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HEARING PROCEEDINGS

November 30, 2021

JUDICIAL MERIT SELECTION COMMISSION

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

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8 BEFORE: REPRESENTATIVE G. MURRELL SMITH, CHAIRMAN

9 SENATOR LUKE A. RANKIN, VICE CHAIRMAN

10 SENATOR RONNIE A. SABB

11 SENATOR SCOTT TALLEY

12 REPRESENTATIVE J. TODD RUTHERFORD

13 MS. HOPE BLACKLEY

14 MR. J.P. "PETE" STROM

15 MS. LUCY GREY MCIVER

16 MR. ANDREW N. SAFRAN

17 MS. ERIN CRAWFORD, CHIEF COUNSEL

18 * * * * *

19 DATE: November 30, 2021

20 TIME: 9:53 a.m.

21 LOCATION: Gressette Building

22 1101 Pendleton Street

23 Columbia, South Carolina 29201

24 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN SMITH: All right. We are going to call the
2 Judicial Merit Selection Commission to order and
3 we're going to first receive a motion from Vice
4 Chairman Rankin to go into executive session.
5 All in favor say aye.

6 (Ayes are heard.)

7 CHAIRMAN SMITH: All opposed.

8 (No replies are heard.)

9 EXECUTIVE SESSION

10 CHAIRMAN SMITH: All right. Ms. McIver moves that we
11 come out of executive session. All in favor say
12 aye.

13 (Ayes are heard.)

14 CHAIRMAN SMITH: All opposed.

15 (No replies are heard.)

16 CHAIRMAN SMITH: We're now out of executive session.
17 And let me state for the record, that while we
18 were in executive session, no votes were taken
19 and no matters were decided. Judge, how are your
20 doing today?

21 JUDGE TIFFANY: Good morning.

22 CHAIRMAN Is your microphone on?

23 JUDGE TIFFANY: Oh, yeah.

24 CHAIRMAN: Make sure it's on. And guess what, I don't
25 have mine on so we'll make two of us.

1 JUDGE TIFFANY: How's that? How's that? Okay.

2 CHAIRMAN SMITH: All right, Judge Tiffany. I see you
3 brought a guest today. Do you want to introduce
4 the guest to the Commission?

5 JUDGE TIFFANY: This is my husband Peter Tiffany, of
6 twenty-six years.

7 CHAIRMAN: All right, Peter, welcome.

8 THE HONORABLE KATHERINE HALL TIFFANY, being duly
9 sworn, testifies as follows:

10 CHAIRMAN SMITH: Before you, Judge Tiffany, you have
11 your PDQ, personal data questionnaire, and your
12 sworn statement. Are both those documents that
13 you have submitted to the Commission?

14 JUDGE TIFFANY: Yes.

15 CHAIRMAN SMITH: All right. Both of them correct?

16 JUDGE TIFFANY: On number one on my PDQ our Family
17 Court address has changed. I believe I did
18 notify my screening attorney of that information
19 and -- let me see. I'll make sure of one thing.
20 Let's see if I can find the correct number.
21 During my interview with Mr. Triplett -- oh,
22 number forty-seven. I was informed that a search
23 -- apparently a public record search indicated
24 that I had been named as a defendant in two cases
25 in federal district court but as I informed Mr.

1 Triplett I have never been served with these
2 actions so I actually don't really know anything
3 about them.

4 CHAIRMAN SMITH And I presume those are a the pro se
5 lawsuits against the judge for some reason.

6 JUDGE TIFFANY: Yes, yes. Yes.

7 CHAIRMAN SMITH Okay. All right. Other than those
8 two, do you have any other amendments or corrects
9 that you need to add?

10 JUDGE TIFFANY: No, sir.

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

14 JUDGE TIFFANY: Absolutely not.

15 CHAIRMAN SMITH: All right. Hearing no objection we
16 hand those to Lindi and they will become exhibits
17 to your sworn testimony today. Judge Tiffany,
18 the Judicial Merit Selection Commission has
19 thoroughly investigated your qualifications for
20 the bench. Our inquiry is focused on the nine
21 evaluative criteria. In addition, we've included
22 a ballot box survey, a thorough study of your
23 application materials, verification of your
24 compliance with state ethics laws, search of
25 newspaper articles in which your name appears,

1 study of previous screenings and checks for
2 economic conflicts of interest. There have been
3 no affidavits filed in opposition to your
4 candidacy and no witnesses are here to testify.
5 Do you wish to make a brief opening statement to
6 the Commission?

7 (Exhibit Number 1 was marked for identification
8 purposes - (17 pages) Personal Data Questionnaire for
9 The Honorable Katherine Hall Tiffany.)

10 (Exhibit Number 2 was marked for identification
11 purposes - (5 pages) Sworn Statement of The Honorable
12 Katherine Hall Tiffany.)

13 JUDGE TIFFANY: Only to say it's -- five and a half
14 years has flown since I've been back here and it
15 has been my very great pleasure and honor to have
16 served these last -- I guess it is about five and
17 a half years.

18 CHAIRMAN SMITH: Okay. Well thank you very much. And
19 I'm going to have to -- I've got another meeting
20 so I'm going to relinquish the chair to Senator
21 Rankin and then will you answer any questions
22 that your screening attorney may have for you?

23 JUDGE TIFFANY: Absolutely. Good to see you.

24 JUDGE TIFFANY - EXAMINATION BY MR. TRIPLETT:

25 **Q. Good morning judge.**

1 A. Good morning.

2 **Q. Judge Tiffany, after serving for five and a half**
3 **years on the Family Court why do you want to**
4 **continue serving as a Family Court judge?**

5 A. Well to -- I guess to reiterate and maybe add to
6 what my response was on my personal data
7 questionnaire, when I was elected almost six
8 years ago I felt strongly that I was prepared for
9 this position. I spent twenty years in private
10 practice and I can't imaging having served
11 without those twenty years behind me. What I
12 have found in the last five years has been work
13 that has challenged me, it has motivated me.
14 There were things that I was prepared
15 substantively for, things that I have learned
16 since I've been on the bench. What I'm also very
17 conscious of every day is that our society is
18 ever changing. People are getting more
19 complicated. Society is getting more
20 complicated. Relationships are getting more
21 complicated. And I think that the system will
22 only continue to manage the case load if there
23 are judges that are completely dedicated to what
24 they want to do. I believe with every part of me
25 that I was meant to do this. I want to do this.

1 I have enjoyed every second of it no matter the
2 restrictions on my personal life or my time or
3 even the struggles that I have faced in making
4 some decisions, which are hard to make. So that
5 is -- I want to serve as long as I am found
6 qualified and nominated to serve.

7 **Q. Judge Tiffany, what do you think your reputation**
8 **is among attorneys that practice before you?**

9 A. I think first and foremost they'll say that I'm
10 thorough. I am prepared when I come in. I
11 review every case file before I take the bench.
12 I think they will -- would say that I hold them
13 to the standards to which they've been educated
14 and trained. But at the same time my hope is,
15 and I think they'll, say that at the same time I
16 temper what my expectations are with fairness.
17 Everyone gets an opportunity to be heard. I read
18 everything they present to me. I give everyone
19 an opportunity to present their client's case.
20 But at the same time I am conscious of the fact
21 that I have to move cases along. So I hope that
22 the reputation is one of fairness and compassion
23 where it is appropriate but preparation and
24 efficiency and decision making when it is
25 required.

- 1 Q. Judge Tiffany, the Commission received 399 ballot
2 box surveys regarding you with 38 additional
3 comments. The ballot box survey for example
4 contained the following positive comments, "Great
5 judge, excellent temperament, and legally sound
6 reasoning. We're lucky to have her on the bench.
7 Fair, firm, efficient. Judge Tiffany is a real
8 work horse. She's always well prepared. She is
9 direct and to the point while not being harsh
10 with the lawyers or litigants. A good judge."
11 Three of the written comments expressed concerns.
12 One comment expressed concern about your
13 temperament towards attorneys that occasionally -
14 - and that you occasionally show bias in your
15 courtroom. What response would you offer to
16 these concerns?
- 17 A. So obviously I don't know the context when that -
18 - from which that comment was raised. I don't
19 harbor any bias towards anyone. People come in
20 the courtroom and it is the facts that I consider
21 not the people. In terms -- I don't know that
22 there was anything specific on demeanor, but as
23 to bias I can only say that everyone comes in on
24 the same footing and everyone leaves having been
25 given the same opportunity.

1 Q. Okay. Another comment expressed concern that it
2 appears that you don't like your job. What
3 response would you offer to that concern?

4 A. I can't think of anything that is more
5 contradictory to who I am. Obviously I take that
6 seriously. I think -- but I think everything
7 else that the Commission would have obtained
8 during their investigation would be contradictory
9 to that. I take great pride in my job. I took
10 great pride as a lawyer, as a judge. I approach
11 every day with the same energy and hopefully even
12 more energy than I did the day before. I suppose
13 -- do I take pleasure in seeing people at their
14 worst? Absolutely not. Do I take responsibility
15 for making the decisions that have to be made?
16 Absolutely. But I treasure the opportunity. And
17 I can only say that I have no idea what would
18 have prompted that comment. But I will take it
19 as this. A reminder that I set for myself every
20 day. How can I do better every day? And I will
21 take that as a reminder that not only should I
22 feel gratitude but I will appreciate -- I will
23 express it when I can.

24 Q. Thank you, Judge Tiffany.

25 MR. TRIPLETT: I would note that the Upstate Citizens

1 Committee found Judge Tiffany qualified in the
2 evaluative criteria of constitutional
3 qualifications, physical health and mental
4 stability. The Committee found her well
5 qualified in the evaluative criteria of ethical
6 fitness, professional and academic ability,
7 character, reputation, experience and judicial
8 temperament.

9 **Q. And for a few housekeeping issues, Judge Tiffany**
10 **since submitting your letter of intent, have you**
11 **contacted any members of the Commission regarding**
12 **your candidacy?**

13 A. No.

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

17 A. I am.

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

22 A. I have not.

23 **Q. Have you asked any third parties to contact**
24 **members of the General Assembly on your behalf or**
25 **are you aware of anyone attempting to intervene**

1 **in this process on your behalf?**

2 A. No.

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

6 A. I have.

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

12 VICE CHAIRMAN RANKIN: All right. Judge Tiffany,
13 welcome.

14 JUDGE TIFFANY: Good morning.

15 VICE CHAIRMAN RANKIN: And I, of course, met you here,
16 I've never appeared before you. But my memory is
17 that you ran not once, not twice, but three
18 times?

19 JUDGE TIFFANY: Three times, yes.

20 VICE CHAIRMAN RANKIN: For the seat that you now hold?

21 JUDGE TIFFANY: I did.

22 VICE CHAIRMAN RANKIN: And you have held that seat
23 for?

24 JUDGE TIFFANY: About five and a half years.

25 VICE CHAIRMAN RANKIN: Do you like your job?

1 JUDGE TIFFANY: I do.

2 VICE CHAIRMAN RANKIN: Do you love your job?

3 JUDGE TIFFANY: I do.

4 VICE CHAIRMAN RANKIN: And I would submit to you that
5 in -- similarly to your comment that that
6 negative seems to be an outlier. You do enjoy an
7 incredible reputation with how you conduct your
8 business. One particular comment I thought odd
9 but perhaps telling that you over-analyze and you
10 are legalistic in on the little and the big. And
11 so you obviously take seriously what is before
12 you.

13 JUDGE TIFFANY: I do.

14 VICE CHAIRMAN RANKIN: You mentioned the changes now
15 in society, relationships, etcetera.

16 JUDGE TIFFANY: Yes, sir.

17 VICE CHAIRMAN RANKIN: How does that bear out in your
18 courtroom?

19 JUDGE TIFFANY: Well, I think technology in terms of
20 communication between parties it's impacted
21 evidence. We're dealing with social media in
22 terms of evidence. I'm constantly -- I shouldn't
23 be, but I'm constantly surprised by what people
24 are willing to put out on what is the equivalent
25 of a billboard.

1 VICE CHAIRMAN RANKIN: Can't hide stupid, is that the
2 line?

3 JUDGE TIFFANY: Well, no. Just -- I think
4 relationships are just -- relationships are
5 different. There are relationships that are
6 marital relationships and issues that go with
7 marital relationships. There are non-marital
8 relationships and issues that go with those.
9 There are third parties that are -- we have not
10 only parents with custody of children, third
11 parties, related third parties, who are involved
12 in the custody and raising of children. We have
13 foster parents, we have non-related third
14 parties. We have assets that are no longer what
15 you can see and what you can touch but assets
16 that frankly I'm still learning about. This
17 whole Bitcoin thing. I'm still learning about
18 that . But assets that you just have to
19 understand but you can't necessarily visualize.
20 So I think but never -- I will never stop trying
21 to learn. And I will never stop trying to
22 understand and do the very best that I can. And
23 there might -- there will be days when I don't
24 get it quite right, or the best that I can. But
25 I'm going to come back the next day and I'm going

1 to do whatever I can to do better.

2 VICE CHAIRMAN RANKIN: You've been asked to apportion
3 a Bitcoin yet?

4 JUDGE TIFFANY: Not -- well I've had it at a temporary
5 hearing and I had to -- I listened to the
6 arguments and then I had to ask, could somebody
7 please explain to me how you negotiate Bitcoin.

8 VICE CHAIRMAN RANKIN: Did they hand you a wallet?

9 JUDGE TIFFANY: No they did not. They said something
10 about a code and you have to -- and so I -- we --
11 I've had many conversations about that and I
12 understand there's other crypto-currencies. You
13 know, at first I thought well that just sounds
14 crazy but then somebody very intelligent
15 explained to me that the stock market is not
16 necessarily -- it's basically a promise or a
17 guess of what you could get if you sold it so I
18 just have to kind of --

19 VICE CHAIRMAN RANKIN: You're pointing back to
20 somebody behind you. You may have introduced
21 this person.

22 JUDGE TIFFANY: This is my husband.

23 VICE CHAIRMAN RANKIN: Did y'all introduce him
24 earlier?

25 JUDGE TIFFANY: We did, we did.

1 VICE CHAIRMAN RANKIN: Very good. We'll talk about
2 Ethereum and Dogecoins in a moment. So in terms
3 of the Bar though, and litigants other than
4 unique attributes of social media and assets, are
5 we nicer now? Are we -- it's an odd question to
6 you but.

7 JUDGE TIFFANY: You mean as a society? No. I don't
8 think we are, and that's a shame. I think -- I
9 don't mean to sound curt about that but I do very
10 much feel in my court room very often a lot of
11 anger, a lot of impatience with each other. Now
12 obviously I'm seeing people at the point where
13 they can't resolve their differences. I'm sure
14 there are a number of people that very
15 successfully resolve their differences but I
16 think that social media -- I think frankly the
17 whole Covid situation has really frayed people's
18 emotions. I think we are constantly having to
19 assess where boundaries are between people as
20 families, as parents. So I wish we could be
21 nicer. And I try to be nice to everyone that
22 comes in my courtroom. Represented,
23 unrepresented. People might not necessarily
24 leave happy with the result but what I hope is
25 that they leave satisfied that they were heard.

1 VICE CHAIRMAN RANKIN: Very good. All right.

2 Questions? Ms. Hope Blackley.

3 MS. BLACKLEY: Hey, Judge Tiffany.

4 JUDGE TIFFANY: Good morning.

5 MS. BLACKLEY: Good to see you.

6 JUDGE TIFFANY: Good to see you.

7 MS. BLACKLEY: Your reputation precedes you and I just
8 wanted to go on record of having worked with you
9 and I was the former clerk and enjoyed our time.

10 JUDGE TIFFANY: In Spartanburg.

11 MS. BLACKLEY: In Spartanburg, yes.

12 JUDGE TIFFANY: They don't send me there enough.

13 MS. BLACKLEY: They don't send you there enough, well
14 I'm sure they would love to have you if they
15 could send you but I saw Paul Wickensimer's
16 letter, who I respect tremendously, and he is a
17 personal and professional friend of mine and I
18 called him my mentor, one of my mentors. So that
19 speaks volumes because he is so reputable. But
20 thank you for what you do and everything you've
21 just expressed is so true.

22 JUDGE TIFFANY: Thank you.

23 MS. BLACKLEY: I think a Family Court judge is one of
24 the hardest jobs going around now with everything
25 that goes on in Family Court. And I just wanted

1 to put on record, I want to thank you for what
2 you do.

3 JUDGE TIFFANY: Well thank you, I appreciate that.

4 MS. BLACKLEY: I've been very pleased with your work.

5 JUDGE TIFFANY: Thank you.

6 VICE CHAIRMAN RANKIN: Senator Talley.

7 SENATOR TALLEY: Thank you Mr. Chairman, Judge
8 Tiffany, good morning.

9 JUDGE TIFFANY: Morning, Senator.

10 VICE CHAIRMAN RANKIN: Not so much a question but just
11 a few comments. To echo what Mr. Triplett said
12 and obviously I've been in your courtroom several
13 times and you are very thorough. You are detail-
14 oriented. That is appreciated to know that you
15 take the time to read what we prepare and submit
16 on behalf of clients. And I think it's telling,
17 too, when we look at the ballot box survey and
18 since you've been serving almost six years and
19 the number of people that responded only two
20 found you unqualified or thought that you were
21 unqualified in judicial temperament. That kind
22 of mirrors that there were three negative
23 comments as well. So I just commend you for the
24 job you're doing. You have a great persona in
25 the courtroom. You can smile at me when you're

1 ruling against me just like you can conduct a
2 courtroom in the way that it should be done. So
3 I'm glad you are willing to continue serving.
4 You're an asset to the Family Court.

5 JUDGE TIFFANY: Thank you, Senator.

6 VICE CHAIRMAN RANKIN: Last -- any comments? I'll
7 close it out with one more and that about another
8 letter offered in your candidacy and this is from
9 a person you've worked with twenty years in the
10 mock trial field.

11 JUDGE TIFFANY: Yes.

12 VICE CHAIRMAN RANKIN: You're not doing that just for
13 the billboard or the show or the election.
14 That's a long time bit of service and that is
15 greatly appreciated by the folks there at Furman,
16 so.

17 JUDGE TIFFANY: Thank you.

18 VICE CHAIRMAN RANKIN: All right. Unless there are
19 other questions, Judge, this will conclude this
20 portion of our screening process. You are
21 familiar, now having done this many times.

22 JUDGE TIFFANY: Yes.

23 VICE CHAIRMAN RANKIN: That we are very -- pay great
24 adherence to both the letter and the spirit of
25 South Carolina ethics laws. Any violation or the

1 appearance of impropriety of those will be deemed
2 very serious. We could call you back, and you
3 understand this record will not be closed until
4 the final record, report of qualifications, is
5 issued, right?

6 JUDGE TIFFANY: Yes. I understand.

7 VICE CHAIRMAN RANKIN: You understand that. All
8 right. I don't think we'll see you again before
9 but we wish you well.

10 (Off the Record)

11 VICE CHAIRMAN RANKIN: We're late. But it's not you,
12 Judge, that's late it's us.

13 JUDGE ROPER: I am perfectly fine to go by your
14 schedule. It's nice for once not to have the
15 responsibility for it.

16 VICE CHAIRMAN RANKIN: Very good.

17 THE HONORABLE KAREN SANCHEZ ROPER, being duly
18 sworn, testifies as follows:

19 VICE CHAIRMAN RANKIN: All right. You have before you
20 the personal data questionnaire and sworn
21 statement. Are those ready to be entered into
22 the record?

23 JUDGE ROPER: Yes, they are, sir.

24 VICE CHAIRMAN RANKIN: No additions that need to be
25 made?

1 JUDGE ROPER: I do not have any corrections or
2 additions.

3 VICE CHAIRMAN RANKIN: All right. If you'll hand
4 those to Lindi. You came in with a security
5 detail, you want to tell us who that is?

6 (Exhibit Number 3 was marked for identification
7 purposes - (15 pages) Personal Data Questionnaire for
8 The Honorable Karen Sanchez Roper.)

9 (Exhibit Number 4 was marked for identification
10 purposes - (7 pages) Sworn Statement of The Honorable
11 Karen Sanchez Roper.)

12 JUDGE ROPER: Yes I would. This is my handsome
13 security detail, my husband Ken Roper who has
14 been my husband for 27 years now, so he was nice
15 enough to accompany me here today.

16 VICE CHAIRMAN RANKIN: Ken Roper, welcome. And we'll
17 give you the opportunity to write notes to
18 Senator Talley to ask questions that you would
19 have him ask of your wife under oath.

20 JUDGE ROPER: Have to remember I am under oath, yes.

21 VICE CHAIRMAN RANKIN: Maybe Pete Strom would be the
22 closest to you there. All right. We -- and
23 you've been serving now how long?

24 JUDGE ROPER: Almost six years. I've been doing it
25 five years now. So I was back here running for

1 this job for my initial term about six years ago.

2 VICE CHAIRMAN RANKIN: Welcome back. You look as
3 fresh and new to this as you did surely then.

4 JUDGE ROPER: Well, you know, hey, make-up helps. And
5 -- no, I can honestly say I enjoy this job and it
6 has been a wonderful five years and I feel very
7 honored and privileged to be able to have
8 essentially what has been my dream job. So I
9 have enjoyed every moment of it.

10 VICE CHAIRMAN RANKIN: Very good. In our
11 investigation of your re-election for service on
12 the bench you know that we focus on the nine
13 evaluative criteria including the ballot box
14 survey, a thorough study of your application
15 materials, verification of your compliance with
16 the state ethics laws, search of newspaper
17 articles in which your name appears, study of
18 your previous screening, and a check for economic
19 conflicts of interest. No affidavits have been
20 filed in opposition to your election and no
21 witnesses, other than your husband, is here to
22 testify if he so chooses.

23 JUDGE ROPER: He promised he would be kind.

24 VICE CHAIRMAN RANKIN: I will bait him as best I can
25 but don't take the bait, sir. You have made a

1 brief opening statement already. I don't want to
2 ask -- tell you you can't do another.

3 JUDGE ROPER: No.

4 VICE CHAIRMAN RANKIN: But if you like the floor is
5 yours otherwise I will turn it over to Haley for
6 questions of you.

7 JUDGE ROPER: I am happy to waive that and will be
8 happy to answer any questions.

9 VICE CHAIRMAN RANKIN: Very good.

10 MS. SYMMES: Thank you, Mr. Chairman.

11 JUDGE ROPER - EXAMINATION BY MS. SYMMES:

12 **Q. Judge Roper, after serving almost six years on**
13 **the Family Court why do you want to continue**
14 **serving as a family judge?**

15 A. Well as I would echo what I said earlier that
16 this was my dream job and I feel a tremendous
17 honor and privilege to be able to serve as a
18 Family Court judge in the state for the last few
19 years. And I believe when I was before this
20 committee before I emphasized the reason that I
21 wanted this job was because I thought that it was
22 a position that I could really have some impact
23 and possibly bring about some positive changes in
24 my community. And I still feel that way five
25 years later. I often tell people that the best

1 way to get to know your community is either
2 serving in the courts or serving in the schools.
3 You get to see up close and personal what the
4 strengths and weaknesses of your community are.
5 And each day in court I deal with people that
6 have a lot of struggles and those are struggles
7 ranging anywhere from the breakup of their family
8 to drug addiction, to unemployment, to mental
9 health issues. But then each day I also get to
10 witness the strengths of families coming together
11 to overcome problems. Grandparents stepping up
12 to protect grandchildren happens a lot. People
13 completing their treatment services and
14 rehabilitating themselves and getting reunified
15 with their children. Parents going through a
16 nasty divorce able to set aside their differences
17 and have a settlement that they believe serves
18 the best interest of their children. So I feel a
19 great responsibility to help shepherd people
20 through that process and a great satisfaction in
21 being able to have a voice in that process. And
22 so I would like to continue it as best I can.

23 **Q. Thank you. Judge Roper, what do you think your**
24 **reputation is among attorneys that practice**
25 **before you?**

1 A. If I had to guess, I think that they would say
2 that I am fair and that I'm very organized. I do
3 like to run on time. I like to run my docket
4 efficiently. I like it when people are prepared
5 because I feel like those are some of the things
6 that I bring to the table. I'm there on time
7 every day, I'm organized and I'm prepared. I
8 know that I'm not always going to rule
9 necessarily in an attorney's favor. But I
10 believe that their feeling of me would be at
11 least I'm going to give them a fair opportunity
12 to argue their case, demonstrate their competence
13 in front of their clients and even if I disagree
14 with their position that I do so in a fair and
15 respectful manner. I hope that's their opinion
16 of me.

17 Q. Thank you. Judge Roper, the Commission received
18 373 ballot box surveys regarding you with 27
19 additional comments. The ballot box survey for
20 example contained the following positive
21 comments, "Karen Roper is an excellent Family
22 Court judge. She has great temperament, shows
23 good judgement and is fair to all parties" and,
24 "Judge Roper is well respected. She is courteous
25 and compassionate. She is extremely

1 knowledgeable of the law, she's a professional,
2 and is a well respected member of the bench."
3 And finally, "I really don't think there is any
4 issue too difficult or confusing for Judge Roper
5 to handle in Family Court. She manages anything
6 she is handed to decide with fairness and
7 patience. The Family Court is all the better for
8 having her on it." Only six of the written
9 comments expressed concerns. The first area
10 indicated that you have a tendency to favor
11 female litigants. What response would you offer
12 to this concern?

- 13 A. Thank you. I'm glad to have the opportunity to
14 respond because I have to say I was very
15 disheartened when I saw that comment. And I just
16 want to make sure that the record on that is
17 absolutely clear that I do not in any way take
18 gender into account as a factor in my decision
19 making. I have had litigants and attorneys argue
20 -- make gender-based arguments to me before.
21 Which I reject each time on the record and
22 emphasize that that is not a factor in my
23 decision making. I have had mothers argue that
24 fathers cannot be parents -- parent competently
25 teenage girls. I've had fathers argue that

1 mothers cannot adequately parent teenage boys.
2 And I disagree whole heartedly with this. On a
3 personal note, I would say that you know I have
4 my husband here with me today. We were law
5 partners for about fifteen years prior to my
6 ascending to the bench. And together we raised
7 two sons. And I would not be here before you
8 today were it not for his equal contribution in
9 helping raise our boys and allowing me to be able
10 to pursue a career, were it not for his help and
11 assistance. And I shouldn't even say help and
12 assistance. He's probably the more competent
13 parent than I am. So I just wanted to strongly
14 say that it disheartens me if anyone had that
15 perception of me. I know that there are some old
16 perceptions that still sometimes unfortunately
17 remain from a time back when our courts did have
18 custodial preference for mothers. But I will try
19 my best to make sure and address that very
20 specifically and head on at any times in the
21 future to assure people that that is absolutely
22 not a factor in my decision making.

23 **Q. Thank you. Judge Roper, the second concern**
24 **indicated that you have poor judicial temperament**
25 **and that you have been impatient with attorneys**

1 **and litigants. What response would you offer to**
2 **this concern regarding your temperament?**

3 A. I would say I'm sure there probably have been
4 times when I have been impatient. As I said, I
5 do like to run on time. I like to be organized.
6 So in cases where we're running behind or if
7 attorneys are not prepared or if a litigant is
8 being disruptive there probably have been times
9 when I have been impatient. But I do not think
10 there has ever been a time that I ever raised my
11 voice or displayed any anger. They probably were
12 just more feeling my energy as being a little
13 impatient on whatever that particular occasion
14 was. So I can certainly take that comment and
15 take some helpful construction from that. And
16 will certainly work to be patient. But I do
17 think that that would be the exception and not
18 the rule to what my general temperament is.

19 **Q. Thank you. And finally, Judge Roper, one comment**
20 **questioned your knowledge of state law and**
21 **another your knowledge of the federal code, the**
22 **IRS code in particular. What response would you**
23 **offer to this concern?**

24 A. I was not sure what that person was referencing
25 so I'm not really sure which laws that they are

1 concerned about me not having knowledge of. I
2 will say that prior to serving on the bench I was
3 a family law attorney for about 22 years and I
4 represented clients in private divorce and
5 custody litigation. I was a DSS attorney, I was
6 a 608 indigent defense counsel. I served as a
7 guardian ad litem. I may not always make the
8 right decision in my cases but I do know the law.
9 And so I can't imagine what the person was
10 referencing. But I feel competent in my
11 knowledge of family law. May not get the
12 decision right every time but the law is
13 something that is my guide in all my decisions.

14 **Q. Thank you, Judge Roper.**

15 MS. SYMMES: I would note that the Upstate Citizens
16 Committee reported Judge Roper to be qualified in
17 the evaluative criteria of constitutional
18 qualifications, physical health, and mental
19 stability, and well qualified as to the criteria
20 of ethical fitness, professional and academic
21 ability, character, reputation, experience, and
22 judicial temperament.

23 **Q. Judge Roper, since submitting your letter of**
24 **intent, have you contacted any members of the**
25 **Commission about your candidacy?**

1 A. No, I have not.

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

6 A. Yes, I am.

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

11 A. No, I have not.

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

16 A. No, not at all.

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

20 A. Yes, I do.

21 Q. Thank you, Judge Roper.

22 MS. SYMMES: I would just note for the record that any
23 concerns raised during the investigation
24 regarding the candidate were incorporated into
25 the questioning today. Mr. Chairman, I have no

1 further questions.

2 JUDGE ROPER - EXAMINATION BY VICE CHAIRMAN RANKIN:

3 Q. Okay. Judge Roper thank you. I was curious
4 about your response and whether you would hear
5 the question about the bias against men having
6 custody. If you're a man serving in the role of
7 Family Court judge perhaps you are assumed to
8 have a bias for the man. So it's a damned if you
9 do, damned if you don't I'm sure. But how is it
10 that you put your blinders on effectively a
11 gender blinder when hearing and weighing the
12 tough case that can't be worked out in custody?

13 A. Sure. And I think that the reason why we have
14 our statutes, our rules of court and our case law
15 as precedent is to serve as those guide posts for
16 us. So that we are focusing on the elements set
17 forth in the law that tell us need to be parts of
18 our decision, and discarding those things that
19 may distract us from what the true and just
20 decision should be. Certainly we are all human
21 and every human brings to the table their past
22 experiences and -- in life to the table. But
23 generally that should be an aid to our decision
24 making. But trying to relate to the other humans
25 in the court room in front of you. And remember

1 that they are generally there on their worst day.
2 And part of the job is not only to look at the
3 statutes and the laws but to treat people with
4 compassion and empathy and respect knowing that
5 in Family Court they're there on their worst day.
6 So what I do is I focus on the law, use that as
7 my guide post for determining what the decision
8 should be. And then try to use my personal
9 humanity and compassion for determining what is
10 the best interest in any given situation.

11 **Q. You practiced family law with your husband before**
12 **and mentioned a number of years, I didn't pay**
13 **attention.**

14 A. Yes. We were in private practice fifteen years
15 or so together.

16 **Q. And does your husband still practice in the**
17 **family law arena?**

18 A. Oh, no, he never practiced in family law, I'm
19 sorry, no. He only -- he practiced in criminal
20 defense and government laws, other areas.

21 **Q. Perhaps we really do want him passing notes to**
22 **Mr. Strom.**

23 A. That's right.

24 **Q. So the practice of law for those years versus now**
25 **the role reversal of dispensing with justice,**

1 **which role do you like better and what did you**
2 **learn from your years of practicing that you've**
3 **put into place?**

4 A. Yes. Let me say I love being an attorney and I
5 don't have any complaints about the profession
6 but I do prefer being a judge. It is -- it's a
7 wonderful job. The people that you get to see,
8 the citizens from your community coming into the
9 courtroom when you're presiding over a long day
10 of fifteen-minute hearings each. I don't think
11 you need to be a judge if you don't like people.
12 And if you like people it's a job that is very
13 rewarding because you get to see all the citizens
14 of your community come in and try to help them
15 with their problems. I also enjoy watching
16 lawyers present their case. Because I do like
17 lawyers, I married one. And I can relate to
18 those years of trying to run a business and keep
19 your client base and satisfy your client, do a
20 good job, all the hours of preparation that you
21 put into going into a trial. I enjoy watching
22 attorneys try cases. I try to remember what it
23 was like to be in that position and I try to do
24 what I can do to make their job easier and not
25 make their job harder. But I thoroughly enjoy

1 being a judge and being able to watch attorneys
2 do their work every day.

3 **Q. Cases that you've tried, any that have gone up to**
4 **the Court of Appeals or supreme?**

5 A. Yes, yes. I have had a few that have gone up to
6 the Court of Appeals. I believe one had a hotly-
7 contested custody case that I was affirmed on.
8 Second one, a hotly-contested custody and
9 contempt case that I was affirmed on but they
10 modified and they gave more attorneys fees than I
11 had awarded. My other one I was reversed on. It
12 was a termination of parental rights case brought
13 by DSS. And that was one of the most heart
14 wrenching and difficult cases that I have dealt
15 with. It was parents who had been severe drug
16 addicts for over a decade. They had had their
17 parental rights terminated to four previous
18 children. This case was as to their fifth child.
19 The foster parents were seeking to terminate
20 their parental rights and adopt this child.
21 These parents had made some progress but I didn't
22 find that they'd made progress enough and I
23 terminated their parental rights. The Court of
24 Appeals disagreed with me. And that's the nature
25 of the job. I accept that, that the Court of

1 Appeals disagreed. That's my only reversal I've
2 had but I still believe that -- I sleep better at
3 night knowing the decision I made.

4 **Q. Very good. Last comment from me. Apparently you**
5 **earned accolades of a former brother of ours in**
6 **the senate, Senator Larry Martin, who**
7 **complimented you on your fixing the child support**
8 **problem. Tell us about that briefly?**

9 A. Senator Martin may have been too kind in his
10 words, I doubt that I have fixed the child
11 support problem.

12 **Q. There's a really small post script that says if**
13 **ever due from any of his family he's sure you're**
14 **going to be able to collect.**

15 A. That's right, that's right.

16 **Q. Really small postscript, there.**

17 A. Senator Martin is such a kind man and has been so
18 kind to both my husband and myself throughout our
19 times living in Pickens County and even kinder
20 than Senator Martin is his wife Susan who taught
21 both of my boys in school so we have a lot of
22 respect for the Martins. But what he is
23 referencing, very generously, is that when I
24 first came to the bench on Pickens County I did
25 not realize that we conducted our child support

1 enforcement cases differently than the rest of
2 the state did. In your first year of being a
3 judge they send you traveling around the state so
4 I got to experience a lot of different counties
5 and how they handle that. And I realized that
6 there had been evidently a kind of unwritten rule
7 in Pickens County that DSS child enforcement
8 personnel were not allowed to negotiate the
9 arrearages with the parents when they came to
10 court. That every single case had to come before
11 the judge. So that wound up expending a lot of
12 docket time on those cases and wound up having a
13 lot of people serving jail terms on those cases.
14 When I realized we were doing it differently than
15 everybody else, I said let's try it the way the
16 rest of the state is doing it. We started doing
17 those negotiations, they were able to reduce our
18 docket time dedicated to those cases and have
19 many fewer people incarcerated for failure to pay
20 child support as a result. And our clerk of
21 court told us that our collection numbers
22 remained the same. Now then Covid hit, so I
23 think that our child support numbers now have
24 gone -- the collection has gone way down because
25 we were not able to have mass hearings and there

1 was a time when bench warrants were suspended.
2 But I'm hopeful that now that those restrictions
3 have been lifted we'll go back to our practice
4 and get our child support collections back up.

5 VICE CHAIRMAN RANKIN: Very good. All right. That's
6 all the questions I have. Others on the
7 Commission? Ms. Blackley?

8 MS. BLACKLEY: I know we don't know each other but I
9 have to comment on the child support enforcement
10 negotiations, that is huge. Thank you for
11 implementing that. I wish we had that across the
12 board and the same rules for the entire state.

13 JUDGE ROPER: Yes.

14 MS. BLACKLEY: I have some very strong opinions about
15 that and what DSS can do but thank you for
16 implementing that. It is a -- it saves so much
17 court time --

18 JUDGE ROPER: It does.

19 MS. BLACKLEY: -- for the judges to hear other cases
20 and you're a smart lady to do that so I just
21 wanted to compliment you on that. As a former
22 Clerk of Court of Spartanburg, yes. That's one
23 of the things we did when I became and it's a lot
24 court time.

25 JUDGE ROPER: Yes. Spartanburg is one of the places

1 where I learned that practice, so thank you for
2 that.

3 MS. BLACKLEY: Thank you for doing that.

4 JUDGE ROPER: Thank you.

5 VICE CHAIRMAN RANKIN: All right. Other questions?
6 Senator Talley.

7 SENATOR TALLEY: Good morning, Judge Roper.

8 JUDGE ROPER: Good morning.

9 SENATOR TALLEY: Nice to see you.

10 JUDGE ROPER: You too.

11 SENATOR TALLEY: I don't expect you to comment on this
12 but I just wanted to put on the record, based on
13 the very few negative comments you've received.
14 I've actually been part of two cases that go
15 against what these comments say that were in your
16 courtroom. One was an out-of-state jurisdiction
17 case that was being brought to South Carolina.
18 And your ruling in that case actually favored the
19 father as a custodial parent so I found that
20 comment interesting. The second one was a case
21 that involved some pretty complex financial
22 issues involving a former professional athlete
23 and how money had been accounted for and things
24 of that nature. No need to go into the details
25 here but you even though I didn't like your

1 ruling, you were right in how you treated those
2 finances. So, I just found both those comments
3 based on my experience before you to be a little
4 off base and I wanted to state that on record.
5 So good to see you and glad you want to continue
6 to serve.

7 JUDGE ROPER: Thank you, Senator Talley. I appreciate
8 your comments. It's always a pleasure to have
9 you in front of me.

10 VICE CHAIRMAN RANKIN: All right. Mr. Roper? Any
11 questions?

12 MR. ROPER: Nothing further, thank you.

13 JUDGE ROPER: So can I object?

14 VICE CHAIRMAN RANKIN: You want to object to him not
15 wanting to ask something?

16 JUDGE ROPER: No, no.

17 VICE CHAIRMAN RANKIN: Your objection is sustained.
18 Come on down, Mr. Roper. All right, Judge, thank
19 you again. This will conclude this portion of
20 our screening process. And you know that we keep
21 the record open --

22 JUDGE ROPER: Yes, sir.

23 VICE CHAIRMAN RANKIN: -- right, until the final
24 release of the record of qualifications. You
25 could be called back to explain in the event of

1 any appearance of impropriety. We take very
2 seriously both the letter and spirit of the
3 ethics laws. Any violation of that would be very
4 seriously considered by us. And so I need you to
5 acknowledge affirmatively for the record that you
6 know that and you remember that in your last
7 screenings.

8 JUDGE ROPER: I know that. And I will certainly abide
9 by all those rules. Thank you very much.

10 VICE CHAIRMAN RANKIN: Very good. We do not expect to
11 see you but we have to include that in the
12 record.

13 JUDGE ROPER: Thank you.

14 VICE CHAIRMAN RANKIN: Roper family, peace to you,
15 happy trails back to the upstate.

16 JUDGE ROPER: Thank you all very much. And thank you
17 all, I appreciate you all having me here today.
18 Thank you for your time.

19 VICE CHAIRMAN RANKIN: We're off the record.

20 (Off the record.)

21 VICE CHAIRMAN RANKIN: Judge, welcome. You have
22 before you your personal data questionnaire and
23 sworn statement. Any additions to those that
24 need to be made?

25 JUDGE SALVINI: No, sir.

1 VICE CHAIRMAN RANKIN: If you'll hand those to Lindi.
2 You don't object to them being put in the record
3 do you?

4 MS. Salvini: I do not.

5 VICE CHAIRMAN RANKIN: All right. You have screened
6 before.

7 (Exhibit Number 5 was marked for identification
8 purposes - (24 pages) Personal Data Questionnaire for
9 The Honorable Jessica Ann Salvini.)

10 (Exhibit Number 6 was marked for identification
11 purposes - (10 pages) Sworn Statement of The Honorable
12 Jessica Ann Salvini.)

13 JUDGE SALVINI: I have.

14 VICE CHAIRMAN RANKIN: And remind me how long ago?

15 JUDGE SALVINI: Two years ago, two and a half years
16 ago.

17 VICE CHAIRMAN RANKIN: Seems like yesterday?

18 JUDGE SALVINI: It does seem like yesterday, actually.

19 VICE CHAIRMAN RANKIN: The composition of this
20 Commission hasn't changed so welcome back.

21 JUDGE SALVINI: Thank you.

22 VICE CHAIRMAN RANKIN: You know that we, in our
23 investigation of your candidacy for re-election,
24 look at nine evaluative criteria with a
25 particular attention to the ballot box surveys,

1 study of your application materials, verification
2 of your compliance with the state ethics laws,
3 search of newspaper articles in which your name
4 appears, and the study of previous screenings as
5 well as a check for economic conflicts of
6 interest. No affidavits have been filed in
7 opposition to your election. No witnesses are
8 here to testify for you or against you. So the
9 floor is yours to make a brief opening statement
10 if you'd like. Otherwise, we'll turn it over to
11 Mr. Hinson for questions.

12 JUDGE SALVINI: I'm going to turn it over to Mr.
13 Hinson for questions for me. Unless y'all want
14 me to make a statement. You have all my
15 materials and I've seen y'all not that long ago,
16 so I'm going to turn it over to Mr. Hinson.

17 JUDGE SALVINI - EXAMINATION BY MR. HINSON:

18 **Q. Good morning.**

19 **A. Good morning.**

20 **Q. Judge Salvini, after serving almost those two**
21 **years on the court why do you want to continue**
22 **servng as a Family Court judge?**

23 **A. I love it. I've had the best time in the last**
24 **two years. And at first when I knew I was going**
25 **to be up for re-election I felt extremely anxious**

1 about it and nervous. I was -- I just went
2 through this process, I got to go through it all
3 again. But it's actually been the best way for
4 me to sort of figure out if what I'm doing is
5 good. Am I making a difference, is the way I
6 handle court, the way I run my docket, is it
7 working for lawyers, is it working for litigants,
8 does it work for court staff? So this has been a
9 great way for me to determine if I'm doing
10 something wrong or if I need to make a change.
11 It's actually been more rewarding than I thought
12 it was going to be. I mean, I was excited about
13 doing it. I loved being a city judge, but then
14 starting in in Family Court, I mean, it's been --
15 I don't know how else to describe it but awesome.
16 I've had a great time. Even on some of the
17 things that have been really tough for me to
18 handle. I've represented some juveniles when I
19 was a lawyer but coming on a Family Court bench
20 and seeing how many juveniles come through the
21 Family Court process charged with crimes. I did
22 my very first waiver hearing where a juvenile was
23 charged with murder -- actually did three. They
24 were charged with murder, and had to hear those.
25 And it was just -- it was heart-wrenching but it

1 made me feel like I was doing my job and doing it
2 well. And so I'm excited about continuing. I
3 feel like I've sort of landed where I needed to
4 be, if that makes sense. From being a lawyer for
5 all those years, being a city judge, and then now
6 being on the Family Court bench. So I'm excited
7 about continuing.

8 **Q. Judge Salvini, what do you think your reputation**
9 **is among the attorneys that practice before you?**

10 A. Wow, that's a good question. I'd like to say
11 that I think that my reputation is that I am fair
12 and reasonable and approachable, that I haven't
13 forgotten what it's like to be in the trenches as
14 an attorney, especially in Family Court which is
15 -- I'm not saying it's harder than other
16 litigation, it's just people in Family Court are
17 going through the worst times of their lives.
18 They're having a total stranger tell them how
19 much money they're going to get to spend and
20 have, what -- when they're going to get to see
21 their children, if ever. And so I'd like to
22 think that lawyers feel like I remember that and
23 that I'm compassionate for them and their clients
24 and that I will go the extra mile if they need
25 it. If they call my office -- if two lawyers

1 call and say judge we really need to be heard
2 before Christmas I'm going to get them in no
3 matter what, if I have to stay late, or come
4 early, especially if they've got an issue. And I
5 think that's across the board. Nobody gets
6 special treatment. I think everybody realizes --
7 and I sit in Greenville, that they can call. If
8 you've got two lawyers to tell me they got a
9 major problem that I'm going to work them in.
10 I'm going to give y'all example. I've got an
11 adoption hearing coming up, it was set for after
12 the new year. There are some special
13 circumstances. I had two lawyers email my office
14 say judge can you please? We see you're in
15 Greenville in the next few weeks, before
16 Christmas can you please work is us in, docket is
17 so full. I'm going to hear them next week.
18 We're going to get them in. I mean that's -- and
19 I like to think that they realize that I'm
20 approachable enough that if they've got a
21 problem, they can call.

22 **Q. Judge, the Commission received 400 ballot box**
23 **surveys regarding you with 50 additional**
24 **comments. The ballot box survey for example**
25 **contained the following positive comments, that**

1 you were described as an excellent judge, "Treats
2 litigants even-handedly." Another said you were
3 professional and courteous, another said that you
4 are a great judge, even tempered and very
5 intelligent. "She issues solid decisions." Only
6 one expressed a concern. While they stated you
7 are an overall good judge, they believed you
8 spent too much time explaining things to pro se
9 litigants. What response would you have to that
10 comment?

11 A. I think that I would like to disagree but I think
12 it comes from my time on the city court bench
13 where 90 percent of litigants that come before
14 municipal court are pro se. They don't have
15 lawyers, they don't understand the court process.
16 I'm sure there are some attorneys that are tired
17 of hearing the same speech that I give to all pro
18 se litigants before we start a trial or before we
19 start a temporary hearing. But in response to
20 that I find, and hopefully some of the attorneys
21 feel like this is beneficial, that if I start off
22 the process by explaining to them, this is what
23 the rules are in this proceeding, this is how
24 we're going to go forward, this is what the
25 issues are, that's all we're focusing on. That

1 it's more efficient. More times than not pro se
2 litigants will actually agree with some of the
3 things that are being asked for once they
4 understand what's being asked for. And I just
5 found that it's -- I'm able to move through the
6 proceeding much more efficiently and that they
7 know the rule. So that when somebody objects and
8 I sustain that objection, I'm not getting a look
9 like oh my gosh, she just cut me off, I can't
10 explain to you, you know, my side. They
11 understand that this is the rules and this is
12 what we're going to do. So, I'm sorry that some
13 lawyers may be tired of hearing the same speech
14 over and over again but I do think it's
15 beneficial and I'll take into consideration maybe
16 shortening it a little bit. But it does -- it's
17 so helpful when people understand why they're
18 there. And the reason for the ruling. So that
19 then they know what they need to do going
20 forward. I want everybody that walks out of the
21 courtroom to know, especially at temporary
22 hearings, what their rights are, what their
23 obligation is especially. To their kids as well
24 as what bills they've got to pay, what they're
25 supposed to do when they walk out of if they

1 don't have an opposing counsel.

2 **Q. Thank you.**

3 MR. HINSON: I would note that the Upstate Citizens
4 Committee found Judge Salvini qualified in the
5 evaluative criteria of constitutional
6 qualifications, physical health and mental
7 stability. The committee found the judge well
8 qualified in the criteria of ethical fitness,
9 professional and academic ability, character
10 reputation, experience and judicial temperament.

11 **Q. I just have a few housekeeping questions.**

12 A. Certainly.

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

16 A. No, sir.

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

20 A. Yes, sir.

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

25 A. I have not.

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

5 A. I have not and I'm not aware of anybody doing so.

6 Q. Have you reviewed and do you understand the
7 Commission's guidelines on pledging and South
8 Carolina code § 2-19-70(E)?

9 A. Yes, sir.

10 MR. HINSON: I would just note for the record that any
11 concerns raised during the investigation
12 regarding the candidate were incorporated in the
13 questioning of the candidate today and with that
14 I have no further questions.

15 VICE CHAIRMAN RANKIN: All right. Judge Salvini, just
16 a couple of comments. One on the back of a
17 complaint that you were too -- spent too much
18 time with pro se litigants. If the pro se
19 litigants had the opportunity to comment in
20 ballot box surveys undoubtably you would -- so
21 the one negative is perhaps an attorney that
22 might need a time out, whoever that would be.
23 But I think you have explained it beautifully.
24 And what an ability to kind of, I guess, endear
25 yourself, make comfortable, this process this pro

1 se litigant has decided whatever reason not to
2 hire an attorney. And to help them get through
3 it. Even in the limit of what is in context.
4 That's a type of service and attitude of help
5 that I appreciate, particularly as a judge.

6 JUDGE SALVINI: Thank you.

7 VICE CHAIRMAN RANKIN: And so again, not worn out yet
8 from this because it's been but about two years
9 and change. Has it changed for you issues
10 different how people appear before you are you
11 still seeing the same type of issues? Again it's
12 a strange question perhaps. Do you understand
13 what I'm asking?

14 JUDGE SALVINI: I think I do. Are you asking me from
15 the time I started to now am I seeing the same
16 kind of cases or are you asking me whether or not
17 the lawyers treat me differently, or?

18 VICE CHAIRMAN RANKIN: That and the people that appear
19 before you. Same amped-up anxiety, same ---

20 JUDGE SALVINI: It's the same. I think that the
21 lawyers -- that's a good question. As far as the
22 attorneys, they do treat me differently. I mean
23 I say that I try to be as approachable as
24 possible but they do -- there is a barrier
25 between me and them which I think there should be

1 to some degree. But for the most part I don't
2 feel like the attorneys from the time I've
3 started to now, the ones that know me from just
4 being on the bench and also being in private
5 practice. Especially because I did so much
6 domestic work I know 99 percent of all attorneys
7 that come into the court room. I think that they
8 -- I don't really see a big change at all. The
9 litigants, I think, are the same. It's the same
10 -- Family Court's heart-wrenching. It is really,
11 really hard to tell somebody, especially in a I
12 say for example an adultery situation, where two
13 people are living in the house together. And
14 they may have a blended family because mom came
15 with a couple kids and dad came with a couple
16 kids and now one of them has strayed. So they're
17 still in the house so they need a judge to tell
18 them who's going to leave. And setting like
19 their personal feelings aside about having a
20 total stranger tell them who's going to get to
21 live in that house. Thinking about I've got a
22 blended family where they maybe let's say have
23 one child together but mom has two kids I'm just
24 getting ready to tell that they may have to go
25 with their parent versus whether dad has to take,

1 you know, his daughter with him who has custody.
2 Those -- when they walk into that courtroom there
3 is a tension and a feeling of, this total
4 stranger is going to tell me how I'm going to
5 live my life and that I have to leave my house
6 that I've been living in for the last ten years.
7 It's hard. It's really hard. I mean, it's -- I
8 feel myself sometimes in hearings getting choked
9 up a little bit when I'm reading a packet and
10 hearing the lawyers argue. But it hasn't changed
11 how I feel about it. I mean, I want to make the
12 best decision I can and try to put them in the
13 path that's going to help them get through this
14 toughest time and hopefully come out on the end,
15 not in a courtroom where they're having a five
16 day trial where they're throwing as much mud at
17 each other as they possibly can to destroy each
18 other. My hope is that whatever decision I make
19 at that outset will put them on the path of like
20 figuring out, okay, our kids need to come first,
21 we've got to be able to make it through this so
22 that at the end we're -- not it's not like a
23 destruction. Because when you go through those
24 trials, I mean, as you all see sometimes. I
25 don't think people recover from it at all. And

1 their kids hear about it and it's just -- so
2 that's my goal. And I feel very passionate about
3 still doing it. But the juveniles that I see --
4 I'm not jaded yet. But I have -- I've had some
5 juveniles I've really who got in the courtroom
6 and told me they were going to straighten up
7 judge, I'm going to know exactly what I'm going
8 to do, I'm on the right path. And then I had a
9 lawyer call me with a prosecutor and say judge
10 you're going to be really upset. And I was
11 thinking to myself oh, no, please don't tell me.
12 I'd let a kid out, should have detained him,
13 should have kept him in, his parents assured me
14 they would stay on him. Charged with armed
15 robbery, all of sudden, two weeks later. And in
16 my brain I was thinking to myself I should have
17 kept him in. But I'm not going to let that one
18 child make my decision for all the other children
19 who are telling me and their parents are telling
20 me they're going to stay on them. And then -- so
21 that makes me feel like I've -- you know, not
22 much has changed in terms of when I started to
23 the way I feel now about it, two and a half years
24 later. Did I answer your question?

25 VICE CHAIRMAN RANKIN: You did.

1 JUDGE SALVINI: I feel like I got off track but I'm
2 trying to think about stuff in the last two years
3 that have made like an impact.

4 VICE CHAIRMAN RANKIN: My brothers and sisters on the
5 Commission would say my question was off track.
6 You were perfect in pulling me back. And one of
7 the comments that less juvenile but to the
8 litigated custody case. "Great judge, works
9 hard, good temperament and you can tell she
10 really cares about the children and the litigants
11 in her court." So that's noticed --

12 JUDGE SALVINI: Thank you.

13 VICE CHAIRMAN RANKIN: -- by at least one of these.
14 And that is very similar to so many of these
15 folks that have taken the time. "Excellent
16 judicial temperament, perfect great grasp of the
17 rules and the law, absolute excellent judge,
18 patience and kindness." That you do your job and
19 perform your duties. And so you obviously have
20 the high regard of those who you are serving and
21 so --

22 JUDGE SALVINI: Thank you.

23 VICE CHAIRMAN RANKIN: -- that's not a surprise.
24 Senator Talley would you want to?

25 SENATOR TALLEY: Yes. Mr. Chairman, thank you for

1 reading all of my comments about Judge Salvini, I
2 appreciate it.

3 VICE CHAIRMAN RANKIN: There was a small initial by
4 each of these and I -- S.T.

5 SENATOR TALLEY: For the record, I don't participate
6 in the ballot box for obvious reasons. I've had
7 a few tough cases in front of you and what you've
8 just said is exactly what you do. So you've been
9 a real asset to the bench in the upstate and I'm
10 glad you want to continue to serve.

11 JUDGE SALVINI: Thank you.

12 VICE CHAIRMAN RANKIN: Lucy Grey.

13 MS. MCIVER: Thank you Mr. Chairman. I look at one
14 comment here and I don't know if it has S.T.
15 beside it or not but it's one that I thought was
16 worth mentioning, especially in light of the
17 energy that you obviously bring to your job, the
18 time that you put into it, the appreciation that
19 you show for the gravity of the rulings that
20 you're making and the significance that they have
21 on these peoples lives. I loved hearing that you
22 make time for people. Because most of the time
23 it's not the lawyers who are, you know,
24 frustrated that the parent didn't show up at the
25 McDonald's. It's the litigants and it's the kids

1 who are impacted. And so we appreciate the job
2 that you're doing. And I wanted to weigh in just
3 because you said something about how it was a lot
4 of work to prepare for today to get ready but you
5 did want to get a report card and you wanted to
6 hear how you were doing. And the fact that you
7 had the one comment that you were helpful to a
8 pro se litigant is just outstanding. And the one
9 comment I wanted to read which I think kind of
10 sums it up, "Judge Salvini never fails to give
11 any issue, whether big or small simple or
12 complicated, the best of her attention and
13 intelligence. Any attorney who is before her
14 holds her in the highest regard with the utmost
15 respect. Her election to the bench might have
16 been a personal success for her but it was an
17 even greater success for the bench." So thank
18 you for the great work that you're doing.

19 JUDGE SALVINI: Thank you.

20 MS. MCIVER: And glad to have you offering to serve
21 again, thank you.

22 JUDGE SALVINI: Thank you. That's really nice to
23 hear.

24 VICE CHAIRMAN RANKIN: Mr. Safran?

25 MR. SAFRAN: Thank you, Mr. Chairman. I think this is

1 the third time I've seen you up here.

2 JUDGE SALVINI: It is.

3 MR. SAFRAN: And I want to tell you, you have had a
4 enthusiasm every time you've been here. You have
5 given a level of sincerity that has really been
6 very moving. And I do like the comments.
7 Because I don't do Family Court work. As the
8 chairman had pointed out at some point in my
9 career I decided I didn't have the stomach for it
10 either. So I quit what little I was doing. But
11 what I do really appreciate are comments that say
12 she listens before she makes her mind up. And
13 that's not unique to Family Court judges. I
14 mean, you get people sometimes they've already
15 decided before you ever even open your mouth.
16 And it's great that that's going on. The other
17 thing that I have to echo is that when you have a
18 person in there by themselves, without a lawyer,
19 in an environment like this, I think you owe them
20 at least an opportunity to know what they're
21 doing. If maybe to trigger in their minds that I
22 need some help, okay. And so I'm in agreement
23 with the chairman that anybody that's going to
24 criticize you for trying to give somebody a
25 little bit of a comfort before they step into

1 this kind of thing that they're out of their
2 minds. I mean, there's nothing that you should
3 be criticized about for that. And what I want,
4 you know, you to understand is this, we often
5 times, I guess, are critical, and hopefully for
6 good reason. But we also want to make sure that
7 people know that when they're doing a good a job
8 as you are that you hear about it. And I'm glad
9 that you are hearing these comments because we've
10 got some great judges. And I hope that maybe we
11 see more and more that maintain the level of zest
12 that you do at this stage. And I hope it
13 continues.

14 JUDGE SALVINI: Thank you. I really appreciate those
15 comments, thank you. So I said at the beginning
16 I was very nervous about going through a
17 reelection just because it's just a stressful
18 process. But it also gave me the opportunity to
19 if I was doing something wrong that I could find
20 out about it and change. Make the change now
21 before I continued to do. But it sounds like
22 shouldn't make any changes. That's what I'm
23 hoping.

24 MR. STROM: Mr. Chairman thank you. And I just wanted
25 a moment to re-fry this fish one more time. The

1 pro se piece. I mean, Judge Matthew Perry, when
2 he would take a guilty plea, sometimes it was 45
3 minutes, sometimes an hour that he would take
4 explaining to each defendant their rights before
5 he accepted their plea. This isn't about us, it
6 isn't about the lawyers and about the judge, it's
7 the people in the court room. And I'd encourage
8 you to go longer. Because there's nothing better
9 than having a litigant who understood what
10 happened when they leave that courtroom, there's
11 some comfort with what happens. So keep that up,
12 working people in. You know, I hear these horror
13 stories about somebody's got a case that they've
14 recently settled, big tax implications and they
15 can't get before a judge before a year and it's
16 going to blow up the settlement. That's not
17 good. And the fact that you're willing to work
18 people in -- and I mean there's no happier time
19 obviously than doing an adoption in Family Court
20 but, you know, please keep that up. And when
21 somebody settles a case, tell the lawyers, call
22 me if you get it settled and we'll get it put on
23 the record as soon as we possibly can. Get that
24 done. And then and the last thing I want to
25 comment on is the child that you let out. As a

1 judge you're going to have some bad outcomes.
2 You're going to take some chances, okay. And I
3 can tell you that this Commission that grades
4 your paper, we understand that. And, you know,
5 we want you to exercise your discretion, taking
6 into consideration what everybody says. And we
7 also understand that occasionally there's going
8 to be a bad outcome. Kid's going to get arrested
9 for armed robbery. But don't let that slow you
10 down from exercising discretion. To me you're
11 doing a great job, thank you.

12 JUDGE SALVINI: Thank you, thank you.

13 VICE CHAIRMAN RANKIN: All right. The paper's about
14 to be turned in by you and I think you've got
15 some wonderful remarks. Erin told me do not
16 invoke Billy Joel's "Don't Go Changing." How did
17 I do, Erin?

18 MS. CRAWFORD: So far.

19 VICE CHAIRMAN RANKIN: I think in song is what she was
20 -- but and so we're about to wrap this up. The
21 enthusiasm, as Mr. Safran said, it is infectious.

22 JUDGE SALVINI: Thank you.

23 VICE CHAIRMAN RANKIN: And it just wonderful. And as
24 he said about a number of our judges that we've
25 seen, particularly in the Family Court realm,

1 that passion for doing hard, hard work and your
2 embracing it so enthusiastically and weighing so
3 heavily, so that is just a wonderful testament.
4 In your two years and a change, as someone wrote,
5 a bright start that will shine on in this career.

6 JUDGE SALVINI: Thank you.

7 VICE CHAIRMAN RANKIN: So this will conclude this
8 portion of our screening process. You know this
9 little spiel, you heard it not long ago, but we
10 are very serious about both the letter and the
11 spirit of ethics laws. Any violation or
12 appearance of that either in letter or spirit
13 again would be deemed very serious. You
14 understand that we could call you back before the
15 final record -- or report of qualifications is
16 issued, correct?

17 JUDGE SALVINI: Correct.

18 VICE CHAIRMAN RANKIN: All right. We don't expect to
19 see you back.

20 JUDGE SALVINI: Hopefully not.

21 VICE CHAIRMAN RANKIN: Thank you for being here and
22 we'll go off the record.

23 (Off the record.)

24 VICE CHAIRMAN RANKIN: Good morning Judge, Luke Rankin
25 here. If you don't mind we're going to get

1 started. We're right on time. Nearly seven
2 minutes late.

3 THE HONORABLE DOUGLAS E. NOVAK, being duly sworn,
4 testifies as follows:

5 VICE CHAIRMAN RANKIN: Welcome. You have your PDQ,
6 your sworn statement, any additions that need to
7 be made to those?

8 JUDGE NOVAK: No, sir.

9 VICE CHAIRMAN RANKIN: If you'll hand those to Lindi
10 we'll put them in the record. You have -- remind
11 me, you screened the last time?

12 (Exhibit Number 7 was marked for identification
13 purposes - (16 pages) Personal Data Questionnaire for
14 The Honorable Douglas E. Novak.)

15 (Exhibit Number 8 was marked for identification
16 purposes - (7 pages) Sworn Statement of Douglas E.
17 Novak.)

18 JUDGE NOVAK: 2019.

19 VICE CHAIRMAN RANKIN: So you know the drill.

20 JUDGE NOVAK: I'd like to think I do. Yes, sir.

21 VICE CHAIRMAN RANKIN: We look at the nine evaluative
22 criteria, as you know. And we focus particularly
23 on ballot box survey, your previous screening,
24 study of the application materials, your
25 compliance with the state ethics laws. Check of

1 newspaper articles in which your name may appear,
2 and then checks for economic conflicts of
3 interest. No affidavits have been filed in
4 opposition to your campaign or re-election. No
5 one is here to testify against you. Welcome.
6 You have the opportunity to make a brief
7 statement if you like. Otherwise again I'll
8 offer that to you, you want to waive that?

9 JUDGE NOVAK: Certainly waive. Happy to answer any
10 questions.

11 VICE CHAIRMAN RANKIN: Very good. All right. And we
12 will turn that over to Emma Hall who will ask
13 questions of you. Take it away Emma.

14 MS. HALL: Thank you.

15 JUDGE NOVAK - EXAMINATION BY MS. HALL:

16 **Q. Judge Novak, after serving for one year -- you've**
17 **been one year correct?**

18 A. Eighteen months.

19 **Q. So a little over one year --**

20 A. Yes.

21 **Q. -- on the Family Court, why do you want to**
22 **continue serving as a Family Court judge?**

23 A. Excellent question. I would tell you that I
24 presided over a case just last week of a baby who
25 had been taken into emergency protective custody,

1 20 days old. The baby was at the MUSC neonatal
2 intensive care unit with a fractured skull, blood
3 on the brain and a damaged spine. I was reminded
4 in that moment how consequential the Family Court
5 is. I was reminded again as I reminded many
6 times while I've been serving. But I'm proud to
7 be part of this process after only eighteen
8 months. I feel like I've only begun to start to
9 contribute. And I'm certainly looking for an
10 opportunity to continue that work.

11 **Q. Thank you. So Judge Novak, what do you think**
12 **your reputation is among attorneys that practice**
13 **before you?**

14 A. Oh, gosh, I hope it's good. I know you've had
15 screenings or evaluations. My dad was a judge
16 for several years. He imparted to me that you
17 wear the robe lightly and that you be the judge
18 that you'd want to appear in front of. And I'd
19 like to think that's what attorneys find when
20 they come into the courtroom. I try to be
21 patient. I try to be courteous. I certainly try
22 to give them a full opportunity to be heard.
23 They may not always agree with the decision but I
24 certainly work hard to explain the decision so
25 they can process it and explain it to their

1 clients.

2 Q. Thank you. So Judge, the Commission received 289
3 ballot box surveys regarding you with 21
4 additional comments. The ballot box survey, for
5 example, contained the following positive
6 comments, "He is shown to be fair and is open to
7 listening and hearing arguments from both sides.
8 He is shown to care about the juveniles that come
9 before him and in rehabilitation of the youth."
10 Secondly, "Judge Novak has quickly adapted to the
11 bench and is doing a great job." And lastly,
12 "Judge Novak is a breath of fresh air for
13 Beaufort County. He is always professional,
14 courteous to all parties involved, and well
15 prepared for the cases that are before him. It
16 is a privilege to have him on the bench." Two of
17 the written comments expressed concerns. Both
18 comments indicated concern with your
19 understanding and application of the rules of
20 Family Court. What response would you offer to
21 this concern?

22 A. What I would tell you is I'm reminded as a
23 litigator, but also as a judge, Family Court is
24 not the environment where everyone walks away
25 happy with decisions. Sometimes I think that

1 people take decisions personally. Anyone that
2 would hear that comment I think that knows me
3 would probably laugh because I'm pretty religious
4 about following the rules, especially in Family
5 Court which drives a lot of our process. But
6 it's constructive criticism. I certainly take it
7 to heart. I'm not perfect. And I certainly will
8 work harder to make sure that I'm applying the
9 laws as expertly as I can.

10 **Q. Thank you, Judge.**

11 MS. HALL: I would note that the Low Country Citizens
12 Committee found Judge Novak qualified in the
13 evaluative criteria of constitutional
14 qualifications, physical health and mental
15 stability. The committee found him well
16 qualified in the evaluative criteria of ethical
17 fitness, professional and academic ability,
18 character, reputation, experience and judicial
19 temperament. The committee stated, in summary,
20 "Judge Novak has really embraced Family Court
21 since his election into the bench and has a very
22 good handle on its importance within the
23 community."

24 **Q. We just have a couple of housekeeping issues now.**

25 A. Certainly.

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

4 A. I have not.

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

8 A. Yes, ma'am, I 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, I have not.

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

18 A. I have not, and I'm not aware of anyone.

19 Q. Have you reviewed and do you understand the
20 Commissions guidelines on pledging and the SC
21 code § 2-19-70 subsection E?

22 A. Yes, ma'am.

23 MS. HALL: I would note for the record that any
24 concerns raised during the investigation
25 regarding the candidate were incorporated into

1 the questioning of the candidate today. Mr.
2 Chairman, I have no further questions.

3 (Representative Rutherford sits as chair for this candidate
4 and the opening portion of the next.)

5 REPRESENTATIVE RUTHERFORD: Does any member have any
6 questions? Judge Novak, I found it humorous that
7 you mentioned religion and Family Court in the
8 same sentence as I don't know why there are
9 bibles in Family Court at all. But since you've
10 been here and you've seen virtually all these
11 Commission members since you've screened eighteen
12 months ago so I image that's probably why there
13 are no questions. So I don't want you to take
14 that as anybody just not interested it's just you
15 were here recently. All right? And thank you so
16 much. This concludes the portion of our
17 screening process. I want to take this
18 opportunity to remind you that pursuant to the
19 Commission's evaluative criteria the Commission
20 expects candidates to follow the spirit as well
21 as the letter of the ethics law and will view
22 violations or the appearance of impropriety as
23 serious and potentially deserving of heavy weight
24 in screening deliberations. On that note, and as
25 you know, the record will remain open until the

1 formal release of the report of qualifications
2 and you may be called back at such time if the
3 need arises. I thank you for offering and I
4 thank you for your service to South Carolina.

5 JUDGE NOVAK: Thank you. And if I could I just want
6 to thank you all for your service. I thank you
7 for the opportunity that started two years ago
8 and for your consideration of the continued work.

9 (Off the record.)

10 REPRESENTATIVE RUTHERFORD: Good morning Judge, how
11 are you?

12 JUDGE WHITE: I'm doing well, sir.

13 REPRESENTATIVE RUTHERFORD: Good, good.

14 THE HONORABLE THOMAS H. WHITE, being duly sworn,
15 testifies as follows:

16 REPRESENTATIVE RUTHERFORD: Are the personal data
17 questionnaire and the sworn statement before you
18 documents that you submitted to the Commission?

19 JUDGE WHITE: Yes, sir.

20 REPRESENTATIVE RUTHERFORD: Are they both correct?

21 JUDGE WHITE: Yes, sir.

22 REPRESENTATIVE RUTHERFORD: Does anything need to be
23 changed or updated at this time?

24 JUDGE WHITE: Not at this time, no, sir.

25 REPRESENTATIVE RUTHERFORD: Do you object to our

1 making these documents and amendments -- I'm
2 sorry, do you object to our making these
3 documents and any amendments, if applicable, a
4 part of the record of your sworn testimony?

5 JUDGE WHITE: I do not object.

6 (Exhibit Number 9 was marked for identification
7 purposes - (14 pages) Personal Data Questionnaire for
8 The Honorable Thomas H. White.)

9 (Exhibit Number 10 was marked for identification
10 purposes - (1 pages) Amendment to Personal Data
11 Questionnaire for The Honorable Thomas H. White.)

12 (Exhibit Number 11 was marked for identification
13 purposes - (6 pages) Sworn Statement of The Honorable
14 Thomas H. White.)

15 REPRESENTATIVE RUTHERFORD: The Judicial Merit

16 Selection Commission has thoroughly investigated
17 your qualifications for the bench. Our inquiry
18 has focused on nine evaluative criteria and has
19 included one a ballot box survey, a thorough
20 study of your application materials, verification
21 of your compliance with state ethics laws, search
22 of newspaper articles in which your name appears,
23 study of previous screenings, check for economic
24 conflicts of interest. We have received no
25 affidavits filed in opposition to your election.

1 No witnesses are present to testify. Do you have
2 a brief opening statement you would like to make
3 at this time?

4 JUDGE WHITE: The only opening statement I'd like to
5 make is that I certainly have enjoyed my almost
6 eight years on the bench thus far. I've survived
7 it thus far. I hope to continue to be able to
8 survive it and do my small part in trying to lend
9 a little clarity to the chaos that life often
10 creates.

11 REPRESENTATIVE RUTHERFORD: All right. Please answer
12 counsel's questions.

13 JUDGE WHITE - EXAMINATION BY MR. STIMSON:

14 **Q. Good morning, Judge White.**

15 A. Good morning, Mr. Stimson.

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

18 A. Well I think they certainly respect me. I think
19 I've received a lot of compliments from attorneys
20 who are before me, even those who I have ruled
21 against on occasion. I think that's always a --
22 even those who probably have the right to
23 consider me an enemy still greet me cordially. I
24 think that lends some credence to the fact that I
25 try to be fair in all of my proceedings, fair and

1 impartial and certainly try to treat people with
2 respect.

3 **Q. What do you think your reputation is among the**
4 **court personnel that you work with?**

5 A. You know, I sometimes bake brownies and bring
6 them brownies. They love me.

7 **Q. Now are those homemade judge or are they going to**
8 **be from --**

9 A. They are homemade, I don't fool with boxes. No,
10 sir.

11 **Q. That's what I like to hear. So, Judge White, the**
12 **Commission received 328 ballot box surveys**
13 **regarding you with 18 additional comments. The**
14 **ballot box survey, for example, contained the**
15 **following positive comments, "Judge White has**
16 **every quality you want in a judge. He is kind**
17 **and he relates well with litigants. He is also**
18 **smart and he applies the law in a way that is**
19 **just and fair." And, "An absolutely excellent**
20 **judge and our state is very fortunate to have him**
21 **on the bench." Two of the written comments**
22 **expressed a concern suggesting that you could be**
23 **unfair, possibly exhibiting bias. What response**
24 **would you offer to this concern?**

25 A. Well, my response to that is, you know, frankly I

1 think as a judge that I do favor certain parties.
2 The parties that I favor are whichever party that
3 the law and the facts of the case favor. But as
4 far as any particular bias, I'm not aware of --
5 generally speaking, I would think that those are
6 probably folks that just didn't like my rulings.
7 But anyway, I'm ever mindful of that and so
8 that's why I try my best to be fair and kind of
9 watch what I say from the bench.

10 **Q. Thank you, Judge White.**

11 MR. STIMSON: I would note that the Piedmont Citizens
12 Committee found Judge White qualified in the
13 evaluative criteria of constitutional
14 qualifications, physical health, and mental
15 stability. The Piedmont citizens committee found
16 him well qualified in the evaluative criteria of
17 ethical fitness, professional and academic
18 ability, character, reputation, experience and
19 judicial temperament. The committee further
20 commented Judge White's confidence, compassion,
21 and common sense reflect the depth and range of
22 his experience as a practicing lawyer before he
23 became a Family Court judge. Deeply involved in
24 his community, Judge White's enthusiasm for his
25 work demonstrate his substantial commitment to

1 public service. He brings a wealth of knowledge
2 and skill to the bench that are a credit to the
3 sixteenth circuit in the state of South Carolina.

4 Q. We just have a few more housekeeping issues,
5 Judge. Since submitting your letter, of intent
6 have you contacted any members of the Commission
7 about your candidacy?

8 A. No, sir.

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

12 A. Yes, sir.

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

17 A. No, sir.

18 Q. Judge White, have you asked any third parties to
19 contact members of the General Assembly on your
20 behalf?

21 A. No, sir.

22 Q. Or are you aware of anyone attempting to
23 intervene in this process on your behalf?

24 A. No, sir.

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. I do.

4 MR. STIMSON: I would just note for the record that
5 any concerns raised during the investigation
6 regarding Judge White were incorporated in the
7 questioning of him today. Mr. Chairman, I have
8 no further questions.

9 (Representative Smith resumes as chair of the Commission at
10 this time.)

11 CHAIRMAN SMITH: Thank you so much, Judge White. I'm
12 sorry I missed the initial part but I see Mr.
13 Rutherford filled those shoes ably for me. He
14 reads well, doesn't he?

15 JUDGE WHITE: He reads well and, you know, I didn't
16 recognize you at first.

17 CHAIRMAN SMITH: So -- imagine that. All right, so
18 Judge White, let me just start off with thanking
19 you for your service to the state of South
20 Carolina. And part of what we do over here is
21 the Commission has tasked me as chairman to kind
22 of talk especially the sitting judges to talk to
23 them about the way they conduct themselves and
24 the way they handle court and what we look at
25 when we try to evaluate whether the

1 qualifications for your nomination go forward and
2 one thing we look at is the ballot box. And you
3 know the ballot box is anonymous and so there's
4 no repercussions for someone to say anything
5 about you and even make things up about you. But
6 what it does for us, we don't find it
7 determinative in and of itself we look at
8 obviously the Bar screenings and the citizens
9 committee screenings. But the one thing we do
10 look is to see if there's a pattern that develops
11 in that and through those three processes. And
12 the pattern that I see develops with you is one
13 of excellence. I mean, you look at this -- I
14 don't know what you're doing and apparently
15 you've been on the bench for a couple of years.
16 But you haven't found anyone that you angered
17 thus far. You're in the small category of people
18 that no-one says that you're unqualified on any
19 of the criteria at the ballot box. And so, you
20 know, I think we -- it's our job to come up here
21 and tell sitting judges when there's issues and
22 make sure they're aware of them and try to
23 correct them but also it's our job to tell you
24 when you're doing a great job and make sure that
25 you keep it up. So whatever you're doing over

1 the past years, I don't -- you know, if the
2 person who said you were biased didn't put down
3 anything about you being unqualified anywhere.

4 So I don't know --

5 JUDGE WHITE: It was a qualified bias, is what you're
6 telling me.

7 CHAIRMAN SMITH: He didn't like the way you were
8 biased over there but he thought you were
9 qualified. So, I just wanted to tell you on
10 behalf of the Commission and on behalf of the
11 citizens of the state thank you for upholding the
12 integrity of the judiciary. And that's -- you
13 know, one thing that I always mention when we
14 talk about these is when you put on the black
15 robe it's not you as a Judge White, it's you as a
16 member of the South Carolina judiciary. And we
17 have a rich legacy where people we've had many
18 able people serve over the years. And you're
19 upholding that legacy by performing admirably and
20 being well respected, not only among the lawyers
21 but the litigants and the court personnel. You
22 treat everyone well and that's one of the best
23 attributes that you can demonstrate as a judge.
24 So, I thank you for that. I urge you to keep up
25 the good work and hopefully we see you. I doubt

1 a lot of us will be on this Commission but when
2 you -- if you come back six years from now I hope
3 you have the same results and the same
4 compliments that you received from here today.

5 JUDGE WHITE: Thank you, Mr. Chairman.

6 CHAIRMAN SMITH: All right. Any further questions for
7 Judge White? All right, Judge White, this will
8 conclude this portion of your screening process.
9 Let me take this opportunity to remind you that
10 the pursuant the Commission's evaluative criteria
11 the Commission expects you to follow the spirit
12 as well as the letter of ethics law. And will
13 view violations or the impropriety as serious and
14 potentially deserving of heavy weight in the
15 screening process. As you may be aware, this
16 screening process will remain open until the
17 formal release of the report of qualifications.
18 You may be called back at such time if the need
19 arises.

20 JUDGE WHITE: Thank you, Mr. Chairman.

21 CHAIRMAN SMITH: I appreciate you being here, thank
22 you for your service to the state.

23 JUDGE WHITE: And I thank all of you for your service
24 as well. I know it's time consuming and I know -
25 - but I still think it's the best way that judges

1 are selected anywhere in the nation.

2 (Off the record.)

3 CHAIRMAN SMITH: Good afternoon, Ms. Biggerstaff. How
4 are you doing?

5 JUDGE YORK: Good afternoon. I'm doing well.

6 CHAIRMAN SMITH: And I see you brought you a guest.
7 Would you like to introduce her?

8 JUDGE YORK: Thank you. This is my mom, G.G.
9 Biggerstaff-Cox.

10 CHAIRMAN SMITH: Hey, welcome, good to see you today.
11 Ms. Biggerstaff -- York, I'm sorry, I went to law
12 school with her.

13 JUDGE YORK: Happens a lot.

14 CHAIRMAN SMITH: That's we just live in a small state,
15 don't we?

16 JUDGE YORK: We sure do.

17 CHAIRMAN SMITH: It's Judge York so I got to get it
18 all -- I messed up completely. I should have
19 looked at it before, apologize.

20 THE HONORABLE ELIZABETH BIGGERSTAFF YORK,
21 being duly sworn, testifies as follows:

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

1 JUDGE YORK: Yes, sir.

2 CHAIRMAN SMITH: Okay. Are both of them correct?

3 JUDGE YORK: Yes, sir.

4 CHAIRMAN SMITH: Any changes or amendments you need to
5 make to those?

6 JUDGE YORK: No, sir.

7 CHAIRMAN SMITH: And do you have any objection to us
8 marking those as exhibits to your sworn testimony
9 here today?

10 JUDGE YORK: No objections.

11 CHAIRMAN SMITH: Without objection if you would hand
12 those to Lindi for me please, ma'am. And Judge
13 York the Judicial Merit Selection Commission has
14 thoroughly investigated your qualifications for
15 the bench. Our inquiry is focused on the nine
16 evaluative criteria in addition they -- it also
17 includes a ballot box survey, a thorough study of
18 your application materials, verification of your
19 compliance with state ethics laws, search of
20 newspaper articles in which your name appears,
21 study of previous screenings, and checks for
22 economic conflicts of interest. There have been
23 no affidavits filed today in opposition to your
24 candidacy and no witnesses are here to testify.
25 Do you wish to make a brief opening statement to

1 the Commission?

2 (Exhibit Number 12 was marked for identification
3 purposes - (16 pages) Personal Data Questionnaire for
4 The Honorable Elizabeth Biggerstaff York.)

5 (Exhibit Number 13 was marked for identification
6 purposes - (4 pages) Amendment to Personal Data
7 Questionnaire for The Honorable Elizabeth Biggerstaff
8 York.)

9 (Exhibit Number 14 was marked for identification
10 purposes - (5 pages) Sworn Statement of The Honorable
11 Elizabeth Biggerstaff York.)

12 JUDGE YORK: I just want to thank the Commission for
13 their service to this state and I want to
14 especially thank the staff of the Commission for
15 being kind and patient. I'm sure anxious
16 judicial candidates are not the easiest people to
17 deal with. And they're always accessible, so
18 that's all I wanted to say.

19 CHAIRMAN SMITH: Thank you very much. Answer any
20 questions that your screening attorney may have
21 for you.

22 JUDGE YORK: Okay. Thank you.

23 JUDGE YORK - EXAMINATION BY MS. ANDERSON:

24 **Q. Good afternoon, Judge York.**

25 **A. Good afternoon.**

1 **Q. Please state for the record the city and circuit**
2 **in which you reside.**

3 A. I reside in Florence. That's in the twelfth
4 judicial circuit.

5 MS. ANDERSON: Mr. Chairman, I note for the record
6 that based on the testimony contained in Judge
7 York's PDQ which has been included in the record
8 with her consent, Elizabeth York meets the
9 statutory requirements for this position
10 regarding age, residence, and years of practice.

11 **Q. Judge York, why do you want to serve as a Family**
12 **Court judge and why do you feel that your legal**
13 **and professional experience qualify and will**
14 **assist you to be an effective judge?**

15 A. I have always -- I spent my career trying to help
16 children and families. I enjoy meeting people
17 and I enjoy learning new things. The practice of
18 law has allowed me to do that. I grew up in a
19 household -- my mom's a teacher, my dad was a
20 recreation director. I grew up watching people
21 who worked hard to try to serve their community
22 and children in their community. I feel like I
23 have a lot of experience that can help me from
24 the other side of the bench to provide a service
25 to the state of South Carolina. I think I've

1 been in practicing law 26 years, most of that in
2 the Family Court. I do a lot of mediations. I
3 spend a lot of time in abuse and neglect court.
4 And I think that could be beneficial to the
5 bench.

6 **Q. Judge York, are there any areas of the law for**
7 **which you would need additional preparation in**
8 **order to serve as a Family Court judge and if so**
9 **how would you handle that additional preparation?**

10 A. I don't believe that I would need additional
11 preparation. I believe comparing the areas of
12 the Family Court, the area where I could use the
13 most learning would be with the DJJ actions. I
14 do serve as a municipal judge so I am, you know,
15 aware of the, you know, changes and the updates
16 in the criminal law. I do some work in DJJ. Did
17 a lot of work with DSS. And DJJ and DSS often
18 overlap. But as I would prepare to take the
19 bench, DJJ court would be where I would try to do
20 the majority of my observations.

21 **Q. Judge York, please briefly describe your**
22 **experience in handling complex, contested Family**
23 **Court matters and specifically discuss your**
24 **experience with the financial aspects of Family**
25 **Court work.**

1 A. I have handled complex financial cases. I have
2 mediated complex financial cases. I have a case
3 that I'm handling right now that involves the
4 valuation of seven car dealerships in South
5 Carolina and Georgia. I, of course, am utilizing
6 a forensic accountant. This is not the first
7 case where I've had to use a forensic accountant.
8 We've had multiple motions to compel and rule to
9 show causes in that action, and handle those on
10 the mediation standpoint. More importantly, I've
11 handled complex custody actions. Specifically,
12 one of those referenced in my PDQ where I served
13 as the guardian ad litem on a case that involved
14 parental alienation, a child diagnosed with type-
15 one diabetes during the course of the action. So
16 I also have experience in complex custodial
17 litigation. I do a lot of mediation so I get to
18 see a lot of different cases as well.

19 **Q. Judge York, the Commission received 216 box**
20 **surveys regarding you with 36 additional**
21 **comments. Ballot box surveys for example**
22 **contained the following positive comments,**
23 **"Highly competent and well tempered for the**
24 **judiciary. Very well respected in the legal**
25 **community, top notch well rounded candidate with**

1 an excellent reputation." Two of the written
2 comments expressed concerns. One comment
3 indicated that you show favoritism to some
4 attorneys. What response would you offer to this
5 concern?

6 A. This is not my first election. And I'll say
7 every time you go through this process, you try
8 to take those comments as constructive criticism.
9 I'll also say it's sometimes difficult to respond
10 when you're not really sure from the aspect that
11 the person writing the comment is coming from. I
12 will say in the municipal court I don't see very
13 many attorneys. Most of the litigants in
14 municipal court are pro se. So the only thing I
15 could say that, you know, Florence is small,
16 Darlington is small. We've already established
17 we're a small state. I mean, you know, it's
18 possible when I was a DSS attorney if a local
19 attorney came in and said Beth I've got to be in
20 court at 2:00 o'clock, can you work -- can you
21 get me in next? It's possible that I did that
22 and that was viewed as favoritism. I mean, you
23 try to figure out where these comments may be
24 coming from. Certainly, I'm cognizant and use
25 what you're telling me as constructive criticism.

1 I would certainly try to avoid any appearance of
2 impropriety.

3 **Q. Another comment indicated concern about your work**
4 **ethic. What response would you offer to this**
5 **concern?**

6 A. Again, it's hard to know the perspective that
7 that comes from. That's when I -- I work every
8 third weekend doing bond court. I have had
9 paralegals tell me that they've never worked for
10 an attorney that -- you know, who works this
11 hard. So that comment's hard for me to
12 understand but I certainly appreciate the fact
13 that somebody took the time to write that
14 comment. So, I am a solo practitioner. It is --
15 you know it's possible, especially during Covid,
16 we had a quarantine period where there was
17 probable no -- you know, difficulty with the
18 phone answering at my office. Had to find
19 somebody to answer the phone. Again, I do
20 believe I work very hard. I have two children.
21 I just -- that's the only response I can give
22 you. I do know there are a lot of positive
23 responses about my work ethic as well.

24 **Q. Thank you, Judge York.**

25 MS. ANDERSON: I would note that the Pee Dee Citizens

1 Committee found Judge York qualified in the
2 evaluative criteria of constitutional
3 qualifications, physical health and mental
4 stability. The committee found her well
5 qualified in the evaluative criteria of ethical
6 fitness, professional and academic ability,
7 character, reputation, experience and judicial
8 temperament.

9 **Q. And now for a few housekeeping matters. Judge**
10 **York, are you aware that as a judicial candidate**
11 **you are bound by the code of judicial conduct as**
12 **found in rule 501 of the South Carolina appellate**
13 **court rules?**

14 **A. I am.**

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

18 **A. I have not.**

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

22 **A. I am.**

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

1 of your screening?

2 A. I have not.

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

7 A. I am not.

8 Q. Have you reviewed and do you understand the
9 Commission's guidelines on pledging in South
10 Carolina code § 2-19-70(E)?

11 A. I do.

12 MS. ANDERSON: I would just note for the record that
13 any concerns raised during the investigation
14 regarding Judge York were incorporated into her
15 questioning today. Mr. Chairman, I have no
16 further questions.

17 CHAIRMAN SMITH: All right. Thank you very much. Any
18 questions for Judge York? I think all of us have
19 been up here where you screened like two times
20 already so we've -- I've been here I think is
21 that right?

22 JUDGE YORK: That's right. I've ran twice before.

23 CHAIRMAN SMITH: So don't read the lack of questions -
24 - don't construe that. I think we're all
25 familiar with you. Let me just say I look at

1 your ballot box survey and I think that's
2 obviously not determinative of your
3 qualifications but we look at them just to see
4 what other lawyers say about you. And I know
5 that anonymously people can throw rocks if they
6 want to and hide behind anonymity. But when I
7 look through this I just want to commend you. If
8 you've been practicing in the Family Court, it's
9 a contentious area of the law. And obviously you
10 make enemies over there and, you know, but you
11 seem to not have made many enemies. Only two or
12 three people ever said anything bad about you in
13 the comments or that you're unqualified for the
14 position. So that demonstrates to us when you
15 see you look at them and you determine patterns.
16 And the pattern that we see with you is that you
17 obviously treat other people well, treat other
18 lawyers well, treat litigants well. You're a
19 mediator and you -- people are obviously choosing
20 you to mediate so they have confidence in your
21 skills. So let me commend you in that regard for
22 the way you've conducted yourself as an attorney.
23 And that's a good indication when you get along
24 well with others as an attorney you'll get along
25 well with others on the bench. So, I just wanted

1 to -- I think it's part of us sometimes to point
2 out the negatives on candidates and also the
3 positives so certainly want to point those out to
4 you.

5 JUDGE YORK: Thank you.

6 CHAIRMAN SMITH: All right. Any further questions?

7 Senator Rankin, I talk too much.

8 VICE CHAIRMAN RANKIN: There's a song about that, you
9 talk too much, yo, yo, you never shut up. See
10 he's never heard it.

11 CHAIRMAN SMITH: He quoted Rhoda today, so you
12 remember that?

13 JUDGE YORK: Actually I do.

14 VICE CHAIRMAN RANKIN: And what was the doorman's
15 name? Three, two, one. All right. Mama, do you
16 know?

17 MS. BIGGERSTAFF-COX: No.

18 VICE CHAIRMAN RANKIN: Good answer. I just want to
19 compliment you and very quickly. Your mother is
20 here and I want to, I think, compliment you for
21 raising a child who wants to do this who has a
22 passion for this who has two children her own, of
23 her own. And so someone in the Cox family -- is
24 your maiden name is Cox?

25 JUDGE YORK: Biggerstaff.

1 CHAIRMAN SMITH: Biggerstaff-York. Anyway modeled
2 public service and you're here is not by
3 accident. And obviously she thinks a lot of you.
4 So great testament that you both are here that
5 you want to do this.

6 JUDGE YORK: Thank you so much.

7 MR. STROM: And Mr. Chairman, I'd just like to point
8 out.

9 CHAIRMAN SMITH: Mr. Strom.

10 MR. STROM: That she's got a letter of recommendation
11 from Doug Jennings and Roy Laney, two lawyers
12 that we all hold in high regard and means a lot
13 to us.

14 JUDGE YORK: Thank you.

15 CHAIRMAN SMITH: All right. Any further questions?
16 Well, Judge York, this will conclude this portion
17 of your screening process let me take this
18 opportunity to remind you that pursuant to the
19 Commission's evaluative criteria the Commission
20 expects candidates to follow the spirit as well
21 as the letter of the ethics laws and we will view
22 violations or the appearance of impropriety as
23 serious and potentially deserving of heavy weight
24 in the screening deliberations. As you are
25 aware, the record will remain open until the

1 formal release of the report of qualifications
2 and you may be called back at such time should
3 the need arise. We wish you -- we thank you for
4 being here and thank you for your service to the
5 state of South Carolina. Wish you save travels
6 back home.

7 JUDGE YORK: Thank you all.

8 CHAIRMAN SMITH: All right. Thank you all.

9 (Off the Record)

10 JUDGE WALL: Good afternoon.

11 CHAIRMAN SMITH: You win the contest of bringing the
12 most guests so. So, I know you won't -- we got
13 about five minutes. So you want to make an
14 introduction of all of them?

15 JUDGE WALL: I will and thank you. I'm Holly Wall I'm
16 from Johnsonville and this is a really big deal
17 for a little girl from Johnsonville and so my
18 family was very excited and wanted to come. I'll
19 start at the end. This is my dad and beloved
20 stepmother, Edwin and Mary Huggins. They live in
21 Pawleys Island. This is my long-suffering
22 husband of 23 years, Allen Wall. This is my son
23 Zachary and my daughter Madison Wall.

24 CHAIRMAN SMITH: All right. Well welcome all and
25 appreciate y'all being here and supporting of

1 your daughter, wife and mother. So let me say --
2 let me, I have to brag a little bit. My great
3 grandfather grew up in Johnsonville South
4 Carolina way back when he ran a pharmacy in
5 Florence. He moved to the big city he didn't --
6 -

7 MR. WALL: (Inaudible) was a pharmacist.

8 CHAIRMAN SMITH: Oh, really?

9 JUDGE WALL: Yeah.

10 CHAIRMAN SMITH: Well, awesome. So it was called the
11 Cockfield Pharmacy back then.

12 JUDGE WALL: In Florence?

13 CHAIRMAN SMITH: Way before my time. I knew he
14 probably passed away when I was about four or
15 five years old, so.

16 JUDGE WALL: Well Allen has two small independent
17 pharmacies. We have one in Johnsonville and one
18 in Pamplico. So we do what CVS won't.

19 CHAIRMAN SMITH: Yes. I go to an independent pharmacy
20 in Sumter, so they deliver.

21 JUDGE WALL: That's right.

22 CHAIRMAN SMITH: Makes it easy. All right, now we'll
23 get to business.

24 THE HONORABLE HOLLY HUGGINS WALL, being duly
25 sworn, testifies as follows:

1 CHAIRMAN SMITH: And before you you have your personal
2 data questionnaire and your sworn statement are
3 those both documents to which you've submitted to
4 the Commission?

5 JUDGE WALL: Yes, Chairman.

6 CHAIRMAN SMITH: Are there any changes or amendments
7 that you need to make to them?

8 JUDGE WALL: I sent in amendments last week, I
9 believe, and nothing else other than those
10 updates.

11 CHAIRMAN SMITH: So those as amended are they both
12 correct?

13 JUDGE WALL: Yes, sir.

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

17 JUDGE WALL: No, Chairman.

18 CHAIRMAN SMITH: Without objection will you hand them
19 to Lindi for me please, ma'am? And we'll mark
20 those as exhibits to your sworn testimony. Ms.
21 Wall, the Judicial Merit Selection Commission has
22 thoroughly investigated your qualifications for
23 the bench. Our inquiry is focused on the nine
24 evaluative criteria. It also includes a ballot
25 box survey, a thorough study of your application

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

10 (Exhibit Number 15 was marked for identification
11 purposes - (14 pages) Personal Data Questionnaire for
12 The Honorable Elizabeth Huggins Wall.)

13 (Exhibit Number 16 was marked for identification
14 purposes - (1 page) Amendment to Personal Data
15 Questionnaire for The Honorable Elizabeth Huggins
16 Wall.)

17 (Exhibit Number 17 was marked for identification
18 purposes - (7 pages) Sworn Statement of The Honorable
19 Elizabeth Huggins Wall.)

20 JUDGE WALL: Just that I am very, very honored and
21 excited to be here today.

22 CHAIRMAN SMITH: All right. Thank you very much,
23 answer any questions that your screening attorney
24 may have for you please, ma'am.

25 JUDGE WALL - EXAMINATION BY MR. HINSON:

1 Q. Good afternoon, Judge Wall.

2 A. Hello.

3 Q. Judge Wall, please state for the record the city
4 and circuit in which you reside?

5 A. I -- the city I live in Johnsonville, South
6 Carolina, that's in Florence County, and that is
7 the twelfth judicial circuit.

8 MR. HINSON: Mr. Chairman, I'll note for the record
9 that based on the testimony contained in the
10 candidate's PDQ, which as been included in the
11 record with the candidate's, consent Judge Wall
12 meets the statutory requirements for this
13 position regarding age, residence and years of
14 practice.

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

19 A. It's my calling. And for me I believe it's the
20 highest honor that I could have, that I could
21 seek. People find it strange when I say Family
22 Court that I love Family Court. A lot of people
23 run from Family Court. But I've been in --
24 practicing -- I practiced almost exclusively for
25 nineteen years and then I had the opportunity to

1 serve as magistrate, as a part time magistrate in
2 Florence County. And while I have enjoyed that
3 and I'm grateful for that job, it has just re-
4 solidified my knowledge and my certainty that
5 Family Court is my calling. I believe that my
6 time on the bench as magistrate has prepared me
7 for this position. I've had not just traffic
8 tickets. A magistrate we do civil cases, we do
9 evictions, we do summons and complaints, we do
10 claim and deliveries. And we do criminal -- I've
11 done criminal trials. Many, many, many bench
12 trials. And I believe that that experience has
13 given me the knowledge and the confidence to know
14 that I could do a good job as a Family Court
15 judge.

16 **Q. Judge Wall, 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. In my twenty-one and a half years I've done five
21 DJJ cases. I've defended five youths in DJJ
22 cases. I believe that would be the area that I
23 would most need to prepare for. I took -- all
24 five of those -- well all but one went to an
25 actual trial. So I do believe I'm familiar with

1 that but that would be the area that I would need
2 to brush up on just to make sure I was as the top
3 of my game for that.

4 **Q. Judge Wall, please briefly describe your**
5 **experience in handling complex contested Family**
6 **Court matters and specifically discuss your**
7 **experience with the financial aspects of Family**
8 **Court work.**

9 A. I believe I can say I've done it all. One of the
10 wonderful things about living in Johnsonville is
11 that I live seven miles from five different
12 counties. I practice in Florence, Horry,
13 Georgetown, Williamsburg and Marion counties. So
14 I get to see -- I've gotten to represent people
15 who live in DeBordieu. I've gotten to represent
16 people who live in a lesser -- you know,
17 impoverished places in Johnsonville. So I've
18 been able to represent a wide variety of people.
19 I've handled -- I've represented doctors with
20 million dollar marital estates. And I've
21 represented people in -- and I mean, it's kind of
22 our joke we fight over mobile homes and hunting
23 dogs. I mean, that was my niche for a while.
24 And I believe I am more than competent in
25 equitable distribution, alimony, the difference

1 between marital and non-marital property,
2 transmutation, the retirement issues, quadros,
3 military, divorces. I think that my practice has
4 prepared me in those ways.

5 Q. Thank you. Judge Wall, the Commission received
6 228 ballot box surveys regarding you with 45
7 additional comments. The ballot box survey, for
8 example, contained the following positive
9 comments, "Extremely competent, well tempered."
10 Another stated, "Judge Wall would be a wonderful
11 asset to our bench." A couple of the comments
12 expressed concern. One stated that you had
13 difficulty making tough decisions. How would you
14 respond to that?

15 A. I -- well, I would think that that would have to
16 be someone who's known me just in the past couple
17 of years. I don't think that could have been
18 someone who knew me when I was actively
19 litigating. As a magistrate I have tried to --
20 and as a mediator. Because while I'm a
21 magistrate, I also mediate Family Court cases two
22 time a week. I think maybe some people equate
23 civility and courteousness and politeness with
24 weakness. But when you're dealing with people in
25 magistrate court -- and I believe in Family Court

1 I don't think that inserting my emotions into the
2 process is going to make anything better. So
3 every single day I decide evictions, whether or
4 not this family is going to be evicted. Those
5 are hard decisions. I decide whether or not this
6 man is going to go to jail, whether or not this
7 person keeps their car or loses their car. Those
8 are very, very hard decisions.

9 **Q. Another comment questions your ruling from the**
10 **bench are influenced by the litigants rather than**
11 **seeking to fairly administer justice. How would**
12 **you respond to that?**

13 A. Well, it will stay with me forever that comment.
14 It will stay with me and I will always remember
15 it. You know, when you're making those decisions
16 and someone's not on the favorable side of your
17 decision, they look for someone to blame. And I
18 always strive, always strive to be fair and to
19 make sure everybody feels heard. Sometimes I
20 know we're up against the clock but I try to make
21 sure everybody feels heard. So that comment does
22 concern me and I will keep it with me. And I
23 will do whatever I can to make sure no-one ever
24 feels that way in my courtroom ever again.

25 **Q. Thank you, Judge.**

1 MR. HINSON: I would note that the Pee Dee Citizens
2 Committee found Judge Wall qualified in the
3 criteria of constitutional qualifications,
4 physical health and mental stability. The
5 committee found judge Wall well qualified in the
6 criteria of ethical fitness, professional and
7 academic ability, character, reputation,
8 experience, and judicial temperament.

9 Q. Just a few housekeeping questions. Judge Wall,
10 are you aware that as a judicial candidate you
11 are bound by the code of judicial conduct as
12 found in rule 501 of the South Carolina appellate
13 court rules?

14 A. Yes, sir.

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

18 A. No, sir.

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

22 A. Yes, sir.

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

1 of your screening?

2 A. No, sir.

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

7 A. No, sir.

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

11 A. Yes, sir.

12 Q. I would just note for the record that any
13 concerns raised during the investigation
14 regarding this candidate were incorporated into
15 the questioning of the candidate today and with
16 that I have no further questions.

17 CHAIRMAN SMITH: All right. Do you have any -- let me
18 apologize I was calling you Mrs. Wall and not
19 Judge Wall. I did not see that so I apologize
20 not doing well in my reading before I start
21 talking.

22 JUDGE WALL: That is fine. In Johnsonville, everybody
23 just calls me Holly so that's fine.

24 CHAIRMAN SMITH: I understand. Mr. Strom?

25 MR. STROM: Thank you, Mr. Chairman. I just wanted to

1 point out to the rest of the Commission the
2 reference letter from Karl Folkens who we all
3 hold in very high regard and I'm certainly not
4 going to read all of it but basically what he
5 says is when he was winding down his practice,
6 his Family Court practice, that he gave Ms. Wall
7 all of his more complicated cases to handle. He
8 goes on to talk about her integrity, talks about
9 her work ethic, he talks about the fact that she
10 served on the school board for how many years,
11 Eleven years?

12 JUDGE WALL: Fourteen.

13 MR. STROM: Fourteen years. Fourteen long, hard
14 years. Coach at middle and high school, mock
15 trials. It just looks like you've put your time
16 in and with a letter from Karl Folkens that's all
17 I need to see. So congratulations on impressing
18 him so much that impresses me.

19 JUDGE WALL: Thank you. I'm very grateful and humbled
20 by that.

21 CHAIRMAN SMITH: Senator Rankin?

22 VICE CHAIRMAN RANKIN: And I am not going to repeat
23 that but, you know, Karl Folkens is an efficient
24 person in time, in words, that he has spent so
25 many words on you is perhaps never before. And I

1 know Karl and Nell well. They -- this letter
2 certainly is a wonderful letter. To the point of
3 your giving of your fee to one who was not hired
4 -- you weren't hired on as pro bono and I think
5 your compassion is what I'm reading through a lot
6 of his words, which mimic the anonymous ballot
7 box survey participants, both in the theme
8 perhaps in the sheer volume of words. I've never
9 read, I don't think, in this go round more
10 comments favorable and going on and on about you.

11 JUDGE WALL: Thank you, Senator.

12 VICE CHAIRMAN RANKIN: Well and again knowing you
13 professionally for fifteen years, you'd make an
14 excellent judge. Your demeanor as a magistrate
15 both and now as a mediator. Is any other
16 magistrate serving as a mediator in the state of
17 South Carolina that you're aware of, by chance?

18 JUDGE WALL: I think so, because someone asked the
19 question of the attorney general could a full
20 time magistrate open a mediation business. And
21 everyone thought that was me but I'm a part-time
22 magistrate. So there's got to be at least one
23 more out there.

24 SENATOR RANKIN: We ain't seen her or him this go
25 around. I've never heard of it but kudos to you

1 for your wanting to do it. Temperament again in
2 the magistrate's court. Again you heard a
3 negative comment and again we have to be balanced
4 here. Way, way, way in the minority save perhaps
5 but one person saying anything ill of you.

6 JUDGE WALL: But those are the one that stick with
7 you.

8 SENATOR RANKIN: Well don't let them though, and
9 that's the problem, how you handle the good and
10 the bad, right? So, again, I want to compliment
11 your being here and your bringing your family. I
12 think that's a testament not just to you but to
13 your dad there and to your husband and to your
14 kids. So it's a great thing that the family is
15 here to support, all of you. Thank you.

16 JUDGE WALL: Thank you senator.

17 CHAIRMAN SMITH: Ms. McIver.

18 SENATOR SABB: I yield.

19 MS. MCIVER: Go ahead.

20 SENATOR SABB: No, no. I yield.

21 MS. MCIVER: Thank you, Mr. Chairman and Senator Sabb.
22 I just wanted to touch on one thing. Obviously
23 your recommendations speak very highly to your
24 career and what you've done as an attorney and
25 what you've done in your community. One of the

1 things I wanted to touch on also for the benefit
2 of your family but for you and for members of the
3 Commission as well. Because I think we all have
4 kids. I was looking around to make sure I think
5 I'm right with that. And one of the
6 recommendations that was submitted was by it
7 looks like young lawyer, Creasie Parrott, is that
8 right? And some of her comments I just thought
9 were very powerful and spoke not only to your
10 role as a lawyer but as a leader and an educator
11 and somebody who cares about young people and
12 about your community. I just wanted to read a
13 couple of her comments. She said, "Holly's been
14 an exceptional mentor and her influence
15 undoubtedly altered the course of my life for the
16 better. Without her I would never have thought
17 that I could go off to college much less become
18 an attorney who would one day be coaching her own
19 mock trial team. Holly is the epitome of what a
20 strong female role model should be for young
21 girls in our community. Over a decade has passed
22 since she first impacted my life and I still use
23 the lessons that she has taught me in both my
24 professional and personal life on a daily basis."
25 So, I just wanted to point out your work in your

1 community not only as a lawyer but as a really
2 great person and a leader who's changing lives as
3 evidenced by this awesome letter from this young
4 person.

5 JUDGE WALL: Thank you. Those children, those kids
6 now young adults taught me way more than I taught
7 them, I can assure you of that.

8 MS. MCIVER: Thank you.

9 JUDGE WALL: Thank you.

10 CHAIRMAN SMITH: Senator Sabb.

11 SENATOR SABB: Thank you, Mr. Chairman. Although
12 Lucy, I think, stole my thunder but yeah and of
13 course I practice law in Williamsburg and Holly's
14 right next door. And so I know her by reputation
15 and know her professionally as well and I coached
16 the middle team for C.E. Murray in mock trial and
17 it's a lot of work. And I tried my best to have
18 my students perform on the level of Holly's
19 students. But every year I don't know how she
20 managed it but she just had superstars. Every
21 kid on her team was a superstar. And I just know
22 the kind of work and time that it takes to get
23 those students at that level. And I just admire
24 the way that her students reflected the best in
25 our profession, in terms of their demeanor and

1 their performance and how gracious they were when
2 they beat us and all of those other good things.
3 And I just think that it's consistent with how
4 you view the practice of law, and your role as a
5 lawyer. And obviously it's more than just the
6 cases that you win. And so, you know, to have
7 somebody say I've known Holly Wall since I was
8 twelve years old in mock trial and I'm what I am
9 today because of my interactions with her, I just
10 think there's no greater testament to us and what
11 we do than to have the opportunity to touch
12 somebody's life and alter the course in such a
13 positive way so congratulations and good luck.

14 JUDGE WALL: Thank you, Senator. I'd like to
15 apologize to you Senator Talley and Mr. Strom.
16 I've run into you socially over the past month or
17 so and I've been running from you and I feel like
18 I was rude and did not use my manners but ---

19 MR. STROM: We understood.

20 REPRESENTATIVE RUTHERFORD: So many people running.

21 JUDGE WALL: I apologize that I just walked on by.

22 CHAIRMAN SMITH: You're one of many who've been doing
23 that lately. All right. Any further questions?

24 SENATOR TALLEY: Mr. Chairman.

25 CHAIRMAN SMITH: Senator Talley.

1 SENATOR TALLEY: No offense at all taken by that,
2 certainly understand. But I just wanted to
3 congratulate your daughter who just graduated
4 Wofford.

5 MS. WALL: Thank you.

6 SENATOR TALLEY: Right. Our chairman was the highest
7 GPA in his class at Wofford many, many years ago.
8 I squeaked out several years ago but
9 congratulations to you.

10 MS. WALL: Thank you so much.

11 CHAIRMAN SMITH: All right. Any further questions?
12 He stole my thunder but I was going to say you're
13 probably your greatest achievement is making sure
14 your daughter went to Wofford College and
15 graduated successfully. So we know she is going
16 to be very successful in her career when she
17 graduates from such a fine institution.

18 JUDGE WALL: Thank you. I'm very proud.

19 CHAIRMAN SMITH: She's in graduate school at USC.
20 What are you doing?

21 MS. WALL: I'm getting my master in social work. I
22 actually finished my last paper this morning so
23 I'm one fourth of the way done.

24 CHAIRMAN SMITH: So what's your career plans after?

25 MS. WALL: I'm going to be a child psychologist.

1 CHAIRMAN SMITH: Okay. Well, awesome.

2 JUDGE WALL: She's going to save the world.

3 CHAIRMAN SMITH: I went to summer school one year and
4 took a psychology class but it's because it was
5 easy and I loved Spartanburg and Wofford. I went
6 to summer school every year I was up there, so.
7 And I did not have a high GPA but I did win a lot
8 of awards that I can't talk about on the record.

9 MR. STROM: When you graduate, the chairman could use
10 a child psychologist.

11 CHAIRMAN SMITH: Yeah my children still are going to
12 need a lot of psychology when they get finished
13 with me. All right. Well, no further questions.
14 This will conclude this portion of your screening
15 process. Judge Wall, let me take this
16 opportunity to remind you that pursuant to the
17 Commission's evaluative criteria, the Commission
18 expects candidates to follow the spirit as well
19 as the letter of the ethics law. We will view
20 violations or the appearance of impropriety as
21 serious and potentially deserving of heavy weight
22 in the screening deliberations. As you may know
23 the record will remain open until the formal
24 release of the report of qualifications and you
25 may be called back at such time if the need

1 arises. Thank you for offering for this position
2 and I thank you for your service to the state of
3 South Carolina.

4 JUDGE WALL: Thank you, thank you for your service.
5 We all appreciate it.

6 CHAIRMAN SMITH: Mr. Safran moves that we go into
7 executive session. All in favor, signify by
8 saying aye.

9 (Ayes are heard.)

10 CHAIRMAN SMITH: All opposed.

11 (No replies are heard.)

12 CHAIRMAN SMITH: Ayes have it. We are in executive
13 session.

14 (There being nothing further the proceeding concluded at
15 6:30 p.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC
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CERTIFY THAT I REPORTED THIS PROCEEDING, ON TUESDAY, THE
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PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
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IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
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