar with this
2 process, correct?

3 JUDGE JONES: I am.

4 VICE CHAIRMAN RANKIN: And our focus that we conduct
5 in our thorough investigation of your candidacy
6 and qualifications to continue serving on the
7 bench. For the record, as you know, we focus on
8 nine criteria which includes the ballot box
9 survey, a thorough study of your application
10 materials, verification of your compliance with
11 state ethics laws, a search of newspaper articles
12 in which your name appears, a study of previous
13 screenings and a check for conflicts of interest
14 in the economic conflicts arena. No affidavits
15 have been filed in opposition to your election,
16 and no witnesses are present to testify. I will
17 open the floor to you for a brief statement if
18 you would like before we turn it over for
19 questions by staff counsel.

20 JUDGE JONES: I'd just like to say I want to thank
21 each and every one of you for giving me the
22 opportunity to serve in this capacity. It's hard
23 to believe it's already been almost 12 years, and
24 hopefully I'll be able to continue to do so.
25 Thank you.

1 VICE CHAIRMAN RANKIN: Very good. All right. Thank
2 you. Emma.

3 MS. DEAN: Thank you, Mr. Chairman.

4 JUDGE JONES - EXAMINATION BY MS. DEAN:

5 Q. Judge Jones, after serving 11 years on the Family
6 Court, why do you want to continue serving as a
7 family judge?

8 A. I'm sorry. Would you repeat that?

9 Q. Yes, ma'am. I'm sorry, Judge. Why would you
10 like to continue serving as a Family Court judge?

11 A. Well, I really -- as I indicated, it just seems
12 difficult and hard to believe that it's already
13 been almost 12 years, and there's still so much
14 work to be done. I love what I do, even though
15 it is a difficult job. I just -- I can't think
16 of anything else I would like to be doing at this
17 time.

18 Q. Thank you, Judge. Judge Jones, you have
19 indicated in your PDQ that since your last
20 screening you were named as an heir in your
21 parents' estate and that your sister is the
22 Personal Representative, correct?

23 A. That is correct.

24 Q. Okay. And secondly, you indicated in your
25 Amended PDQ that you were named in Laverne Henry

1 v. Richland County Public Defender's Office. In
2 your PDQ, you stated the defendant sued you and
3 the Chief Public Defender after having been
4 convicted of criminal sexual conduct with a
5 minor. And he alleged that you had conspired
6 with the solicitor for the conviction, and that
7 case has been dismissed; is that correct?

8 A. That is correct.

9 Q. Thank you. Additionally, you were named -- in
10 your Amended PDQ, you mentioned Gwendlyne Young
11 v. Blue Cross Blue Shield and also another case,
12 Richland Medical Hospital v. Gwendlyne Young.
13 And in your Amended PDQ you said this had to do
14 with a medical procedure and it's since been
15 addressed?

16 A. Yes.

17 Q. Thank you. Judge Jones, what do you think your
18 reputation is among attorneys and court staff?

19 A. I would like to think that it is great. I'm
20 often coined as one that has the patience of Job.
21 Specifically, I mean, whether it is with the
22 staff or the attorneys specifically, the self-
23 represented litigants, I probably allow them more
24 time than most. But I feel like it's a very
25 important job, and everyone wants to be heard.

1 So I just try to be patient and just give them
2 the opportunity to be heard. So they may leave
3 there feeling as if the case didn't have the
4 outcome that they wanted, but it's my goal for
5 them to feel that someone listened.

6 **Q. Thank you, Judge. Judge Jones, the Commission**
7 **received 429 ballot box surveys regarding you**
8 **with 26 additional comments. The ballot box**
9 **survey, for example, contained the following**
10 **positive comments, "Fair, kind and honest, very**
11 **fair and knowledgeable." Two of the written**
12 **comments expressed concerns about your handling**
13 **of complicated issues. How would you respond to**
14 **such concerns?**

15 **A.** I would think that means that they would think I
16 can't do the job at all. Family Court -- there's
17 nothing easy about Family Court. All of it's
18 complicated, so I just don't know if that
19 particular person -- more than likely they were
20 not happy with the outcome of their case.

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

22 **MS. DEAN:** I would note that the Midland Citizens
23 Committee found Judge Jones qualified in the
24 evaluative criteria of constitutional
25 qualifications, physical health and mental

1 stability. The Committee found her well
2 qualified in the criteria of ethical fitness,
3 professional and academic ability, character,
4 reputation, experience and judicial temperament.
5 And they commented, "Excellent qualification,
6 well respected and compassionate, well qualified.

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

10 A. I have not.

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

14 A. I am.

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

19 A. I have not.

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

24 A. No, I'm not.

25 **Q. Have you reviewed and do you understand the**

1 **Commission's guidelines on pledging in South**
2 **Carolina Code § 2-19-70(E)?**

3 A. Yes.

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

9 VICE CHAIRMAN RANKIN: All right. Judge Jones, I'm
10 going to just start off with a couple of
11 observations about you. And it's one of the most
12 unique, but I will endorse this. This is the
13 ballot box survey comments. In the realm of your
14 being both helpful and willing to help, one of
15 these commenters speaks of your infectious smile.
16 And I get that from whatever distance between us
17 in this hearing room. And I just have to believe
18 for the litigants coming before you that lowers
19 the bar of anxiety in a Family Courtroom, which
20 has got to be a blessing to them. And so I don't
21 know if that's your mother's smile or your dad's
22 smile, but it is an infectious smile.

23 JUDGE JONES: Thank you.

24 VICE CHAIRMAN RANKIN: The others have commented
25 again, save the one, apparently the only person

1 who has taken issue with you, how your work ethic
2 is strong, strives to be the best, excellent
3 temperament, solid decisions, a judicial
4 temperament that others should follow. We are
5 fortunate to have her on the bench. You love
6 your work, apparently.

7 JUDGE JONES: I do.

8 VICE CHAIRMAN RANKIN: And in such a difficult context
9 with lots of very hard choices that you
10 singularly have to make, how do you maintain your
11 joy and love of doing it and that smile?

12 JUDGE JONES: It's probably my upbringing. When I
13 first was elected to the position almost 12 years
14 ago, I had both of my parents. My father was a
15 Baptist preacher, and so in my household that's
16 just what you're taught, to be kind to people, be
17 compassionate. And I think that is what was
18 instilled in me. And I tell my colleagues all
19 the time when it gets to a point that I am no
20 longer nice or patient, then it's probably time
21 for me to look for another job. And so until
22 that time, I hope to continue to carry out those
23 attributes that were instilled in me by my
24 parents.

25 VICE CHAIRMAN RANKIN: We often ask judges in either

1 the Family Court or Circuit Court who they look
2 up to, who is their mark in service and who do
3 they try to emulate. Who is that and has that
4 been for you?

5 JUDGE JONES: And actually even though we're talking
6 about someone that's not living, actually when we
7 had the fireside of the women lawyers, I'd say
8 the same thing. It would have to be my parents,
9 because everything that I am is because of them.
10 They worked hard, continued to work hard all of
11 their life and just treated people they way they
12 wanted to be treated.

13 VICE CHAIRMAN RANKIN: Very good. All right.
14 Questions by any members of the Commission? Mr.
15 Strom.

16 MR. STROM: Mr. Chairman, I just wanted to echo what
17 you were reading. I know Judge Jones, and
18 members of the Commission, what you see here is
19 what you get. She's just one of the nicest
20 people that you'll ever meet inside the
21 courtroom, outside the courtroom. I have the
22 pleasure of knowing her husband well. He's a
23 great guy, so we're just delighted that you want
24 to continue to serve. And thank you for what you
25 do. It's a hard job. Thank you. Thank you, Mr.

1 Chairman.

2 VICE CHAIRMAN RANKIN: Very good. Mr. Safran.

3 MR. SAFRAN: Judge Jones, I don't know you, but
4 obviously I want to echo what I've been hearing.
5 You are in a particular area that is always going
6 to give rise to some contentiousness, things can
7 get out of hand, and basically what often happens
8 is the judge might become part of the show as
9 opposed to more or less maintaining order over
10 it. And I really am impressed by the fact that
11 temperament is something that is constantly being
12 identified as a your strong suit. Because you're
13 in an area that really -- you've got to maintain
14 control, but you've got to do it in a way where
15 you're kind of recognizing how highly charged the
16 circumstances are, and you do that. And again --
17 I've said this many times in the past, I think
18 too often we are seen as someone here to just
19 level folks with criticism. But I think we also
20 want to give accolades where they're deserved,
21 and you certainly deserve them. You're doing a
22 great job, and we want to make sure you know
23 that. Because too often I think you don't get
24 that pat on the back, and that's something that
25 clearly here it's warranted. So we appreciate

1 your service.

2 JUDGE JONES: Thank you, sir.

3 VICE CHAIRMAN RANKIN: All right. Regina Hollins
4 Lewis, you must owe her a lot of money. She
5 writes such a beautiful letter of support of you
6 and many know her and think very highly of her.
7 A few words that speak to me more acutely. She's
8 known you for 40 years, met you in law school or
9 undergrad I guess, perhaps --

10 JUDGE JONES: Since the first day of undergrad at
11 Carolina.

12 VICE CHAIRMAN RANKIN: -- you've remained the same
13 kindhearted, humble and personable person that
14 you've been since she first knew you. And so
15 that is a wonderful testament to you. So --

16 JUDGE JONES: I promise I didn't pay her.

17 VICE CHAIRMAN RANKIN: Never do. Never do. All
18 right. Unless there are other questions of you,
19 Judge Jones, this will wrap up this portion of
20 our screening process. And again, you know the
21 routine, that pursuant to our criteria we expect
22 candidates and judges seeking reelection to honor
23 both the spirit and the letter of the ethics
24 laws. And any violation or appearance of
25 impropriety will be deemed very serious and

1 potentially deserving a very heavy weight in our
2 deliberations. On that note, as you know, this
3 record will remain open until the final release
4 of the report of qualifications, and you could be
5 called back if the need were to arise. We don't
6 expect that, but I need an affirmative yes, you
7 know. Do you understand that?

8 JUDGE JONES: I do.

9 VICE CHAIRMAN RANKIN: Very good. We will not, I bet,
10 see you before this record is closed. And with
11 that, Judge, thank you for your coming today, and
12 thank you for your wonderful smile that you are
13 greeting us with that the folks of South Carolina
14 in the courtroom need to see and your good
15 justice that you're rendering in your service.

16 JUDGE JONES: Thank you.

17 VICE CHAIRMAN RANKIN: God speed. Thank you.

18 JUDGE JONES: Thank you.

19 (Off the record.)

20 VICE CHAIRMAN RANKIN: Welcome, Judge Bridges.

21 JUDGE BRIDGES: Thank you.

22 VICE CHAIRMAN RANKIN: How are you doing today?

23 JUDGE BRIDGES: I'm pretty good, I think.

24 VICE CHAIRMAN RANKIN: We're early.

25 JUDGE BRIDGES: I know.

1 THE HONORABLE USHA J. BRIDGES, being duly sworn,
2 testifies as follows:

3 JUDGE BRIDGES: Let me just say, I've got just a
4 little hoarseness because I got a little cold.

5 VICE CHAIRMAN RANKIN: You're a Clemson fan, and
6 you've been bragging.

7 JUDGE BRIDGES: No, I have not. But I am Gaffney
8 Indian fan, and I've been bragging.

9 VICE CHAIRMAN RANKIN: That works, too. The Personal
10 Data Questionnaire and Sworn Statement you have
11 before you, do we need to amend, or do you need
12 to amend those before they become a part of the
13 record?

14 JUDGE BRIDGES: No, I do not.

15 VICE CHAIRMAN RANKIN: All right. Do you object to
16 them being included in the record?

17 JUDGE BRIDGES: No, I do not.

18 VICE CHAIRMAN RANKIN: If you'll hand those to Ms.

19 Putnam there, we will put them in. You, Judge,
20 are very familiar with our process, right --

21 (Exhibit Number 17 was marked for identification
22 purposes - (12 pages) Personal Data Questionnaire for
23 The Honorable Usha J. Bridges)

24 (Exhibit Number 18 was marked for identification
25 purposes - (4 pages) Sworn Statement of The Honorable

1 Usha J. Bridges)

2 JUDGE BRIDGES: Yes.

3 VICE CHAIRMAN RANKIN: -- in terms of our evaluative
4 criteria. I have to put this on the record, but
5 you know that we in our thorough investigation of
6 your continued service on the bench -- we look at
7 nine evaluative criteria. We focus on the ballot
8 box survey, a study of your application
9 materials, verification of your compliance with
10 the state ethics laws, a search of newspaper
11 articles in which your name appears, a study of
12 previous screenings and a check for economic
13 conflicts of interest. No affidavits have been
14 filed in opposition to your election, and no
15 witnesses have desired to be present today to
16 testify. I will open it to you, Judge, if you'd
17 like to make a brief opening statement. If not,
18 I will turn it over to Ms. Foster for questions.

19 JUDGE BRIDGES: I don't have an opening statement.

20 VICE CHAIRMAN RANKIN: Very good. All right. Ms.
21 Foster.

22 JUDGE BRIDGES - EXAMINATION BY MS. FOSTER:

23 **Q. Judge Bridges, after serving 11 years on the**
24 **Family Court, why do you want to continue**
25 **serving?**

1 A. Because I feel this is my calling. This is
2 something that I've worked hard to do. I value
3 this position. I value this job. I value what I
4 can give to others. So this is why I want to
5 continue this at this time.

6 **Q. Thank you. Judge Bridges, what do you think your**
7 **reputation is among attorneys and court**
8 **personnel?**

9 A. Well, it depends on the attorneys. If they are
10 attorneys that are doing their job and doing what
11 they're supposed to do, then I think I have an
12 excellent reputation with them. If it's the
13 attorneys that come in there and not represent
14 their clients like they're supposed to and not
15 have a clue as to what they're supposed to do,
16 then I probably don't have such a good opinion.
17 As far as the court personnel and the people that
18 I work with, I think I have a pretty good
19 reputation with them. I have a good working
20 relationship with them.

21 **Q. Judge Bridges, the Commission received 417 ballot**
22 **box surveys regarding you with 36 additional**
23 **comments. The ballot box survey, for example,**
24 **contained the following positive comments, "Judge**
25 **Bridges is one of the most professional and**

1 kindhearted judges I've ever had the honor of
2 appearing before. Her decisions are legally
3 sound and reasonably thought through. Judge
4 Bridges is one of the most qualified Family Court
5 judges in South Carolina. She has a vast
6 knowledge of all areas of family law. In
7 addition, she's a team player and works well with
8 all other Family Court judges." Seven of the
9 written comments expressed concern regarding your
10 temperament and demeanor toward attorneys and
11 litigants. What response would you offer to this
12 concern?

13 A. And I guess I would have to know what exactly was
14 said in order to respond. But, as I've stated
15 before, I value this job. I value the
16 profession, as far as being a lawyer or being a
17 judge. And if you undertake to represent
18 someone, you've taken their hard-earned money to
19 come into the courtroom to represent them, then I
20 expect you to do that. And if there's some
21 reason that you don't and you get called out on
22 it, then, you know, so be it. Now my tone --
23 I've been told a lot of times that my tone is
24 kind of harsh. But let me just tell you, I have
25 five children. My oldest one is 37. My youngest

1 one is 21. I never went to the principal's
2 office. I never went to the sheriff's department
3 to pick them up. I believe in corporal
4 punishment, believe me I do. But I didn't have
5 to utilize that, because you know what, when I
6 spoke to them, they understood what I meant, and
7 they knew they better get it in line. So 37
8 years of having to deal with that, that's my
9 tone. I have six grandchildren now. I treat
10 them the same way. And I can tell you that when
11 grandma speaks, they respond. So, I mean, that's
12 just the way it is. I can't change who I am and
13 I can't compromise who I am, and so this is just
14 who I am.

15 **Q. Thank you. Judge Bridges you've handled some**
16 **innovative programs during your time on the**
17 **bench, one recently being a pro se day. You also**
18 **had an amnesty day a few years ago. Would you**
19 **please tell the Commission about these special**
20 **terms of court?**

21 **A.** I will. The situations where the clerk comes to
22 us or some of the lawyers come, and they'll say,
23 you know, we've got this situation. How can we
24 address it. So what we've done is we -- it's not
25 just my idea. We talked together because we work

1 -- I have a good group of judges that I work with
2 in my circuit. And we talk, and we talk with the
3 clerks, and we try to come up with ideas to
4 handle those situations. The amnesty day was a
5 day when they had a backlog of bench warrants in
6 Gaffney. And so what we did there was we came up
7 with an idea to give them amnesty if they would
8 come in, let's try and work out something to deal
9 with the bench warrants. We had some temporary
10 work agencies there that we would screen you for
11 a job if you didn't have job. We set up a plan
12 so that you could pay the money. We didn't want
13 to put people in jail. We want you to support
14 your children. So that was the amnesty day. And
15 then the clerk of court came just recently --
16 because of Covid we've had a lot of issues to
17 come up with the docket. And we had a lot of pro
18 se cases that we were not able to put on the
19 docket. And so, you know, we came up with the
20 idea of going to the auditorium, working on a day
21 that was like a chamber day, getting permission
22 to have a clerk of court and work through those.
23 We scheduled 106. And we were able to move 96
24 pro se divorces last week. So, I mean, you know,
25 we just have to do what we have to do to deal

1 with our dockets to address it. And we've been
2 working really, really closely with our Family
3 Court Bar in our circuit to try and see what we
4 can do to address the cases to keep them moving.
5 That's something -- we've taken a lot of pride in
6 trying to, you know, get our numbers, our bench
7 marks down, and we're almost there.

8 **Q. Thank you, Judge Bridges.**

9 MS. FOSTER: I would note that the Upstate Citizens
10 Committee found Judge Bridges qualified in the
11 evaluative criteria of constitutional
12 qualifications, physical health and mental
13 stability. The Committee found her well
14 qualified in the evaluative criteria of ethical
15 fitness, professional and academic ability,
16 character, reputation, experience and judicial
17 temperament.

18 **Q. And Judge Bridges, I just have some housekeeping**
19 **issues. Since submitting your letter of intent,**
20 **have you contacted any members of the Commission**
21 **about your candidacy?**

22 A. No, I have not.

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

1 A. I am.

2 Q. Since submitting your letter of intent, have you
3 sought or received the pledge of any legislator,
4 either prior to this date or pending the outcome
5 of your screening?

6 A. No, I have not.

7 Q. Have you asked any third parties to contact
8 members of the General Assembly on your behalf,
9 or are you aware of anyone attempting to
10 intervene in the process on your behalf?

11 A. No, I'm not.

12 Q. Have you reviewed and do you understand the
13 Commission's guidelines on pledging in S.C. Code
14 § 2-19-70(e)?

15 A. Yes, ma'am.

16 MS. FOSTER: I would just note for the record that any
17 concerns raised during the investigation
18 regarding the candidate were incorporated into
19 the questioning of the candidate today. Mr.
20 Chairman, I have no further questions.

21 VICE CHAIRMAN RANKIN: Senator Talley.

22 SENATOR TALLEY: Your Honor, it's nice to see you.

23 JUDGE BRIDGES: Nice to see you.

24 SENATOR TALLEY: I have to admit when I read through
25 your ballot box, and one of the things that you

1 responded to, it made me chuckle as well. And I
2 wanted to share this with you, because I think
3 this sums up my experience with you, and I think
4 it's well said. And I did not submit this.

5 JUDGE BRIDGES: Okay.

6 SENATOR TALLEY: It says, some may think Judge Bridges
7 is tough, but I believe it is tough love. She's
8 sees potential in people and she expects them to
9 live up to that potential, whether it is the
10 lawyer advocating in her courtroom or the parents
11 struggling with changes in their family. And so
12 I think that sums up your approach and certainly
13 my experience in front of you over the years.
14 And I just appreciate you being willing to
15 continue serving. I think members of this
16 Commission would say that outside of how you
17 treat litigants and how you treat lawyers, those
18 that come in your courtroom, how you treat and
19 interact with folks around the courthouse is
20 important. And I note that you have letters from
21 both clerks in our circuit that speak volumes for
22 your working relationship with others. And I
23 will tell you that your pro se divorce day is
24 something that many of us have talked about. So
25 you might get some traction with that around the

1 state to really help move along some dockets in
2 other circuits, so I commend you for that as
3 well.

4 JUDGE BRIDGES: Thank you.

5 VICE CHAIRMAN RANKIN: Ms. Blackley.

6 MS. BLACKLEY: Good afternoon, Your Honor.

7 JUDGE BRIDGES: Good afternoon.

8 MS. BLACKLEY: For those of you who haven't already
9 received this message or garnered this from Judge
10 Bridges, she is a lady who says what she means
11 and means what she says, and that's the bottom
12 line. As the former clerk of court in
13 Spartanburg, I've had the opportunity to work
14 with you day in and day out, and I know that you
15 are a true work agent. I don't want to call you
16 a horse, but I mean, true work agent.

17 JUDGE BRIDGES: Thank you.

18 MS. BLACKLEY: I remember when the dockets were backed
19 up, and I was like, I need more court time. Can
20 you make it happen. We've got to get these child
21 support hearings moved, and Judge Bridges was the
22 leading judge on that. And when other judges
23 couldn't finish their dockets, this lady would
24 stay and take on cases to help them. And I can
25 tell you most of the time what I've seen was a

1 lot of judges leaving on Friday and not working,
2 but not Judge Bridges. So I commend you on your
3 work. And you are someone who follows the law
4 and does what's right. And I think it speaks
5 volumes that you do have all these wonderful
6 letters. My former counterpart, Brandy McBee and
7 my predecessor, Amy Cox -- but I thought it was
8 very interesting -- it's rare. I don't know if
9 I've seen a court staff write a letter. But you
10 have one from a young lady that I hired, which I
11 think is tremendous, Bathsheba Browning. A
12 phenomenal young lady, and she wrote a glowing
13 letter about you. And I just want to say thank
14 you publicly for what you do in Spartanburg, and
15 you're a true leader. And I do want to mention
16 and put on the record, I have an institute for
17 youth. It's called the Institute for Youth
18 Justice, and it's for 11th and 12th graders in
19 Spartanburg County to learn about the justice
20 system from beginning to end, and it's a non-
21 profit. And the biggest request from students
22 who've heard from prior classes is they can't
23 wait to hear from Judge Bridges. So we've had to
24 reschedule some of our timing so we could fit her
25 in our schedule, because we did not want to give

1 up the opportunity for these youth to hear from
2 this lady, because she got the highest marks of
3 any presenter that we've had and they just love
4 her. But again, when I take them in there, I
5 remember one student having a piece of gum in his
6 mouth, and she set him straight. And, you know,
7 they were like, oh, wow. But you have been a
8 wonderful coworker with me and a great judge in
9 our circuit. And just what I've read and saw in
10 the news what you have done with the pro se
11 litigants is just incredible, but not surprising
12 to me. I will sing your praises, because I know
13 I've been in there, in your courtroom, while
14 court was going on and been able to work hand in
15 hand with you, and you were excellent.

16 JUDGE BRIDGES: Thank you.

17 MS. BLACKLEY: An excellent judge.

18 JUDGE BRIDGES: Thank you.

19 MS. BLACKLEY: Hope we have you for years and years to
20 come. Thank you.

21 VICE CHAIRMAN RANKIN: Other Commission members?

22 Judge Bridges, I want to comment as well. And I
23 cannot help but invoke a memory of my -- similar
24 to Ms. Blackley's child coming in or the story of
25 the child coming in with the gum. My father -- I

1 was maybe 15, 14, 15. There was a judge of a
2 similar temperament to yours in Georgetown
3 County, David Maring, Horry and Georgetown. And
4 he wanted me to go sit in Family Court as a young
5 high school -- again, 9th grade, whatever and
6 just see how life played out in a Family
7 Courtroom. And so he impressed -- and this
8 perhaps not in a sexist way, I hope, but the
9 theme was it was support day. And the fathers
10 were coming in, coming in, coming in and all kind
11 of excuses about why they couldn't pay. The
12 theme of that judge to those fathers, you play,
13 you pay. As a young man, not just in the literal
14 sense, it struck me that again you need a strong
15 personality, a strong voice of saying what needs
16 to be said, which is what some of your commenters
17 have said. You tell the hard truth and we all
18 need to hear it. And so I appreciate that in
19 you. Then finally, you, one writes, may be the
20 most child-focused Family Court judge in the
21 state. And so I am incredibly impressed with
22 that. Because parents can fight about the eight
23 track tape players back in my day, the CD or
24 whatever, the spoon collection from their trips,
25 all these old things that when I first started

1 practicing law they seemed to fight over, stupid,
2 right, adults fighting over stupid things. Kids,
3 though, in the middle and caught in harms way
4 among adults that probably shouldn't have had
5 children, because they're not anymore adult than
6 they act sometimes. And so that is a great
7 compliment to you. And again, God bless you for
8 your earning that praise and living it out as you
9 have done. So thank you much for your continued
10 interest and your continued vigor and zeal to
11 help our Family Court and kids in South Carolina.

12 JUDGE BRIDGES: Thank you.

13 VICE CHAIRMAN RANKIN: If there's nothing else, at
14 this time, Judge, this will conclude this portion
15 of our screening process. And as you know,
16 having been here and done this before, we in the
17 Commission take very serious both the letter and
18 the spirit of the state ethics laws. Any
19 violation of that or the appearance of
20 impropriety in that vein would be deemed very
21 serious and deserving of very serious
22 consideration by us in the event that were to be
23 the case. The record is not closed until the
24 final release of the report of qualifications.
25 And, Judge, you understand that in that off

1 chance something were to occur, we could call you
2 back, correct?

3 JUDGE BRIDGES: Yes, yes.

4 VICE CHAIRMAN RANKIN: Very well. I don't expect
5 we'll see you. I expect you to continue to serve
6 our state well and continue to speak for and
7 fight for kids --

8 JUDGE BRIDGES: Thank you.

9 VICE CHAIRMAN RANKIN: -- in our state.

10 JUDGE BRIDGES: And thank you all.

11 VICE CHAIRMAN RANKIN: Very well. God bless you and
12 safe travels. Enjoy your Christmas season.
13 We're soon upon the month of December.

14 JUDGE BRIDGES: Yes. I'll be traveling back to
15 Columbia on Saturday to see Gaffney to win the
16 state championship.

17 VICE CHAIRMAN RANKIN: Who do y'all play?

18 JUDGE BRIDGES: Dutch Fork.

19 VICE CHAIRMAN RANKIN: I'm pulling for you.

20 JUDGE BRIDGES: Okay. My 9th grade grandson got
21 pulled up to the varsity team, and he's actually
22 seen a little play time. I thought I was just
23 going to be cheering from the sideline, but he's
24 gotten in there a little bit.

25 MS. BLACKLEY: Was he that major player who scored

1 against Spartanburg High School?

2 JUDGE BRIDGES: No.

3 MS. BLACKLEY: But he was on the winning team so
4 that's all that matters.

5 JUDGE BRIDGES: Right. He was actually the player
6 that Spartanburg scored on in the last quarter.

7 VICE CHAIRMAN RANKIN: Hold on, Judge. Hold on.

8 SENATOR TALLEY: Mr. Chair, I'll share, and Judge
9 Bridges may know this, but I mentioned earlier
10 our clerk in Cherokee County, Brandy McBee, who
11 was at the Dorman/Gaffney game and not only was
12 the schools both well represented on the field,
13 but the legal profession was as well, because
14 Dorman drove down to the ten yard line. And Beth
15 Bullock, a local Family Court attorney's son who
16 plays linebacker for Gaffney knocked down my
17 son's pass as time expired, and Gaffney won. So
18 we were chomping at the bit to play again in the
19 playoffs, but --

20 JUDGE BRIDGES: I'm sure you were.

21 SENATOR TALLEY: -- we didn't get that opportunity.

22 JUDGE BRIDGES: Next year.

23 VICE CHAIRMAN RANKIN: Judge, you sound like a
24 Carolina fan.

25 JUDGE BRIDGES: I am.

1 VICE CHAIRMAN RANKIN: Next year. Happy week to you.
2 On Cookie Monster Safran's motion, we're going in
3 Executive Session. All in favor say aye.

4 (Ayes are heard.)

5 VICE CHAIRMAN RANKIN: The ayes have it.

6 EXECUTIVE SESSION

7 VICE CHAIRMAN RANKIN: We are back on the record. And
8 for the record, during executive session no votes
9 were cast and no business was conducted. We will
10 now proceed to the next candidate, Judge
11 Ballenger. Welcome, Judge. How are you?

12 JUDGE BALLENGER: Glad to be here.

13 VICE CHAIRMAN RANKIN: Thank you, and thank you for
14 being here early.

15 THE HONORABLE KAREN F. BALLENGER, being duly
16 sworn, testifies as follows:

17 VICE CHAIRMAN RANKIN: You have before you, Judge
18 Ballenger, the PDQ and the Sworn Statement. Do
19 you have any changes that need to be made to
20 those?

21 JUDGE BALLENGER: I do not.

22 VICE CHAIRMAN RANKIN: All right. If you will hand
23 those to Ms. Putnam, without objection from you,
24 we will put them in the record. All right.
25 Judge, you are familiar with our process here

1 having been screened before, and you know what
2 we're looking for here in terms of the thorough
3 investigation that we conduct to judge judges.
4 We look at nine evaluative criteria, which
5 includes a ballot box survey, a thorough study of
6 your application materials, verification of your
7 compliance with state ethics laws, a search of
8 newspaper articles in which your name appears, a
9 study of previous screenings and a check for
10 economic conflicts of interest. No affidavits
11 have been filed in opposition to your election,
12 and no witnesses are here to testify. Again,
13 you're early. Thank you. You're actually
14 holding court today, correct?

15 (Exhibit Number 19 was marked for identification
16 purposes - (17 pages) Personal Data Questionnaire for
17 The Honorable Karen F. Ballenger)

18 (Exhibit Number 20 was marked for identification
19 purposes - (6 pages) Personal Data Questionnaire for
20 The Honorable Karen F. Ballenger)

21 JUDGE BALLENGER: Yes, I had a trial this morning.

22 VICE CHAIRMAN RANKIN: Very good. All right. Well,
23 if the litigants are waiting, we will have you
24 dispense with an opening statement. If they're
25 not waiting, you still can waive an opening

1 statement if you like. The choice is yours.

2 JUDGE BALLENGER: I would just like to say thank you
3 for your service to the state, and I'd also like
4 to thank Ms. Barton. You know, as an anxious
5 judge, she tried very hard to make me feel as
6 easy and as comfortable as I could. So thank you
7 very much, and I'm ready for any questions you
8 might have for me.

9 VICE CHAIRMAN RANKIN: All right. Ms. Barton.

10 JUDGE BALLENGER - EXAMINATION BY MS. BARTON:

11 **Q. Judge Ballenger, after serving ten years on the**
12 **Family Court bench, why do you want to continue**
13 **servicing as a Family Court judge?**

14 A. I feel very, very blessed. I have had the
15 opportunity of being a Family Court judge. And
16 every day I'm thankful to be able to serve the
17 state. And I look forward to being able to serve
18 for six more years.

19 **Q. Thank you. Judge, you indicated in your PDQ that**
20 **since your last screening, you filed a**
21 **foreclosure action via Short Street Holdings, LLC**
22 **in 2016 relating to your former office building.**
23 **You also indicated, after the action, the**
24 **property was sold by the LLC. Are there any**
25 **additional brief comments regarding this matter**

1 **you would like to make to the Commission?**

2 A. That was just a very, very painful experience for
3 me. When I got elected, it was my intent to sell
4 my building. And when I tried to do that I found
5 out that one of my law partners had a lien. And
6 so I contacted John Freeman and got his advice.
7 I also got an opinion, advisory opinion, of how
8 to handle it. And I was advised to go through
9 that process and that's what I did.

10 **Q. And that has completely concluded at this point?**

11 A. That is correct. It has now sold. And I
12 apologize. I'm just getting over a cold, so my
13 voice is not as strong as it normally is, but
14 that's why.

15 **Q. Thank you. Judge Ballenger, what do you think
16 your reputation is among attorneys that practice
17 before you?**

18 A. Well, I strive every day to make it as good and
19 as pleasant as I can. I think that probably
20 anybody that asked would say that I'm a
21 workaholic, that I'm persistent. I try very hard
22 and that I am fair and I'm equitable. And Judge
23 Ballenger, who was my father-in-law, his
24 reputation was that he was a lawyer's judge. So
25 if the same thing can be said about me, I will

1 feel like I have fallen in his footsteps very
2 well.

3 **Q. Thank you. The Commission received 427 ballot**
4 **box surveys regarding you with 56 additional**
5 **comments. The bulk of the positive comments**
6 **focused on your hard work, ethics, experience,**
7 **fair approach and compassion for the litigants.**
8 **The ballot box survey, for example, contained the**
9 **following positive comments, "Excellent judge,**
10 **very fair minded, treats litigants even handedly**
11 **and is even tempered." Only four of the written**
12 **comments expressed concerns. Three of the**
13 **negative comments focused more on your courtroom**
14 **delivery of rulings and your methodology. What**
15 **response or observations would you offer to this**
16 **concern?**

17 **A. Well, that could be interpreted two ways. When**
18 **you first approached me about that, the way that**
19 **I looked at it was, when I give my rulings I**
20 **always try to say positive and negative things**
21 **about each litigant. I try to say concerns about**
22 **each litigant and then give my ruling and base it**
23 **on the law. So the fact that I'm giving both**
24 **pluses and minuses to both, for the litigant I'm**
25 **assuming that they hear the positive and don't**

1 want to hear the negative. So that's why they
2 may think that it's not -- you know, that I'm
3 maybe biased. The other way you could interpret
4 it is that I take every situation and look at it
5 on its own. And no two situations are the same.
6 So I think that you could say to interpret that
7 by meaning that I'm doing what I'm supposed to
8 do. Because, you know, if you go into it, and
9 you're a judge that doesn't like to award alimony
10 or something like that, that could be a very
11 negative. And I try to do case by case basis.

12 **Q. Thank you. The remaining comment dealt with**
13 **recusal. In general, what is your recusal policy**
14 **in regards to attorneys you may have had previous**
15 **financial or business relationships with?**

16 A. Well, first of all, my overall feeling about
17 recusals is why would I stay in a case if you
18 don't want me to be in the case. So that would
19 be my first reason, why would I put myself in
20 that situation. One of the comments was what I
21 did with the lawyers that were involved in that
22 case where I had to do the foreclosure. And that
23 happened back between 2012 and 2016, so I
24 answered it to the best of my knowledge. But I
25 went back after you asked me that question and

1 talked with my docketing clerk and also talked to
2 my court reporter. And they confirmed -- my
3 docketing clerk said that the attorney was
4 involved, she didn't schedule any cases in front
5 of me that were contested. And I didn't hear any
6 cases unless the attorneys -- it was an
7 agreement, and I put on the record and the
8 attorneys agreed to it. I'm in a small county so
9 there were times when they had an agreement, they
10 wanted me to hear it. Because they didn't want
11 to wait weeks until they had another judge. But
12 I handled it the way that I'm supposed to under
13 the rules, and I confirmed that with my court
14 reporter. And she honestly said she got tired of
15 putting that on the record every time she had to.
16 So I believe I handled it the best way I could.

17 **Q. Thank you.**

18 MS. BARTON: I would note that the Upstate Citizens
19 Committee found Judge Ballenger qualified in the
20 evaluative criteria of constitutional
21 qualifications, physical health and mental
22 stability. The Committee found her well
23 qualified in the evaluative criteria of ethical
24 fitness, professional and academic ability,
25 character, reputation, experience and judicial

1 temperament.

2 **Q.** **Just a few more questions, Judge. Since**
3 **submitting your letter of intent, have you**
4 **contacted any members of the Commission about**
5 **your candidacy?**

6 **A.** I have not.

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

10 **A.** I am familiar.

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

15 **A.** I have not.

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

20 **A.** I am not and have not.

21 **Q.** **Have you reviewed and do you understand the**
22 **Commission's guidelines on pledging in South**
23 **Carolina Code § 2-19-70(E)?**

24 **A.** Yes.

25 **MS. BARTON:** I would just note for the record that any

1 concerns raised during the investigation
2 regarding the candidate were incorporated into
3 the questioning here today. Mr. Chairman, I have
4 no further questions.

5 JUDGE BALLENGER: Thank you.

6 VICE CHAIRMAN RANKIN: All right. Thank you, Ms.
7 Barton. Judge, you and I were in law school
8 together, I think.

9 JUDGE BALLENGER: We were.

10 VICE CHAIRMAN RANKIN: Though you finished far sooner
11 than I -- or maybe later I should say. Later,
12 because --

13 JUDGE BALLENGER: No, we finished the same year.

14 VICE CHAIRMAN RANKIN: -- you've not aged, and I am
15 old man river now. And you've been a judge now
16 how many years?

17 JUDGE BALLENGER: Since 2012.

18 VICE CHAIRMAN RANKIN: That's wonderful. And I've
19 screened you once before, I think, in '16 or '15.

20 JUDGE BALLENGER: I thought you were on the panel in
21 2012 and 2016.

22 VICE CHAIRMAN RANKIN: '16, yeah.

23 JUDGE BALLENGER: Okay, just one time then.

24 VICE CHAIRMAN RANKIN: They wouldn't let me get to the
25 table until '16.

1 JUDGE BALLENGER: Okay.

2 VICE CHAIRMAN RANKIN: But anyway, and so I know you
3 well. I've never appeared before you, but I just
4 want to give you a couple of atta girls to your
5 performance and your standing that the Bar holds
6 you in, and --

7 JUDGE BALLENGER: That's so humbling.

8 VICE CHAIRMAN RANKIN: -- just compliment you for, as
9 you said, a lawyer's judge. You, I would
10 suggest, are a judge's judge too in terms of how
11 you hold yourself. And so how is that you
12 continue not to get beaten down by the subject
13 that you deal with and continue to find a fresh
14 and kind of a servant's heart approach to this?

15 JUDGE BALLENGER: You know, I'm not really sure. You
16 know. There are days that when you have bad
17 things come before you but in a day's period you
18 see a lot of good things. You know, it's --
19 maybe I've just got a servant's heart. I can
20 tell you, and I've said it many, many times,
21 besides having my daughter, this is the best
22 thing that's ever happened to me. And I try very
23 hard to do the best job that I can every day. I
24 know there's some days that I fail but I try very
25 hard, and I just enjoy what I do. And I think

1 that -- what's the saying, that if you enjoy your
2 job, then you don't work a day in your life. So
3 I reckon that just applies to me because I just
4 love this job and hope that I can have six more
5 years.

6 VICE CHAIRMAN RANKIN: Well, you have, again, endeared
7 yourself to a lot of people who commented. And
8 beyond -- I don't want to say -- an aw shucks
9 approach, but certainly the word approachable has
10 been used about you. But of importance to me,
11 not afraid to make the right ruling. You're not
12 going to duck a tough situation. And again, you
13 don't get any options to duck those in Family
14 Court, I guess, do you?

15 JUDGE BALLENGER: And I had some very good mentors. I
16 mean, you know, I had Judge Cureton that taught
17 me the rules. If anybody remembers practicing in
18 front of him, you had to know the rules. And I
19 just served under Judge Edwards. You know, I was
20 Carol Connor's first law clerk and then was Judge
21 Kinon's law clerk for a couple of months and then
22 Judge Ballenger's law clerk. So I started off on
23 a good position under three good judges that
24 taught me what it was like to be a good judge,
25 and I'm sure that helped me a lot in my process.

1 VICE CHAIRMAN RANKIN: You handle yourself with such
2 grace and compassion all the while doing a superb
3 job following the laws and procedures and one of
4 the kindest judges in the entire state. So that
5 is stem to stern in what I think judges ought to
6 do. And again, not perfect, not without fail,
7 but that you again are held in such high regard.
8 I don't think I've ever seen as many words
9 assigned to a candidate or for new election or
10 continued service as you've earned by the ballot
11 box survey participants. And so --

12 JUDGE BALLENGER: It's just so humbling, but, you
13 know, if anybody's ever been to the Tenth
14 Judicial Circuit, you know that I come from a
15 good -- both Oconee and Anderson have good Bars.
16 And so I'm lucky where I serve, and I try to
17 travel as much as they'll let me. So my life is
18 just blessed.

19 VICE CHAIRMAN RANKIN: Very good.

20 JUDGE BALLENGER: And I'm so grateful.

21 VICE CHAIRMAN RANKIN: Well, super. All right.

22 Questions by any of the other Commission members?
23 Ms. McIver.

24 MS. MCIVER: Thank you, Mr. Chairman. This isn't
25 really a question. It's more of a piggy back on

1 what you were saying. There was one aspect of
2 your ballot box surveys that I wanted to point
3 out to you. And with some of the candidates
4 we've seen in the past we've had issues regarding
5 time. And I know with the complexity of the
6 cases that you're dealing with, time is always a
7 concern. You've got 15 minutes or you've got 30
8 minutes to try and figure out what to do in a
9 custody battle that could decide where these
10 children end up for the next ten years. So I was
11 particularly struck by a couple of these
12 comments, and I just wanted to point them out to
13 you. And one of them was actually stated, I
14 think, as a negative. But I kind of wanted to
15 point out, knowing that I'm sitting across from a
16 former clerk of court that I might get popped for
17 saying this. But one of these comments says,
18 sometimes she let's her hearings run too long,
19 but she's a good judge. And I don't think we
20 necessarily see it as a bad thing that the
21 hearings are running too long, especially when
22 you get the kind of comments that you're getting
23 about how gracious you are and that you show such
24 mercy and that you're so kind. And I think when
25 the Chairman said you make the tough decisions, I

1 think it must be a testament to your willingness
2 to give more of your time to be able to make the
3 tough decisions when you've gotten all the
4 information you need to do that. So I just
5 wanted to commend you on that.

6 JUDGE BALLENGER: Well, if there's a negative comment
7 that I would accept is that I am somewhat bad on
8 time management. And that's something that I
9 work on all the time. Because I understand what
10 it's like to be the lawyers, but I have a bad
11 habit when I get focused in. I have blinders on,
12 and I somewhat forget about, you know, that clock
13 on the wall, and I have to keep reminding myself.
14 And, you know, there are just some times that
15 when you're deciding custody and alimony and who
16 gets the dog and those kind of things, it just
17 can't be done in 15 minutes. But normally I
18 can't remember a time that I didn't get lunch,
19 and I didn't get out somewhere between 5:00 and
20 5:30. I mean, you know, so it usually all works
21 out, but that is -- my ears just popped. I'm
22 sorry. I'm getting over this cold, but, you
23 know, it generally all works out. But that is a
24 negative that I do recognize that I sometimes let
25 that clock just go, and I don't pay attention as

1 much as I could. I'm glad you're thinking of it
2 as a positive, because I think most lawyers would
3 maybe take it as a negative.

4 MS. MCIVER: For sure. But I'll end on a comment that
5 is clearly positive. "Very hard worker. She is
6 about the only judge I know who graciously works
7 Friday afternoons to help improve our docket
8 situation. Her judicial temperament and demeanor
9 are above reproach." So thank you very much for
10 the great work that you're doing and your
11 willingness to continue to serve.

12 JUDGE BALLENGER: That is very humbling.

13 VICE CHAIRMAN RANKIN: All right. Other questions or
14 comments? And I just want to add one more that
15 you didn't perhaps expect, not to have too much
16 of a love fest. But there is one person that has
17 a negative about you, and that is that you work
18 too hard.

19 JUDGE BALLENGER: I will take that. I will take that
20 as a compliment. I will turn that one
21 around.

22 VICE CHAIRMAN RANKIN: And it's, I think, fully
23 intended as a compliment, and my pausing in the
24 words is no less a compliment to you.

25 JUDGE BALLENGER: Well, you know, I'm from Marion

1 County. You know, that's the Pee Dee that was
2 just ingrained in me growing up.

3 VICE CHAIRMAN RANKIN: Very good. All right. Unless
4 there's anything else, Judge, this will conclude
5 this portion of our screening. And again, thank
6 you for your willingness to continue serving.
7 You are well familiar with this process, and you
8 know that we take both the letter and the spirit
9 of the ethics laws very seriously. Any violation
10 or the appearance of impropriety of those laws
11 will be deemed very serious and deserving of
12 heavy weight in our screening process. You are
13 aware that this record will remain open until the
14 final release of the report of qualifications,
15 and you could be called back should the need
16 arise, correct?

17 JUDGE BALLENGER: Yes, I do recognize that.

18 VICE CHAIRMAN RANKIN: We don't expect that, but for
19 the record you do know that. Again, Judge, thank
20 you.

21 JUDGE BALLENGER: Thank you.

22 VICE CHAIRMAN RANKIN: And safe travels back to your
23 courtroom and to your courthouse and to your
24 great part of the state.

25 JUDGE BALLENGER: Well, since I'm going back to Oconee

1 County and it's 3:00 o'clock, I do not think I'll
2 make it to my courtroom today.

3 VICE CHAIRMAN RANKIN: Let's not put that on the
4 record. In fact, for the record, it is 6:30, and
5 Madam Clerk, Ms. Blackley, excuses you from
6 service for the rest of the day.

7 MR. STROM: The drive's that long. Yeah, she wouldn't
8 make it back if she flew.

9 JUDGE BALLENGER: Thank y'all so much.

10 MR. STROM: Judge, it's good to see you.

11 JUDGE BALLENGER: It's good to be here. Thank you.

12 VICE CHAIRMAN RANKIN: Motion by Ms. McIver, seconded
13 by Senator Talley, we go into executive session.

14 EXECUTIVE SESSION

15 VICE CHAIRMAN RANKIN: We are back on the record and
16 out of executive session. For the record, no
17 votes were taken, no business conducted. And we
18 again, Judge Forsythe, we welcome you. Thank
19 you for being early and working your calendar and
20 schedule today in spite of traffic and collisions
21 apparently on I-26, right?

22 JUDGE FORSYTHE: Yes, sir.

23 THE HONORABLE MICHÈLE PATRÃO FORSYTHE, having
24 been duly sworn, testifies as follows:

25 VICE CHAIRMAN RANKIN: You have prepared a Personal

1 Data Questionnaire and a Sworn Statement. Any
2 additions need to be made to those?

3 JUDGE FORSYTHY: No, sir.

4 VICE CHAIRMAN RANKIN: Any objection to those being
5 included in the record?

6 JUDGE FORSYTHY: No objection, sir.

7 VICE CHAIRMAN RANKIN: Very good. We will do that.

8 Judge, you're very familiar with our process
9 here. I've met you before, I think, twice?

10 (Exhibit Number 21 was marked for identification
11 purposes - (20 pages) Personal Data Questionnaire for
12 The Honorable Michèle Patrão Forsythe.)

13 (Exhibit Number 22 was marked for identification
14 purposes - (6 pages) Sworn Statement of The Honorable
15 Michèle Patrão Forsythe.)

16 JUDGE FORSYTHY: Yes, sir.

17 VICE CHAIRMAN RANKIN: Family Court, and you sought a
18 Circuit Court position, I believe --

19 JUDGE FORSYTHY: That's correct.

20 VICE CHAIRMAN RANKIN: -- in the past. And so you
21 know our process and the thorough investigation
22 that we conduct, which focuses on the nine
23 evaluative criteria, and particularly including
24 the ballot box survey, a thorough study of your
25 application materials, verification of your

1 compliance with the state ethics laws, a search
2 of newspaper articles in which your name appears,
3 a study of previous screenings and a check for
4 economic conflicts of interest. There is one
5 affidavit that we've received in opposition to
6 your election and one witness will be present to
7 testify. We will take that up momentarily, but
8 you now have the opportunity to make a brief
9 opening statement if you like. The floor is
10 yours. If you would waive that, we will turn you
11 over to Mr. Hazzard for questions.

12 JUDGE FORSYTHY: I'm happy to waive that. Thank you
13 so much.

14 VICE CHAIRMAN RANKIN: All right. Very good. Mr.
15 Hazzard.

16 MR. HAZZARD: Thank you, Mr. Chairman.

17 JUDGE FORSYTHY - EXAMINATION BY MR. HAZZARD:

18 **Q. Judge Forsythe, after your service on the Family**
19 **Court since 2016, I believe, why do you want to**
20 **continue serving as a Family Court judge?**

21 A. Well, I think I said it three years ago, but it
22 is an amazing job where you get to serve the
23 public, the communities in South Carolina and get
24 to make a difference in the best way you can
25 under the law and to also serve children and

1 serve our children in our state. And I think
2 there isn't anything more powerful than that.

3 **Q. Thank you, Judge. Judge Forsythye, what do you**
4 **believe your reputation is among court personnel**
5 **and the attorneys that practice before you?**

6 **A.** Well, I think I have a good reputation. I
7 certainly see a lot of people in Charleston and
8 around the state when we get the opportunity to
9 ride the circuit. I believe I'm fair. I believe
10 that I have compassion and empathy. And at the
11 same time I believe I follow the rule of law, as
12 I'm required to do so, and allow everyone to be
13 heard and give everyone the opportunity to be
14 heard.

15 **Q. Thank you. Judge Forsythye, the Commission**
16 **received 521 ballot box surveys regarding you**
17 **with 66 additional comments. The ballot box**
18 **surveys, for example, contained the following**
19 **positive comments, "Exceptional judge, adherent**
20 **to the rules, conscious of the Family Court**
21 **trenches, wish there were more like her. Judge**
22 **Forsythye is an outstanding Family Court judge.**
23 **She has a wonderful temperament, compassionate**
24 **and is thoughtful with her rulings. She works**
25 **hard and is very smart, and she is polite and**

1 mild mannered unless the situation demands
2 otherwise. I do not always agree with her, but I
3 respect her decision making process. She is an
4 excellent judge. I have appeared before Judge
5 Forsythe maybe 100 times over the course of
6 three years when I was juvenile public defender.
7 I've never seen another human, judges included,
8 care more about kids and have a better sense of
9 how to reach them. I have been in chambers with
10 her for an hour on a case where the solicitor and
11 I could not figure out how to help a kid because
12 of their complicated circumstance, and she would
13 commit to not leaving until we found a solution.
14 This happened dozens of times. She kept court
15 late the day before Thanksgiving once that so
16 kids could have detention hearings and may have a
17 chance to be safely released to their parents. I
18 have never seen such a compassionate, thoughtful,
19 creative problem solver on the bench." Judge
20 Forsythe, some of the written comments expressed
21 concerns about your candidacy. Some comments
22 indicated that at times you deviate from the
23 rules and can be condescending and use
24 unprofessional tones when dealing with litigants
25 and attorneys, that you may be prone to showing

1 favoritism to certain members of the Bar and that
2 at times you can be slow in issuing orders
3 generally and specifically those taken under
4 advisement on other time-sensitive matters. What
5 response would you offer to these concerns that
6 were raised in the bench and Bar surveys?

7 A. Well, I don't think anybody is a perfect human,
8 much less a perfect judge. And there may be
9 times where I make attorneys uncomfortable or
10 litigants uncomfortable because I'm ruling in a
11 way that they don't like. I do believe I follow
12 the law. And I do try to be as empathetic as I
13 can within those constructs. When it comes to
14 taking matters under advisement, I really take
15 the time to think through matters, and some of
16 these matters are complex. I mean, they're not
17 just do you give custody to one parent over the
18 other. Sometimes it really requires thinking
19 through a custodial evaluation, looking at all
20 the evidence and really thinking through and
21 analyzing the material and the evidence that's
22 presented before I make any kind of decision. I
23 would hope that every judge deliberates carefully
24 and closely and looks at all the evidence before
25 making a decision and issuing an order.

1 **Q. Thank you, Judge.**

2 MR. HAZZARD: The Low Country Citizens Committee
3 reported Judge Forsythye to be well qualified as
4 to the evaluative criteria of ethical fitness,
5 professional and academic ability, character,
6 reputation, experience and judicial temperament.
7 Judge Forsythye was also found qualified in the
8 evaluative criteria of constitutional
9 qualifications, physical health and mental
10 stability. The Committee commented that Judge
11 Forsythye has been instrumental in holding
12 virtual Family Court hearings and trials. She
13 has also sought the input of the attorneys who
14 practice law before her to keep Family Court
15 running smoothly.

16 **Q. At this point, Judge Forsythye, I have some just**
17 **housekeeping questions for you.**

18 JUDGE FORSYTHYE: Yes, sir.

19 MR. HAZZARD: Mr. Chairman, if there's a complaint
20 against Judge Forsythye, then we can go there.

21 VICE CHAIRMAN RANKIN: You can have a seat, Judge, if
22 you will.

23 JUDGE FORSYTHYE: Yes, sir. Thank you.

24 VICE CHAIRMAN RANKIN: Mr. Walker, come on up.

25 MR. WALKER: Thank you, sir.

1 VICE CHAIRMAN RANKIN: All right.

2

3 LEE "CARLTON" WALKER, being duly sworn, testifies
4 as follows:

5 VICE CHAIRMAN RANKIN: All right, sir. Tell us your
6 name.

7 MR. WALKER: My name is Lee "Carlton" Walker.

8 VICE CHAIRMAN RANKIN: All right. And you have filed
9 a complaint about Judge Forsythye; is that
10 correct?

11 MR. WALKER: Yes, sir.

12 VICE CHAIRMAN RANKIN: And we have received every
13 submission that you have produced thus far.

14 MR. WALKER: I filed a forty-seven-page Affidavit with
15 approximately 1,400 exhibits -- pages of
16 exhibits, to verify exactly what I was saying is
17 accurate and correct.

18 VICE CHAIRMAN RANKIN: Okay. And we have those?

19 MR. WALKER: As far as I know, sir.

20 VICE CHAIRMAN RANKIN: Very good. All right. I do
21 want to publish a letter that was sent to you by
22 email on November the 17th at Lee or
23 LcarltonWalker@hotmail.com.

24 MR. WALKER: Is this the letter, sir?

25 VICE CHAIRMAN RANKIN: That is the letter.

1 MR. WALKER: Thank you.

2 VICE CHAIRMAN RANKIN: And we can put this in the
3 record, but I want to just remind you. Again,
4 you have brought a trove of information on your
5 rostrum there in addition to a cooler, or what do
6 you have there?

7 MR. WALKER: Oh, that's just the -- it's a case for
8 carrying.

9 VICE CHAIRMAN RANKIN: Okay.

10 MR. WALKER: It's a file case.

11 VICE CHAIRMAN RANKIN: So again, Mr. Walker, the
12 Judicial Merit Selection Commission will hear
13 your complaint, and I'm going to paraphrase this
14 -- and just to remind you of what our goal is and
15 what the parameters for your comments in proper
16 will be today, okay?

17 MR. WALKER: Yes, sir.

18 VICE CHAIRMAN RANKIN: But we will hear your complaint
19 regarding Judge Forsythe, and in order to adhere
20 with the restrictions on judges contained in
21 Canon 3(B)(9) of the Canons of Judicial Conduct,
22 which prohibit a judge from publicly commenting
23 on pending litigation. And in order to safeguard
24 the integrity of the judicial process for all
25 parties involved, your testimony, the testimony

1 of the complainant, must be limited to
2 allegations about Judge Forsythe's service based
3 on our evaluative criteria. And to remind you
4 again, we're looking to hear only what you
5 believe is relevant to whether she should serve
6 based on her constitutional qualifications, her
7 ethical fitness, professional and academic
8 ability, character, reputation, physical health,
9 mental stability, experience and judicial
10 temperament. And again, you've got an appeal
11 filed, correct?

12 MR. WALKER: Yes, sir.

13 VICE CHAIRMAN RANKIN: Before the Court of Appeals,
14 correct?

15 MR. WALKER: Correct.

16 VICE CHAIRMAN RANKIN: And so we are not going to
17 weigh in on the merits of your pending litigation
18 or the substantive actions of Judge Forsythe in
19 that litigation; do you understand that?

20 MR. WALKER: Yes, sir.

21 VICE CHAIRMAN RANKIN: Okay. And --

22 MR. WALKER: I have a -- when you say substantive
23 actions, could you explain?

24 VICE CHAIRMAN RANKIN: Relating to the case that you
25 are appealing that is before the Court of

1 Appeals.

2 MR. WALKER: Okay.

3 VICE CHAIRMAN RANKIN: All right. And then you know,
4 again, based on this letter, that Judge Forsythe
5 will be prohibited, ethically prohibited, from
6 responding to any allegations about her
7 involvement or actions in your pending
8 litigation. Do you understand?

9 MR. WALKER: Yes, sir.

10 VICE CHAIRMAN RANKIN: All right. So what we're --
11 and again, Mr. Hazzard is going to take here in a
12 second to hear from you. But we don't need 1,400
13 pages of exhibits or A to Z in terms of what is
14 under appeal. Please direct the comments you
15 want us to hear to those nine points.

16 MR. WALKER: Yes, sir. I went ahead and printed off
17 the -- thank you, sir, for your opportunity.

18 VICE CHAIRMAN RANKIN: You don't object to us putting
19 that letter to you, November 17th letter, in the
20 record, do you?

21 MR. WALKER: No, sir.

22 VICE CHAIRMAN RANKIN: And then you have responded to
23 Mr. Hazzard about that, and so again, we're ready
24 to hear from you on the points that you think are
25 relevant.

1 (Exhibit Number 23 was marked for identification
2 purposes - (1 pages) Letter to the Complainant Lee
3 "Carlton" Walker dated 11/17/21.)

4 MR. WALKER: Okay. Thank you, sir. Basically what I
5 did is I went ahead and I printed off -- y'all
6 sent me the thing about the nine things. I
7 printed off the Judicial Merit Selection
8 Commission's policies and procedures. And so I
9 flipped to page 4, which there's an introduction
10 and then also number 2, ethical fitness. I'll
11 comment on that. And then also I've highlighted
12 judicial temperament. And I would like to, I
13 guess, point out -- if you don't mind, I would
14 like to give a little -- you know, basically tell
15 you who I am. You know, born and raised in
16 Charleston, South Carolina, born at St. Francis,
17 grew up on James Island. I went into the
18 military. I'm a fourth generation veteran. And
19 I take the Constitution very seriously, defending
20 it. I, you know, put my hand on the Bible, swore
21 an oath to defend it from both foreign and
22 domestic enemies. And I personally feel that
23 Judge Forsythe's actions are a domestic enemy to
24 the Constitution. And I regrettably have to be
25 before you to defend the Constitution. I wish I

1 was not before you guys. I could think of a
2 million things I'd rather do. I even have a
3 forefather that fought in the American
4 Revolution. It's on my mom's side. Her last
5 name's Riley, and Joe's a distant cousin. And my
6 forefather fought for freedom. In the Affidavit,
7 Judge Forsythe, in an order, no less than seven
8 times or more, beared false witness against me in
9 court orders. It's proven without a doubt she
10 beared false witness. Bearing false witness is
11 one of the ten Commandments, and, you know, I
12 never realized, you know, bearing false witness,
13 what is that. How is that up there with murder.
14 I can honestly tell you that having my child
15 taken away because a judge has beared false
16 witness against my character -- as a matter of
17 fact, the judge said I threatened other judges.
18 If that was the case, I would be in jail. I
19 would be in jail if I threatened other judges. I
20 didn't do that. I'm a registered realtor in
21 South Carolina. I'm in the process of becoming a
22 broker-in-charge for a company that I'm starting
23 called We Love Real Estate Company. I own domain
24 names like We Love Charleston.com. My renovation
25 company is Golden Property Renovations. We

1 follow the golden rule. We treat others as we
2 would want to be treated. I cannot say that
3 about Judge Forsythe. Never in my life have I
4 ever seen anyone -- and it's in the records. She
5 mentions about the other counsel, how she knew
6 where they lived, as if they were friends. and
7 how many cases she had done with the guardian,
8 and she didn't seek the truth in my case. That's
9 all I wanted. That's all I've been asking for,
10 and she has stood here before you saying she gave
11 people an opportunity to be heard. She was very
12 biased in my case. I filed numerous times. As a
13 matter of fact, the attorney that filed this
14 original case in October 30th of 2020 was
15 disbarred from his practicing in South Carolina
16 because he took approximately 95,000 out of trust
17 accounts. That same man -- Covid hit me really
18 hard. I was a contractor. I immediately had
19 \$60,000 in business cancel. I had to let my guys
20 go. I had to put up -- close my shop down, put
21 all my stuff in storage. And my attorney dropped
22 me because I was 27,000 behind in paying him.
23 The moment that happened, that attorney filed a
24 false claim and broke Rule 11 out of this book.
25 When you're an attorney and you file a claim,

1 you're supposed to certify that it's the actual
2 facts and correct. So when that happened, I
3 didn't have an attorney. My child was taken
4 away. And in Family Court, you are guilty until
5 proven innocent. It's not the opposite. And so
6 long story short, my father, who is a -- he's a
7 Citadel grad, graduated from the Citadel, did 36
8 years of civil service as an electrical engineer.
9 And he gave me 15,000 out of his retirement to
10 hire an attorney. That attorney did not study
11 the case. We went before Judge Ferderigos, and
12 another time I will be here when his
13 reappointment is up. So Judge Ferderigos heard
14 the case, did not --

15 VICE CHAIRMAN RANKIN: Excuse me.

16 MR. WALKER: Yes, I'm sorry.

17 VICE CHAIRMAN RANKIN: We don't need the chronology of
18 the case and how you got here. I'm not trying to
19 cut you off, but --

20 MR. WALKER: Okay.

21 VICE CHAIRMAN RANKIN: -- again, the complaints about
22 Judge Forsythe is the pertinent -- those nine
23 things that we talked about. That's what we're -
24 -

25 MR. WALKER: Yes, sir.

1 VICE CHAIRMAN RANKIN: -- wanting you to focus on.

2 MR. WALKER: Okay. So after that, that was against
3 case law, Stefan v. Stefan. Stefan v. Stefan
4 basically says that judges cannot delegate their
5 responsibility to anyone, no guardians, no one.
6 The decision for the minors is solely based for
7 the court. I immediately filed stuff. And here
8 is what I filed, asking for to be heard. It was
9 denied. To show bias, every single thing that I
10 have filed until I filed a Complaint with
11 Charleston County Delegation, which is like 14
12 senators or representatives or vice versa, but
13 it's like 22 members. Just about everything I
14 filed was denied, and everything that the other
15 party or the guardian filed was accepted. That's
16 the definition of bias. April 7th, when we went
17 in front of Judge Forsythe, I thinking that the
18 truth matters in a court of law, believing that
19 affidavits matter, I point out the dishonesty,
20 and the judge says -- and it's in the transcript.
21 I see that, too, and then proceeds to tell me
22 that affidavits are not considered evidence, but
23 yet in June 16th when I went in front of her, my
24 attorney that had quit because I couldn't pay him
25 had filed an affidavit, and he told me the

1 information that he had on this thing was
2 correct, because he had talked to another
3 attorney and the information -- and so I was
4 under the belief I was presenting truthful
5 information to the court. And in that June 16th
6 during lunchtime she throws me in jail for about
7 two hours. I prayed to God. I said, I
8 understand, God. You've chosen me because being
9 a fourth generation veteran you know I will not
10 back down from wrongful stuff and for me to go
11 through this. And I firmly believe God appointed
12 me to go through the worst case in probably South
13 Carolina history, and this is going to make
14 national history because I started the
15 organization, Family Court Reform.org. And I'm
16 going to be monetizing it next year to change
17 Family Court, because this is not just in the
18 State of South Carolina. You can read in
19 Missouri there's a problem.

20 VICE CHAIRMAN RANKIN: Again, I don't mean to
21 interrupt, but --

22 MR. WALKER: All right. Back to Judge Forsythe. I'm
23 basically -- let's go over back to -- it says,
24 the Commission also seeks to impart its view that
25 good temperament is an essential quality of a

1 judge. Justice can surely prevail when a judge
2 is courteous to litigants and lawyers alike. I
3 gave this Commission the transcripts from April
4 7th and from June 16th, if you read it. I've
5 already been told from some other representatives
6 that stuff like that shouldn't go on. Okay. So
7 -- give me one second. All right. So -- I
8 covered that. Okay. So the character of Judge
9 Forsythe. She presented written false
10 information and written -- like it's completely
11 false. One of the things -- I'll give you an
12 example. I filed an emergency hearing on April
13 2nd -- emergency hearing, and it was denied on
14 April 22nd, 20 days later. Also, I would like to
15 point out in the judicial code -- let me turn to
16 Rule 501. All right. So what I'd like to point
17 out first is Judicial Canon 3. I believe that is
18 number 8, the judge shall dispose of all judicial
19 matters promptly, efficiently and fairly. In the
20 commentary it says, in disposing matters
21 promptly, efficiently and fairly a judge must
22 demonstrate due regard for the rights of the
23 parties to be heard and to have the issues
24 resolved without unnecessary costs, unnecessary
25 costs or delay. That is in the 2021 edition of

1 the South Carolina court of rules. Now on June
2 16th, and it's in the transcript, the attorney
3 that was disbarred, on the 16th he was still
4 practicing law. At the beginning of the June
5 16th hearing -- it was going to be an all day
6 hearing. He said -- he pointed out that Mr.
7 Walker, myself, had a paid witness outside who
8 was a doctor, charging me by the hour. It says
9 right there, unnecessary costs and driving up the
10 cost of the case. The attorney said, Your Honor,
11 can we bring that witness in. She denied that
12 and waited until the very end of the day to bring
13 the witness in. Instead of the witness costing
14 me only \$200, it cost me almost \$1,000. Another
15 one, driving up costs, I'm going to read the
16 court -- I have it in here. I'm going to read
17 you basically the statute concerning guardian ad
18 litem and what they can and cannot hear.

19 VICE CHAIRMAN RANKIN: Let me interrupt you again. In
20 your reply, your email reply, on the 24th of
21 November you were going to again limit yourself
22 to ethical fitness, character, reputation and
23 judicial temperament. Again, not to be
24 disrespectful, but we want to hear, not the cost
25 of litigation, but please limit your comments to

1 those particular areas.

2 MR. WALKER: Yes, sir. Under Canon 3 it says, a judge
3 shall perform the duties of judicial office
4 impartially and diligently. And driving up costs
5 of my case is prohibited. And to give another
6 example of the judge not -- and it's a case --
7 and it's law. It's South Carolina law. The
8 judge is to follow this law. It's S.C. Code --

9 VICE CHAIRMAN RANKIN: You've alleged that in your
10 brief, I believe. And you complained about the
11 costs associated with your litigation in your
12 brief that is on appeal, correct?

13 MR. WALKER: No, this area is not part of that. What
14 I'm pointing out to -- a guardian ad litem --
15 it's 63830. It says -- B -- it says, a guardian
16 ad litem must be compensated for attending a
17 hearing related solely to financial matters if
18 the matter is not related to the suitability of
19 the parents' custody, visitation and child
20 support. So a guardian is not to be compensated,
21 and that means her attorney's not to be
22 compensated for a hearing anything with
23 financial. I asked the judge before the 16th
24 hearing to not let the guardian and her attorney
25 be at a suit money hearing. My ex was suing me

1 wanting me to pay her attorney fees. That is
2 strictly financial. That has nothing to do with
3 custody, visitation or child support. I asked
4 the judge not to let them hear that case. The
5 judge let them sit in all day. That is against
6 the court rules. The judge drove up my costs I
7 don't even know how much. That has nothing to do
8 with me filing about her decision on the suit
9 money, and I know for a fact that she ignored
10 Stefan v. Stefan.

11 VICE CHAIRMAN RANKIN: Again, that's a matter for the
12 appellate court, not for us in this Judicial
13 Merit Selection Commission.

14 MR. WALKER: Okay. See, Chairman, I really apologize
15 if I'm stepping on things. But if this can be
16 kicked down the road -- because during one of my
17 things -- and I believe this is improper for a
18 judge to say. "There's another man just like you
19 that I'm going to be putting in jail, Mr.
20 Walker." That was intimidation. That was a
21 threat. Why is a judge bringing up another case
22 in my case. It also goes to talk about
23 impartiality. Impartiality is a principle of
24 justice holding that decisions should be based on
25 objective criteria rather than the basis or

1 prejudice or preferring the benefit of one person
2 or another for improper reasons. This is my
3 opinion. I believe because the first judge made
4 a mistake that they were basically thinking that
5 I'm going to make it to where Mr. Walker -- I was
6 supposed to have a hearing on the 16th of
7 November, and the other party is asking that I be
8 put in jail for wearing a T-shirt that has my
9 daughter's name on it. And this is based on
10 Judge Forsythe's ruling. Never in a million
11 years -- me -- and by the way, I served in
12 Somalia in 1993 with Colin Powell, and I risked
13 my life for this country. And I didn't come back
14 to hear -- and I know Colin Powell's proud of me
15 standing here. Because whatever he told me and my
16 boys to do, we would have done it. And I would
17 have given my life for the freedom of this
18 country. And I know he's proud for me to stand
19 here, because I did not risk my life to come to a
20 court that time after time after time I asked to
21 be heard and asked to be heard, denied, denied,
22 denied, denied. My simple right to be heard, the
23 constitutional right, and then for a judge to
24 make decisions that limit my freedom of speech,
25 and she was hoping, this is my opinion, that when

1 I got put in jail for lunchtime, that I would be
2 like everybody else and give up and go away. And
3 y'all would never hear from anyone. But being a
4 veteran, it's guys like me that charged that
5 hill, the reason everyone in this room and
6 everyone in the State of South Carolina have
7 their freedom. And I can't begin to tell you
8 what it's like to have a judge to bear false
9 witness on you. It's almost -- the only thing I
10 can say about that, it's equivalent -- and we've
11 all seen these stories of men that were put in
12 jail for murder that were innocent, and they did
13 20-something years. I'm a good guy. My family's
14 awesome. My father, James Walker, travels the
15 country for about the past 15 years playing for
16 free at fallen soldiers funerals, playing live
17 taps. He graduated from the Citadel. And now I
18 hope all of you take the time to read all 47
19 pages of my Affidavit and pleas do not reelect
20 Judge Forsythe, and I'm going to read a few
21 things that I put together.

22 VICE CHAIRMAN RANKIN: We have the Affidavit, so you
23 don't --

24 MR. WALKER: You have the Affidavit. Okay. The
25 Affidavit is clear when it comes to bias. And

1 the order left everything out that would make me
2 look good.

3 VICE CHAIRMAN RANKIN: An respectfully, again --

4 MR. WALKER: Right, right. Okay.

5 VICE CHAIRMAN RANKIN: You were not represented by an
6 attorney during your appearing before Judge
7 Forsythe? Were you pro se?

8 MR. WALKER: Yes, sir, I was pro se.

9 VICE CHAIRMAN RANKIN: And not that there's anything
10 wrong with that. We all have the right to do
11 that, but you now have an attorney who is
12 pursuing this appeal, correct?

13 MR. WALKER: Correct, and he's a colleague of you
14 guys. It's Gil Gatch, Representative Gil Gatch.

15 VICE CHAIRMAN RANKIN: We have, again, his initial
16 brief and then his revised brief. So, again,
17 we've got the legal arguments that --

18 MR. WALKER: Okay. Yeah, I -- sir, please accept my
19 heartfelt apologies. I have never had to do this
20 before. I'd much rather be at home.

21 VICE CHAIRMAN RANKIN: And I'm not hopefully coming
22 across as complaining that you are here. We
23 welcome a complaint. My point is to, again,
24 remind you that we're not the Court of Appeals.
25 You've got a record that your attorney is making

1 for judicial review --

2 MR. WALKER: Correct.

3 VICE CHAIRMAN RANKIN: -- our job is the -- again,
4 within those nine evaluative criteria, and that's
5 --

6 MR. WALKER: So if you all have the very last pages,
7 page -- I guess it would be like -- I have a
8 prayer in there that I ask this Commission, page
9 45 and 46 of my thing. And I've never been a
10 preacher, and I probably won't be. And I love my
11 daughter. Just to give you an example of what
12 type of father I am. When the Charleston nine
13 happened --

14 REPRESENTATIVE RUTHERFORD: Mr. Chairman, I'm not --
15 you've got to stick to --

16 MR. WALKER: Okay. I was -- okay. Sorry about that.
17 We've covered partiality. Okay, ex parte
18 communication. In her ruling -- and this has not
19 been brought up as an issue. Her ruling from the
20 -- I believe it was the April 7th order, the
21 other attorneys, including myself, were not clear
22 about what her order says and what the
23 transcripts say. They're two different things,
24 and it was concerning a doctor being involved
25 with the case.

1 VICE CHAIRMAN RANKIN: Is that something you are
2 pursuing in your appeal?

3 MR. WALKER: No, sir.

4 VICE CHAIRMAN RANKIN: All right. And so that, again
5 --

6 MR. WALKER: The ex parte communication. I believe
7 that the judge had ex parte communication with an
8 outside party without me being there and without
9 the other counsel or the guardian's counsel being
10 there. Because the other side filed a
11 clarification, and then the judge ruled in my
12 favor and at the clarification stuck me with all
13 the legal bills. When it was something I had
14 asked for to start with. But there had to be ex
15 parte communication, because there's no other
16 explanation because the other side would not have
17 asked for clarification in that matter. If you
18 pull the Charleston County Family Court records -
19 - and that's another thing I'm going get to. The
20 judge told the clerk of court to stop accepting
21 Mr. Walker's filings. They wouldn't take my
22 filings. My mother is on her way here. She can
23 testify to this and also paid a server to make a
24 filing. They wouldn't accept my money. The
25 papers need to go to Judge Forsythe first, and

1 then she gets to pick out what she wants and then
2 can file whatever she wants to file. That
3 actually happened. I have it on film. So I
4 don't understand how the clerk of court could
5 deny me to file a motion to be heard, but that
6 was directed by the judge. Judicial temperament,
7 character traits encompassing both ability to
8 apply law to the facts and understand how the
9 judicial decision will affect human beings
10 appearing before court. I still can't believe a
11 judge said, "I see that -- I saw that", talking
12 about the truth, and then did nothing about it.
13 We need judges that seek the truth in cases. You
14 have to. The truth has to matter, has to matter,
15 because right now how this affected a human being
16 and a citizen of the State of South Carolina my
17 little girl from age four has been racing, and
18 she has 230 wins racing go-carts, and in the
19 racing community in North and South Carolina
20 she's known as Racing --

21 REPRESENTATIVE RUTHERFORD: Again, Mr. Chairman, this
22 is not related to the standard that you set
23 forth.

24 MR. WALKER: Okay.

25 MR. RUTHERFORD: Interesting, but nor related.

1 MR. WALKER: I was trying to get to the point of how
2 the judge's decision negatively affected my
3 family and me. I've missed every major holiday -
4 -

5 VICE CHAIRMAN RANKIN: That again -- respectfully,
6 that's not why we're here. You are pursuing an
7 appeal to undo the legal -- what you allege to be
8 the legal errors here, okay?

9 MR. WALKER: Okay. Another thing that is in your
10 criteria is arrogance.

11 VICE CHAIRMAN RANKIN: No, sir.

12 MR. WALKER: It's not. It's on judicial temperament,
13 number 9, and it says, the Commission will place
14 strong emphasis on each candidate's ability to
15 consistently exhibit exemplary (sic) judicial
16 temperament. Conduct that is disrespectful,
17 arrogant, impatient or arbitrary is an impediment
18 to the administration of justice. The arrogance
19 of Judge Forsythe. In court she bragged about
20 how many -- her background and cases before
21 higher courts and proceeded to become a
22 prosecutor in my case. And then asked if I could
23 tell that she used to be a prosecutor or
24 something along those lines. And a judge should
25 not put themselves as a litigant in the case when

1 the two parties are the litigants. So the
2 arrogance. Also, it's in the transcript -- she
3 said, "It's my court, my rules, my procedures."
4 The last time I checked, it's the people's court.
5 The system should be for the people and by the
6 people, not an arrogant judge that said, "It's my
7 court, my rules, my procedures." That's in the
8 transcript. Impatient -- all you have to do is
9 read the transcript. I can't even count how many
10 times I was cut off when I had asked to speak.
11 Mr. Walker, Mr. Walker -- I can't even count.
12 Very impatient. Arbitrary -- I can't talk about
13 arbitrary, but the decisions were arbitrary.
14 They were not based on the facts. And all you
15 have to do is read Gil Gatch's appeals, and you
16 will see that. Also, moral vigor -- the decision
17 that makes me in life come from within myself
18 from a sense of what is right. I am committed to
19 the truth and do channeling it outward. We need
20 judges with moral vigor that are committed to the
21 truth. The judge admitted seeing the other
22 party's untruthfulness. The only person in this
23 case who has moral vigor is myself trying over
24 and over and over and over to get the Court to
25 pay attention to the truth, and it ignored me. I

1 didn't even get a chance to be heard. This false
2 thing was filed. I tried to file motions so I
3 could be heard to defend it, and -- tyranny,
4 cruel and oppressive government or rule. That's
5 another -- it's the last word in number 9,
6 judicial temperament. Telling the Charleston
7 County Clerk of Court to stop accepting anything
8 from me, saying that all my stuff's irrelevant,
9 and that's not the case. If you read -- which
10 y'all have the exhibit, that was filed April 8th
11 and denied on -- her file -- excuse me -- filed
12 February 8th and denied by Judge Forsythe on
13 February 9th. All you have to do is read that
14 and tell me how that is irrelevant to my case in
15 trying to point out about the things that were --
16 like the other judge didn't follow the rules, the
17 case law. Judges are supposed to follow the case
18 law. It was very relevant to my case, but yet
19 that is part of what the judge beared false
20 witness about me in her order, along with saying
21 that I attacked or I threatened judges. If that
22 was the case, I would be in jail. Pompous -- I
23 think that's another one that y'all have -- oh,
24 pomposity. The quality of being pompous, self
25 importance, all you have to do is read the court

1 transcripts of both from April 7th and June 16th
2 to see that she is -- exhibits being pompous. An
3 impediment, that is another thing for the
4 Judicial Merit Selection Commission concerning
5 judges. A hindrance or obstruction in doing
6 something. I was definitely obstructed from
7 filing hearings and just the right to be heard,
8 which is my constitutional right. That --
9 administration of justice -- an administration of
10 justice is a process by which the legal system of
11 a government is executed. The presumption of
12 goal of such an --

13 REPRESENTATIVE RUTHERFORD: Mr. Chairman, again, he's
14 --

15 MR. WALKER: I'm reading the definition --

16 REPRESENTATIVE RUTHERFORD: But we don't to be read
17 the definition.

18 MR. WALKER: Okay.

19 REPRESENTATIVE RUTHERFORD: If you allege that she did
20 something, state what she did, and then we will
21 apply it.

22 MR. WALKER: Yes, sir.

23 REPRESENTATIVE RUTHERFORD: Don't read words and then
24 say how that applies to your case.

25 MR. WALKER: I'm very sorry, sir.

1 REPRESENTATIVE RUTHERFORD: No, it's not that. It's
2 just if you allege that she did something, state
3 what she did, and then we can apply it, because
4 we read the rules. We understand what they are.

5 MR. WALKER: Yes, sir. Sorry, sir.

6 VICE CHAIRMAN RANKIN: And respectfully, again, we
7 have your Affidavit, and again, 47 pages of it.
8 You don't have to regurgitate that. But again,
9 to the degree you want us to hear further
10 information that you have not -- or highlights
11 from this forty-seven-page Affidavit, that's what
12 I would ask you to do.

13 MR. WALKER: Okay, do highlights. I can do that,
14 because I've actually highlighted a lot. But I
15 was going to go through each one of these --
16 under ethical fitness --

17 VICE CHAIRMAN RANKIN: You've done that in the
18 Affidavit.

19 MR. WALKER: Okay.

20 VICE CHAIRMAN RANKIN: So you don't have to republish
21 the Affidavit, okay?

22 MR. WALKER: All right. Thank you, sir. Sorry. I'm
23 not an attorney. I sell real estate and I'm a
24 contractor. And I do know in real estate law --
25 so as far as the Constitution goes, my basic

1 right to be heard to defend myself multiple times
2 was denied. Not once denied the defendant's or
3 the guardian's motions. And it wasn't until I
4 filed with the Charleston County Delegation --
5 then some things were to be heard. And I had a
6 guardian ad litem, two years worth of a guardian
7 ad litem doing things, and this judge -- for me
8 to -- a motion to remove the guardian of two
9 years worth of stuff -- I asked for, at first,
10 five days, and I brought it back to two days --
11 VICE CHAIRMAN RANKIN: Again, you're heading into --
12 we're not the Court of Appeals here, okay?
13 MR. WALKER: What -- okay. So where it says a judge
14 is to be fair as far as -- it's Judicial Code
15 Canon 3, number 8. What I'm getting at is my
16 motion be heard -- and she says she give
17 everybody -- I watched Judge Forsythe say she
18 gives everybody a fair chance to be heard. Two
19 years worth of stuff, my motion to remove the
20 guardian. She gives me 15 minutes. Fifteen
21 minutes as a layperson, pro se, to tell two years
22 worth of stuff. And I said, Your Honor, I asked
23 for more days, and you can -- and she interrupts
24 me multiple times, and then she goes, I'll give
25 you 20 minutes. And then throughout that 20

1 minutes I was interrupted I can't even count, but
2 it's in the transcript. So I don't think that is
3 fair, but the other party was not treated that
4 way. Guardians, I've already covered that.
5 Okay. So I'm going to flip through here -- if
6 there's anything that I highlighted. Page 6 is
7 where --

8 VICE CHAIRMAN RANKIN: Respectfully, again, I didn't
9 mean to literally highlight it. We've got 47
10 pages of your highlighted comments.

11 MR. WALKER: I'm sorry, sir.

12 VICE CHAIRMAN RANKIN: We don't need you to tell us
13 again.

14 MR. WALKER: Okay. All right.

15 VICE CHAIRMAN RANKIN: Give us the 30,000 foot,
16 briefly identify things again that relate to
17 these nine evaluative criteria. Again,
18 respectfully, you've been up here for a while,
19 and --

20 MR. WALKER: Yes, sir. All right. I'm going to end
21 it here very shortly. Number 2, ethical fitness,
22 I would think that the only conclusion somebody
23 could come to as far as the ex parte
24 communication that I believe happened and any --
25 and the test is whether a layperson -- and that

1 is on Canon 2, the standard for impartiality.
2 Under the standard includes violations of law,
3 court laws, and it's what a layperson like myself
4 would see. Character, honesty is, I would say
5 not one of Judge Forsythye's traits based on what
6 I've witnessed and what I've seen in her
7 writings. Accountability, when I tried to point
8 out --

9 REPRESENTATIVE RUTHERFORD: Mr. Chairman, again he's -
10 - we don't need you to pick every word and see
11 how it applies to her. You've written 47 pages
12 to us. We've read it. We still have it. He's
13 simply asking for you to tell us those things you
14 want to particularly make us draw attention to,
15 and that's it.

16 MR. WALKER: Well, one of things that I would point
17 out is on the June 16th day I filed complaining
18 about everything that she did to the Chief
19 Administrative Judge in Charleston County, and it
20 was filed the day before the 16th. And when I
21 got before her on the 16th -- and you can read it
22 in the transcript -- she says, Mr. Walker, you
23 attacked me. I did no such thing. I was
24 pointing out that -- the truth of the untruths of
25 what she wrote about me. And instead of seeking

1 the truth, I would say that goes to character.
2 Instead of owning up to a mistake, she became
3 very angry and became vengeful, and that is what
4 happened.

5 REPRESENTATIVE RUTHERFORD: Okay. Is that it?

6 MR. WALKER: I would like to say one closing -- end in
7 a closing statement. Okay. So -- it's at the
8 very last page.

9 VICE CHAIRMAN RANKIN: Is it in your Affidavit?

10 MR. WALKER: No, sir. And I --

11 VICE CHAIRMAN RANKIN: If you just want to summarize
12 again, you prepared that paper you're looking
13 for. Just tell us without having to read it what
14 your conclusion would be.

15 MR. WALKER: In summary, I would -- see I was always
16 raised that court -- and I believe this, too, and
17 I still believe it. Being a fourth generation
18 veteran, that our court system is the fairest in
19 the land. It's based on truth and justice and
20 honesty and based on the facts. And for a judge
21 to say affidavits are not evidence, that's a
22 sworn statement. If you can't be held
23 accountable for your affidavit, what can you be
24 held accountable for, because they used those
25 affidavits to take away my child. How is -- it

1 can't be a double standard. In our court system
2 we have to have judges that are not braggadocios,
3 that follow the law, follow case law, are
4 respectful to everybody, do not tell the
5 Charleston County Clerk of Court not to accept
6 documents, and I personally feel the documents
7 should be given to the clerk of court. They
8 stamp everything then hand it to a judge. That
9 way we know nothing's missing, but that's not the
10 way this judge directed the court of clerk to do.
11 She gets all my documents --

12 VICE CHAIRMAN RANKIN: We've heard that.

13 MR. WALKER: Yeah. So my point being made is I've
14 never experienced something so tragic in my life,
15 and for over a year and a month I have not had my
16 daughter. And it cost me 355 bucks a day when I
17 want to see her and a dollar a minute to talk to
18 my child. I'm a licensed realtor, about to be a
19 licensed broker-in-charge in Charleston. I'm a
20 licensed contractor. I have my concealed weapons
21 permit. And when you read that Affidavit, the
22 other side is not -- does not have their stuff
23 together like that. And so the court system we
24 have, we have to have judges that seek the truth.
25 It's that simple. The truth has to matter. My

1 attorney has told me, they don't care about the
2 truth. And that should not be the case. And
3 that's all I have to say, and, you know, one of
4 the things is, God says, do not rejoice when your
5 enemies fall. If y'all don't have Judge
6 Forsythe reappointed, I'm not rejoicing, because
7 what -- the damage that's been done to me and my
8 family can never be restored. This is not a
9 joyful day for me to be before you guys and
10 girls. I mean, I -- and I pray that we have
11 judges -- and if Judge Forsythe is not allowed
12 to continue, I will pray for her. She has a son
13 that loves racing like my child does, and we do
14 have something in common. Her son likes Kevin
15 Harvick. My little girl is friends with Kevin
16 Harvick's son. And that was the life my child
17 was living. She has not been in a seat of a car
18 in over a year.

19 VICE CHAIRMAN RANKIN: And again --

20 MR. WALKER: And all I can say is I would like this
21 Commission -- guys like me and all the guys
22 standing behind Colin Powell, we don't give our
23 lives for stuff the way this judge acted. And
24 please take in mind the sacrifice myself and some
25 of my brothers -- and they tell you, you look

1 around in boot camp. Some of you are never
2 making it out of the U.S. military alive, and
3 you're going to die defending the Constitution.
4 Please do it for the Constitution, because Judge
5 Forsythye did not follow it. And that's all I
6 have to say.

7 VICE CHAIRMAN RANKIN: Thank you, Mr. Walker. And we
8 appreciate your service to our country --

9 MR. WALKER: Thank you.

10 VICE CHAIRMAN RANKIN: -- and your participation today
11 as a complainant. Any questions by the
12 Commission members? There being none at this
13 point. Thank you very much, and you came in with
14 a few folks, the young lady in the front here --

15 MR. WALKER: That's my mother, Helen Walker. She's the
16 comptroller for Limehouse Properties, Buck
17 Limehouse. Y'all probably know him as the first
18 --

19 VICE CHAIRMAN RANKIN: Welcome, Ms. Walker.

20 MR. WALKER: -- the first highway commissioner.

21 That's my endeavor -- 28 years for the -- she's
22 the biggest hard ass I know, probation, parole
23 services. She did 28 years --

24 VICE CHAIRMAN RANKIN: Your mother, you're talking
25 about?

1 MR. WALKER: Huh? My aunt.

2 VICE CHAIRMAN RANKIN: I'm sorry, I couldn't hear
3 that.

4 MR. WALKER: Yeah. She did 28 years with South
5 Carolina's worst. And she's the biggest hard ass
6 I know, and she was my supervisor until Judge
7 Forsythe made it where I had to have a paid
8 supervisor. And then that's my father right
9 there who -- he has cancer.

10 VICE CHAIRMAN RANKIN: And his name?

11 MR. WALKER: James Joseph Walker, Jr.

12 VICE CHAIRMAN RANKIN: Very good. And then the young
13 lady in the back. Is she --

14 MR. WALKER: No, she's not with me, but -- and I have
15 one last thing to say. This is the most
16 important thing, because I lost my business, and
17 I was a pro se, my father is most selfless acting
18 man. He's exhausted his retirement. He
19 mortgaged his house, and he sold an interest in
20 the family farm because of the actions of Judge
21 Forsythe. And last Thanksgiving of 2020 he was
22 diagnosed with cancer. And I told myself I
23 wouldn't get upset. So far he's missed a year
24 with my daughter. No respectable family like
25 mine and a Citadel grad who did 36 years of civil

1 service as an engineer should have to lose
2 everything for a judge that does not seek the
3 truth.

4 VICE CHAIRMAN RANKIN: Thank you, Mr. Walker. And
5 again, thank you all for being here.

6 MR. WALKER: You're welcome. Thank you.

7 VICE CHAIRMAN RANKIN: I'll give you a moment to
8 collect that. And then we're going to bring
9 Judge Forsythe back up for some housekeeping
10 information, because as y'all know, Judge
11 Forsythe is constrained from replying. God
12 speed to y'all --

13 MR. WALKER: Thank you.

14 VICE CHAIRMAN RANKIN: -- with your recovery as well,
15 sir. Judge, come back up, if you will.

16 **Q. Finally, Judge, we have some housekeeping issues**
17 **that we need to go through. Judge Forsythe,**
18 **since submitting your letter of intent, have you**
19 **contacted any members of the Commission regarding**
20 **your candidacy?**

21 A. No.

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

25 A. Yes, sir.

1 Q. Since submitting your letter of intent, have you
2 sought or received the pledge of any legislator,
3 either prior to this date or pending the outcome
4 of your screening?

5 A. No, sir.

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

10 A. No, sir.

11 Q. And have you reviewed and do you understand the
12 Commission's guidelines on pledging and the
13 provisions of S.C. Code § 2-19-70(E)?

14 A. Yes, sir.

15 MR. HAZZARD: And I would note for the record, Mr.
16 Chairman, that any concerns raised during the
17 investigation regarding Judge Forsythe were
18 incorporated into staff's questioning of Judge
19 Forsythe today, and with that, Mr. Chairman, I
20 have no further questions.

21 VICE CHAIRMAN RANKIN: Okay. Questions by Commission
22 members? Let me just start, Judge Forsythe,
23 again we -- I've met you before here. I've never
24 appeared before you in court, thanks be to the
25 Lord for not appearing in Family Court. I guess

1 my constitution doesn't allow me to do it. God
2 bless those who do and serve as judges as well.
3 Ballot box surveys, we have -- how many
4 respondents?

5 MS. CRAWFORD: Five hundred and 21.

6 VICE CHAIRMAN RANKIN: Sorry?

7 MS. CRAWFORD: Five hundred and 21.

8 VICE CHAIRMAN RANKIN: Just counting, right. And to
9 that number I want to tell you that you enjoy an
10 overwhelmingly favorable reputation within the
11 anonymous participants who are lawyers, I guess,
12 that appear before you. Half would be unhappy
13 any day that you make a ruling, correct?

14 JUDGE FORSYTHY: That is correct, sir.

15 VICE CHAIRMAN RANKIN: Both in the constitutional
16 qualifications -- again, across the board. And
17 so how do you strive to not make people happy but
18 to do your job and carry out the charge of being
19 a Family Court judge?

20 JUDGE FORSYTHY: Well, I think most everybody that
21 appears before the court knows it isn't easy.
22 This isn't an easy job. And sometimes it's a
23 little thankless in a way, makes things
24 complicated, but I took an oath. And when I came
25 here six years ago, I was compelled to service.

1 And I'm still brought to that same compulsion to
2 continue to serve my state and my community and
3 to make a difference. I'm struck by some of the
4 comments that Mr. Hazzard published today. I
5 hadn't heard those. I do believe in working with
6 children in the juvenile justice world and giving
7 them opportunities that maybe -- and avenues that
8 maybe they didn't think they had before.

9 Similarly, when we're talking about abuse and
10 neglect, really working to make sure that the
11 voice of the children are heard, to hear
12 everything fairly, openly and honestly and know
13 that every decision that I make and any Family
14 Court judge who has come before you in these last
15 few weeks has made, and they're not easy
16 decisions, but we do the best job that we can.
17 And we try to honor the law. There's a lot of
18 statutory confinements that we have in addition
19 to the case law. We just do the best job that we
20 can and the most professional job that we can
21 each and every day.

22 VICE CHAIRMAN RANKIN: One of the commenters who has
23 appeared before you over 100 times in the course
24 of three years in Charleston says they've never
25 seen another human, judges included, care more

1 about kids and have a better sense of how to
2 reach them. Again, perhaps akin to what you
3 heard, breaking barriers for kids for the first
4 time as you appear like a friend to them to help
5 figure out how to help a kid. Never seen such a
6 compassionate, thoughtful, creative problem
7 solver on the bench. Again, that from the
8 advocate of a child. So as you continue to do
9 this, again, Lord willing, how are you -- will it
10 be harder? Will it be easier for you to continue
11 doing this? Are you still fresh at this and find
12 joy in making these hard decisions?

13 JUDGE FORSYTHY: I don't think that it's always
14 joyful, but I am still very motivated. There's
15 still so much to do. I know that the General
16 Assembly is working hard to re-frame juvenile
17 justice and what that looks like. Similarly,
18 when it comes to abuse and neglect, there's a lot
19 to do on the private side in terms of custody,
20 visitation, what alimony will look like in the
21 next ten years. And there's so many different
22 facets to a Family Court judge that the law keeps
23 developing. And it's always fresh. There's
24 always something new that is happening.

25 VICE CHAIRMAN RANKIN: Comments or questions by other

1 Commission members? All right. Judge, you --
2 and that there are none is not a negative sign.
3 You have got wonderful letters of reference. The
4 ballot box surveys, again, speak to your role in
5 the courtroom. And a compliment to you in the
6 pandemic, one wrote about your accessibility in
7 trying to make that system work when a lot of the
8 courtrooms, a lot of the clerks of court, pretty
9 much didn't know what to do. So compliments to
10 you in that vein as well.

11 JUDGE FORSYTHYE: Well, we were lucky that the Supreme
12 Court really made a framework for us to hear
13 cases virtually and to be accessible. We were
14 lucky that, unlike some other states, that we
15 remained running even though we were at a more
16 limited pace, but we continued to operate during
17 the pandemic. I was glad to do that.

18 VICE CHAIRMAN RANKIN: Okay. All right. Judge
19 Forsythe, without any other questions, again,
20 thank you for your willingness to serve and being
21 here today and participating in this process
22 today. Let me remind you that this portion will
23 be closed, but before the formal record of
24 qualifications is issued, we could call you back.
25 You know that we are very serious about both the

1 letter and the spirit of the ethics laws. Any
2 violation or the appearance of impropriety would
3 be taken very seriously. And while we don't
4 expect that, you know that we could call you back
5 in that off chance, correct?

6 JUDGE FORSYTHY: Yes, sir, I do, Mr. Chairman.

7 VICE CHAIRMAN RANKIN: Very good. All right. Judge,
8 again, thank you and --

9 JUDGE FORSYTHY: Thank you so much.

10 VICE CHAIRMAN RANKIN: -- hopefully the travel back
11 for all of y'all driving back to Charleston will
12 be less -- although, no, it's the wrong way right
13 now. Ain't no good way to go to Charleston on
14 26.

15 JUDGE FORSYTHY: No, not right now, Mr. Chairman.

16 VICE CHAIRMAN RANKIN: Right. But thank you. God
17 speed to y'all. Safe travels. Thank y'all
18 so much.

19 JUDGE FORSYTHY: Thank you so much.

20 VICE CHAIRMAN RANKIN: And that will conclude today's
21 portion of the hearings.

22 (Exhibit Number 24 was marked for identification
23 purposes - (47 pages) Complaint of Lee "Carlton"
24 Walker.)

25 (There being nothing further, the proceeding concluded at

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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 MONDAY, THE
29TH DAY OF NOVEMBER, 2021, AND THAT THE FOREGOING 171
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.



JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 11, 2023

Exhibits			1	
121129NO. JMSC_ McKinnon_ Exh 1 4:4 8:10	121129NO. JMSC_ Seigler_ Exh 10 5:5 59:12	121129NO. JMSC_ Ballenger_ Exh 20 6:10 110:18	1 8:10 59:13 136:2	117:19,22,25 16th 140:23 141:5 142:4 143:2,3,5 144:23 146:6 155:1 159:17, 20,21
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