

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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: James Howle Lucas

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1. Do you plan to serve your full term if elected?

Yes

2. If elected, do you have any plans to return to private practice one day?

No

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

Yes

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

My philosophy regarding *ex parte* communications is governed by Canon 3. Canon 3 allows *ex parte* communications in extremely limited circumstances. Throughout my thirty-six (36) year legal career, I consciously tried to avoid putting judges in situations requiring *ex parte* orders or communications. If I felt the need to discuss a scheduling matter or other procedural matter with the court, I first obtained the permission of the opposing counsel. Even if allowed by Canon 3, I will always make every effort not to engage in *ex parte* communications. I understand emergency situations make *ex parte* communications inevitable.

5. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would be predisposed to grant a motion to recuse myself if I had disclosed something that could create the appearance of bias. I believe it is of the utmost importance that the appearance of bias be avoided whenever possible. I would, however, be sensitive to such a motion being used to gain an advantage in the litigation. There would need to be a good faith question as to whether the disclosure could or would create any bias. This analysis would have to be conducted on a case-by-case basis.

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

My practice has always been to not accept gifts or social hospitality from anyone other than family and extremely close, long-term friends. I can think of no reason to deviate from this practice.

7. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

It is my responsibility to protect the practice of law and the court system of this state and that responsibility requires that I report any misconduct or appearance of infirmity. Under certain circumstances it is possible that I would seek clarification from the attorney that I believed had committed misconduct or appeared infirm to be certain that my observations were accurate. However, absent a significant justification or the existence of extenuating circumstances, it is my responsibility to report the misconduct or infirmity.

8. Are you affiliated with any political parties, boards or commissions? If so, in what capacity are you serving?

**Byerly Foundation, Chairman
Carolina Pines Regional Medical Center, Board Member**

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

When I was in the General Assembly, I gave money to, and raised money for, the South Carolina House of Representatives' Republican Caucus. My last day in the South Carolina House of Representatives was June 28, 2022. I have not raised money for, or given money to, this organization or any political organization since June 28, 2022.

Additionally, I raised money for the Hartsville High School Academic Booster Club in conjunction with my 50th year high school reunion. These funds were used to give scholarships to 2025 graduates of Hartsville High School on behalf of the Hartsville High School Class of 1975.

10. How would you prepare for cases that were before you?

Diligently. I would personally review each case prior to the term of court. I would carefully review /the record on appeal, preserved issues contained in legal briefs and conduct extensive legal research. I believe that coming to the correct answer in any appeal involves cooperation. I would have law clerks independently review my analysis of each case. I would collaborate with my fellow justices on the court to get their input.

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

Judicial activism has no role under the South Carolina Constitution. The Constitution is clear that all political power is vested in and derived from the people (Article I Section 1), that all legislative power is vested with the General Assembly (Article III Section 1) and that all executive authority is vested with the Governor (Article IV Section 1). The state's court system is only vested with judicial power. (Article V Section 1). For a judge to assume an "activist" role not reserved to the Courts by the Constitution is in and of itself a violation of the Constitution.

While courts do play a role in the development and preservation of the state's common law, the court must move deliberately in enacting judge-made law, looking to the Constitution and legislative enactments for guidance. Ultimately, judicial activism weakens the

rule of law by creating uncertainty and unpredictability in our legal system.

12. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I believe the more familiarity the public and bar have with the court, the better. This begins with open communication and availability. I would seek opportunities to be with members of the Bar to speak about what they see happening in the practice of law and how it could be improved.

I also believe that civility among attorneys is paramount. I would look for any opportunity to impress that belief on other attorneys. Civility needs to emanate from the bench. I would conduct myself in a manner that left no question about my reverence for practitioners and the practice of law.

Finally, I believe the current Chief Justice has made great strides in improving the relationship between the public and the bar by opening processes that appeared secretive to public scrutiny. Our court should never be viewed as a "star chamber". The practice of law can only be improved by more sunshine.

13. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I discussed with my wife and son my dream of being on the South Carolina Supreme Court. I also discussed this decision with my sister, who I assist from time to time. My family has always been supportive of my legal career. Practicing law is an intense profession that carries with it immense pressure. However, my family always remains my top priority. I believe my thirty-six (36) years of practicing law has prepared me and my family for this opportunity should I be successful.

14. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:

Unlike the United States Constitution, the South Carolina Constitution addresses multiple facets of governmental power. Many provisions of the South Carolina Constitution are very specific. While historical evidence might serve to create context around any ambiguity, the primary way to determine what the constitution says is to read the constitution.

- b) The use and value of an agency's interpretation of the Constitution:

Very low. Agencies only have regulatory authority. Their authority flows exclusively from statutes passed by the General Assembly. Their interpretation of the constitution should carry little weight.

- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

If ambiguity exists, documents produced contemporaneously with the Constitution may be entitled to weight in determining the drafter's intent. The plain meaning of the language in the Constitution should always be given greater weight. Ambiguities in the Constitution should never be a reason for the court to rewrite or reinterpret the Constitution.

15. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No

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

Pursuant to Rule 408(a)(2)(B), SCRAC, I have been exempt from the mandatory continuing legal education requirements for the last five years. Notwithstanding this exemption, my continuing legal education credits for this reporting period are 39.21 hours of continuing legal education courses with 5 hours of legal ethics and professional responsibility.

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

A judge should always be in control of his courtroom without being controlling. A judge's demeanor should always reflect his impartiality.

Additionally, Canon 3B(4) specifically states:

"A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control."

This Canon only applies to a judge in his "official capacity." However, I strongly believe that a judge should be patient, dignified and courteous both on and off the bench as reiterated in the commentary to Canon 2A. I believe a judge's conduct away from the bench should reinforce the perception that he will carry out his responsibilities with integrity, impartiality and competence.

18. Would there be a role for sternness or anger in meetings with attorneys?

It is important for a judge to be in control of his courtroom. To be in control, I believe sternness may be appropriate, but only under certain circumstances. There is, however, no place for anger in dealing with attorneys, litigants or judicial staff.

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

James H. Drew

Sworn to before me this 18 day of August, 2025.

L. Taylor Davis

(Signature)

L. Taylor Davis

(Print name)

Notary Public for South Carolina

My Commission Expires: 1/27/33