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## **TRANSCRIPT OF PUBLIC HEARINGS**

*November 18, 2025*

**2025 SC Judicial Merit Selection Commission**

**REPORTER: Kathryn Bostrom**

JUDICIAL MERIT SELECTION COMMISSION  
TRANSCRIPT OF PUBLIC HEARINGS

BEFORE: REPRESENTATIVE "MICAH" CASKEY, IV, CHAIRMAN  
SENATOR LUKE A. RANKIN, VICE CHAIRMAN  
SENATOR GEORGE E. CAMPSEN  
SENATOR OVERTURE WALKER  
REPRESENTATIVE WALLACE H. "JAY" JORDAN, JR.  
REPRESENTATIVE LEONIDAS E. "LEON" STAVRINAKIS  
JOHN T. LAY  
CHRISTIAN STEGMAIER  
MARY AGNES HOOD CRAIG  
LANNEAU W. LAMBERT JR.  
PETER D. PROTOPAPAS  
THE HONORABLE JOSEPH MONROE STRICKLAND  
ERIN B. CRAWFORD, CHIEF COUNSEL

19 DATE: Tuesday, November 18, 2025  
20 TIME: 9:30 a.m.  
21 LOCATION: Gressette Building, Room 105  
22 1101 Pendleton Street  
23 Columbia, South Carolina 29201  
24  
25 REPORTED BY: Kathryn B. Bostrom, Court Reporter

# TRANSCRIPT OF PUBLIC HEARINGS

Page 2

1	CONTENTS:	
2	(Hearings)	
3		
4		PAGE
5	Exhibit Index . . . . .	3
6	The Honorable Milton Kimpson	
7	Examination by Mr. Umsted . . . . .	14
8	Will Wheeler	
9	Examination by Ms. Crawford . . . . .	33
10	The Honorable Steven DeBerry	
11	Examination by Ms. Wilkinson . . . . .	58
12	Melissa A. Inzerillo	
13	Examination by Ms. Crater . . . . .	76
14	Misti Shelton	
15	Examination by Ms. Trask . . . . .	94
16	E. Thompson Kinney	
17	Examination by Mr. Austin . . . . .	139
18	Marissa K. Jacobson	
19	Examination by Ms. Baker . . . . .	156
20	Anthony Phillip LaMantia III	
21	Examination by Ms. Foster . . . . .	185
22	Kelly Pope-Black	
23	Examination by Ms. Crater . . . . .	214
24	The Honorable Tarita A. Dunbar	
25	*Complainant: Justin Ruzicka	

# TRANSCRIPT OF PUBLIC HEARINGS

Page 3

1	Examination by Mr. Hinson . . . . .	261
2	Examination by Mr. Hinson . . . . .	278
3	Certification of Reporter . . . . .	300
4	Word Index	
5		
6		

## 7 EXHIBITS

9	Exhibit No. 1 (16 Pages) . . . . .	13
10	(PDQ - The Honorable Milton G. Kimpson)	
11	Exhibit No. 2 (8 Pages) . . . . .	13
12	(Sworn Statement - The Honorable Milton G. Kimpson)	
13	Exhibit No. 3 (18 Pages) . . . . .	32
14	(PDQ - Will Wheeler)	
15	Exhibit No. 4 (5 Pages) . . . . .	33
16	(Sworn Statement - Will Wheeler)	
17	Exhibit No. 5 (13 Pages) . . . . .	57
18	(PDQ - The Honorable Steven DeBerry)	
19	Exhibit No. 6 (2 Pages) . . . . .	57
20	(Amendment - The Honorable Steven DeBerry)	
21	Exhibit No. 7 (7 Pages) . . . . .	57
22	(Sworn Statement - The Honorable Steven DeBerry)	
23	Exhibit No. 8 (1 Pages) . . . . .	57
24	(Amendment - The Honorable Steven DeBerry)	
25	Exhibit No. 9 (17 Pages) . . . . .	73

## TRANSCRIPT OF PUBLIC HEARINGS

Page 4

1	(PDQ - Melissa A. Inzerillo)	
2	Exhibit No. 10 (6 Pages) . . . . .	74
3	(Sworn Statement - Melissa A. Inzerillo)	
4	Exhibit No. 11 (16 Pages) . . . . .	93
5	(PDQ - Misti Shelton)	
6	Exhibit No. 12 (1 Pages) . . . . .	93
7	(Amendment - Misti Shelton)	
8	Exhibit No. 13 (6 Pages) . . . . .	93
9	(Sworn Statement - Misti Shelton)	
10	Exhibit No. 14 (19 Pages) . . . . .	137
11	(PDQ - E. Thompson Kinney)	
12	Exhibit No. 15 (7 Pages) . . . . .	137
13	(Sworn Statement - E. Thompson Kinney)	
14	Exhibit No. 16 (16 Pages) . . . . .	155
15	(PDQ - Marissa K. Jacobson)	
16	Exhibit No. 17 (7 Pages) . . . . .	155
17	(Sworn Statement - Marissa K. Jacobson)	
18	Exhibit No. 18 (14 Pages) . . . . .	183
19	(PDQ - Anthony Phillip LaMantia III)	
20	Exhibit No. 19 (1 Pages) . . . . .	183
21	(Amendment - Anthony Phillip LaMantia III)	
22	Exhibit No. 20 (5 Pages) . . . . .	183
23	(Sworn Statement - Anthony Phillip LaMantia III)	
24	Exhibit No. 21 (19 Pages) . . . . .	212
25	(PDQ - Kelly Pope-Black)	

## TRANSCRIPT OF PUBLIC HEARINGS

1	Exhibit No. 22 (1 Pages) . . . . .	212
2	(Amendment - Kelly Pope-Black)	
3	Exhibit No. 23 (9 Pages) . . . . .	213
4	(Sworn statement - Kelly Pope-Black)	
5	Exhibit No. 24 (12 Pages) . . . . .	257
6	(PDQ - The Honorable Tarita A. Dunbar)	
7	Exhibit No. 25 (5 Pages) . . . . .	257
8	(Sworn Statement - The Honorable Tarita A. Dunbar)	
9	Exhibit No. 26 (111 Pages) . . . . .	257
10	(Affidavit - Justin Ruzicka)	
11		
12		
13	Court Reporter's Legend:	
14	dashes [--] Intentional or purposeful]	
15	interruption	
16	[ph] Denotes phonetically written	
17	[sic] Written as said	
18		
19		
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22		
23		
24		
25		

TRANSCRIPT OF PUBLIC HEARINGS

Page 6

1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIRMAN CASKEY: Good morning, ladies and gentlemen.

3 My name is Micah Caskey and we will convene for  
4 the day and continue our hearings as the Judicial  
5 Merit Selection Commission. Today is Tuesday,  
6 November 18th. The motion from Representative  
7 Jordan is that we go into executive session for a  
8 legal briefing. That motion is seconded by  
9 Senator Rankin. All in favor, signify by saying  
10 aye.

11 MEMBERS: Aye.

12 CHAIRMAN CASKEY: All oppose nay? The ayes have it.

13 We will then proceed into executive session for  
14 legal briefing. Thank you.

15 (Off the Record)

16 (Executive Session was held from 9:16 to 9:23 am)

17 CHAIRMAN CASKEY: All right, ladies and gentlemen, we  
18 will resume with our screenings here today. We  
19 are back out of executive session. For the  
20 record, while we are in executive session  
21 receiving the legal briefing, no decisions were  
22 made, no votes were taken. The first matter we  
23 have before us this morning are some votes on the  
24 qualification of candidates that we met with  
25 yesterday. And I would recognize staff counsel

1 to lead us through that voting process. Ms.  
2 Crawford.

3 MS. CRAWFORD: We'll go in order the seats yesterday  
4 and what we generally do is we address -- The  
5 commission will address the qualifications and  
6 like we discussed, if they're fewer than six  
7 candidates and they're found qualified, then that  
8 y'all would automatically nominate them. You  
9 don't have a choice at that point. Yes. The  
10 voting sheets, Kate is going around showing you  
11 where it is and if you could turn this in after.  
12 It's just a -- Yeah, you can check or initial.  
13 It doesn't matter. We just hang on to it.  
14 Qualified, qualified, nominated, not qualified.  
15 It's pretty self explanatory in your notebooks.  
16 And Lindi will collect those at the end.

17 MR. STAVRINAKIS: Is qualified and nominated even a  
18 necessary category now?

19 MS. CRAWFORD: It is for when you have over six  
20 candidates. Not for the races we're going to  
21 discuss today.

22 MR. STAVRINAKIS: So for all these races, those first  
23 two are equivalent categories. There's no --

24 MS. CRAWFORD: Correct. But we'll look at  
25 individually since we did have a abstention. So

1           we'll go through, look at the qualifications to  
2           Judge Anderson. And we do have -- Mr. Protopapas  
3           is abstaining from this vote.

4 CHAIRMAN CASKEY: So the pending question is  
5           qualification of the Honorable Ralph K.  
6           Anderson, III. You can signify by raising. All  
7           in favor signify by raising your hand saying aye.

8 MEMBERS: Aye.

9 CHAIRMAN CASKEY: And please notate as well on your  
10           sheet. That was 11 to 0 in favor of  
11           qualification. The next question is  
12           qualification of the Honorable John Cannon Few.  
13           All in favor signify by raising your hand and  
14           saying aye.

15 MEMBERS: Aye.

16 CHAIRMAN CASKEY: Aye. So all 12 unanimously find Judge  
17           Few qualified. The next is qualification of the  
18           Honorable Blake A. Hewitt. All in favor of  
19           qualification, raise your hand and say aye.

20 MEMBERS: Aye.

21 CHAIRMAN CASKEY: Aye. Vote is unanimous as well as to  
22           qualification of Judge Hewitt. And the last  
23           candidate for Supreme Court is Jay Lucas. All in  
24           favor of qualification, raise your hand to  
25           signify by saying aye.

1 MEMBERS: Aye.

2 CHAIRMAN CASKEY: Aye. Again, unanimous for  
3 qualification of Jay Lucas and nomination,  
4 because there are fewer than six candidates in  
5 the race.

6 MS. CRAWFORD: The next candidate is the Honorable  
7 Stephanie P. McDonald who is running for re-  
8 election to the Court of Appeals seat seven.

9 CHAIRMAN CASKEY: Aye. All right. Question is  
10 qualification of the Honorable Stephanie P.  
11 McDonald. All in favor signify by raising your  
12 hand and saying aye.

13 MEMBERS: Aye.

14 CHAIRMAN CASKEY: Aye. All opposed? Ayes have it.  
15 It's unanimous in favor of qualification of Judge  
16 McDonald.

17 MS. CRAWFORD: We will go through -- We just need --  
18 We don't need qualified and nominated because we  
19 don't need to nominate retired judges. It's just  
20 a vote on their qualifications. The first judge  
21 up is the Honorable Joseph Derham Cole.

22 CHAIRMAN CASKEY: Question is qualification of Judge  
23 Cole. All in favor, raise your hand, signify by  
24 saying aye.

25 MEMBERS: Aye.

TRANSCRIPT OF PUBLIC HEARINGS

Page 10

1 CHAIRMAN CASKEY: Aye. Again, unanimous. 12 to 0  
2 favor qualification Judge Cole. Next is  
3 qualification of the Honorable Thomas W. Cooper,  
4 Jr. All in favor, signify raising your hand and  
5 saying aye.

6 MEMBERS: Aye.

7 CHAIRMAN CASKEY: Opposed? It is unanimous in favor of  
8 qualification Judge Cooper. The next question is  
9 qualification of the Honorable Ronald R. Norton.  
10 All in favor, signify by raising your hand and  
11 saying aye.

12 MEMBERS: Aye.

13 CHAIRMAN CASKEY: Opposed? 12 to 0 unanimous in favor  
14 of qualification of Judge Norton. Bringing us to  
15 the qualification of the Honorable William J.  
16 Wiley. All in favor of qualification, signify by  
17 raising your hand and saying aye.

18 MEMBERS: Aye.

19 CHAIRMAN CASKEY: Aye. All opposed, nay. It is  
20 unanimous 12 to nothing in favor of qualification  
21 of Judge Wiley. The last race in this bucket is  
22 qualification of -- Excuse me, I said race. But  
23 it is a individual determination for the  
24 Honorable Stephen H. John as a retired Circuit  
25 Court judge. All in favor of qualification,

1 raise your hand and signify by saying aye. I see  
2 none. All opposed, signify by raising your hand  
3 and saying no.

4 MEMBERS: No.

5 CHAIRMAN CASKEY: No. So the determination is not  
6 qualified by a vote of 0 to 12, 12 to 0. I'm not  
7 sure how exactly to say that, but all 12 votes  
8 were in favor of not qualifying. The Honorable  
9 Stephen H. John.

10 MS. CRAWFORD: And the final candidate is The  
11 Honorable Debbie McCaslin, Circuit Court, 11th  
12 Circuit Seat 3, re-election.

13 CHAIRMAN CASKEY: Question is qualification of the  
14 Honorable Debbie McCaslin. All in favor, signify  
15 by raising your hand and saying aye.

16 MEMBERS: Aye.

17 CHAIRMAN CASKEY: Aye. Any opposed? Seeing none, it  
18 is unanimous 12 to 0 in favor of qualification of  
19 the Honorable Debbie McCaslin.

20 MS. CRAWFORD: That's it.

21 CHAIRMAN CASKEY: All right. And that is all that we  
22 have before us based on the hearings yesterday.  
23 And with that, we will proceed with the first  
24 candidate on today's agenda.

25 \*\*\*\*\*

TRANSCRIPT OF PUBLIC HEARINGS

Page 12

1 CHAIRMAN CASKEY: All right. Before us we have Judge  
2 Milton Kimpson. If you would, sir, please raise  
3 your right hand.

4 JUDGE KIMPSON: Yes, sir.

5 WHEREUPON:

6 MILTON KIMPSON, being duly sworn and  
7 cautioned to speak the truth, the whole truth and  
8 nothing but the truth, testifies as follows:

9 CHAIRMAN CASKEY: If you would, please, sir, state  
10 your full name for the record.

11 JUDGE KIMPSON: Milton Gary Kimpson.

12 CHAIRMAN CASKEY: Judge, there should be some  
13 documents in front of you. If you would please  
14 take a moment to look at those.

15 JUDGE KIMPSON: Yes, sir.

16 CHAIRMAN CASKEY: Those are the personal data  
17 questionnaire and the sworn statement that you  
18 submitted to the commission.

19 JUDGE KIMPSON: Yes, sir, they are.

20 CHAIRMAN CASKEY: Are there any updates or changes  
21 that need to be made?

22 JUDGE KIMPSON: No, sir.

23 CHAIRMAN CASKEY: Do you have any objection to our  
24 including those in the record?

25 JUDGE KIMPSON: No objection whatsoever.

TRANSCRIPT OF PUBLIC HEARINGS

Page 13

1 (EXHIBIT NO. 1 MARKED FOR  
2 IDENTIFICATION PURPOSES (1 pages)  
3 PDQ - Milton Kimpson)

4 (EXHIBIT NO. 2 MARKED FOR  
5 IDENTIFICATION PURPOSES (1 pages)  
6 Sworn Statement - Milton Kimpson)

7 CHAIRMAN CASKEY: Thank you, sir. Let me give staff a  
8 chance to do that. Great, thank you. And Judge,  
9 I should have noted at the outset this -- your  
10 candidacy is for seat five as an at large circuit  
11 court judge reelection. Do I have that right?

12 JUDGE KIMPSON: Yes, sir.

13 CHAIRMAN CASKEY: All right. The Judicial Merit  
14 Selection Commission has thoroughly investigated  
15 your qualifications for the for the bench. Our  
16 investigation has -- or excuse me, our inquiry is  
17 focused on nine evaluative criteria and has  
18 included a ballot box survey, a thorough study of  
19 your application materials, verification of your  
20 compliance with state ethics laws, newspaper  
21 search for which your name appears, study of  
22 previous screenings, and a check for economic  
23 conflicts of interest. We have received no  
24 affidavits filed in opposition to your election.  
25 No witnesses are present to testify. If you'd

1 like to make a brief opening statement, I'd be  
2 happy to recognize you for that. Or I would turn  
3 to staff counsel to begin with questions.

4 JUDGE KIMPSON: Just like to say thank you for this  
5 opportunity. It's been a wonderful opportunity  
6 to serve the state and I look forward to your  
7 questions. Thank you, sir.

8 CHAIRMAN CASKEY: Mr. Umsted.

9 MR. UMSTED: Thank you. Initially, I note for the  
10 record that commission member Christian Stegmaier is  
11 abstaining from participation in the screening of  
12 Judge Milton G. Kimpson. I further note for the  
13 record that based on the testimony contained in the  
14 candidate's PDQ, which has been included in the record  
15 with the candidate's consent, Judge Kimpson meets the  
16 statutory requirements for the position regarding age,  
17 residency and years of practice.

18 EXAMINATION

19 BY MR. UMSTED:

20 Q. Judge Kimpson, after serving a little more than a year  
21 on the circuit court, why do you want to continue  
22 serving as a circuit court judge?

23 A. Being on the circuit court has been incredibly  
24 challenging. And I feel every day that I'm doing not  
25 only the state's business, but of course, I'm helping

1 our justice system. It's been challenging. Some days  
2 have been better than others. Some days I want to run  
3 and hide. But overall, it's been a wonderful  
4 experience and I'd just like to continue that service.  
5 I just feel that we are doing good work for the state  
6 of South Carolina.

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

9 A. I'd like to think that the lawyers who come before me  
10 know that I'm going to pay attention, that I'm going  
11 to consider their arguments, and that before I render  
12 a decision, I'm going to weigh all factors. Sometimes  
13 I may take too long to get a decision, but I think  
14 they know that I'm going to consider and I hear  
15 everything that's being said.

16 Q. Judge Kimpson, the commission received 614 ballot box  
17 surveys regarding you, with 72 additional comments.  
18 The ballot box surveys, for example, contain the  
19 following positive comments: Judge Kimpson is the type  
20 of person we want on the bench, informed, thoughtful,  
21 and humble. Judge Kimpson is very fair and renders  
22 well-reasoned decisions. He has a credit to the legal  
23 profession. And lastly, Judge Kimpson is one of the  
24 best judges in South Carolina. His knowledge,  
25 temperament, and approach to cases and litigants is

1       one to be modeled for other jurists. Six of the  
2       written comments express concerns. Of those, a few of  
3       the comments concern delayed rulings or inefficiencies  
4       in rendering decisions. What response would you offer  
5       for this concern?

6       A. I think, and I've thought a lot about how long it has  
7       taken me to issue some opinions and decisions. Civil  
8       motions can often almost deluge of cases and motions  
9       that I'll have to consider. In the very beginning, I  
10       had lots of difficulty, not so much with the subject  
11       matter, not with the complexities of cases but the  
12       idea that I wanted to sit, I wanted to make sure I  
13       read everything and before rendering a decision, I  
14       essentially wanted to be perfect. And I had to  
15       realize that I can't be perfect. I've got to make a  
16       decision, I've got to assign the order to someone. So  
17       what we've done is after that initial, I say, two,  
18       three, even four month backlog, I've relied on other  
19       judges to help get -- to try to get tips on how to  
20       handle these things. And we've developed better  
21       processes in the office to try to turn orders around  
22       quickly. Now after a civil motion -- a day of civil  
23       motions, I'll sit with my law clerk, we will make an  
24       initial decision. And if -- even if I need to revisit  
25       that, what I've done is to try to outline what I

1 believe will happen, we'll do additional reading and  
2 try to get that decision out within a relatively short  
3 period of time. I will say there's something called  
4 the Matters Under Advisement report that must be  
5 turned into court administration if a case goes on --  
6 if you hear a case, and then 30 days have gone by, and  
7 you've not rendered a decision. In the very  
8 beginning, my Matters Under Advisement report looked  
9 terrible. But we've worked on it, and for the first  
10 time, probably since I took office, last week, I  
11 submitted a Matters Under Advisement report that had  
12 zero cases. Now, of course, I've had a term of civil  
13 motion since then. So I'm working on those too so  
14 that we will not have anything that's overdue and has  
15 to be. That's a very fair criticism is just something  
16 that I think I have to continue to work on.

17 Q. **A few of the comments also concerned deficits in legal**  
18 **knowledge or needing to -- or needing improvements in**  
19 **legal writing. What response would you offer for this**  
20 **concern?**

21 A. Well, in the beginning, I wanted to write my own  
22 orders. I've not been able to do that simply because  
23 you don't -- you can't keep up with everything. So I  
24 rely on lawyers to write orders. When I get that  
25 order in, I make sure that it's consistent with my

18 Q. And lastly, a few of the concerns -- or a few of the  
19 comments indicate a concern regarding your  
20 understanding of criminal trial procedure and  
21 evidentiary rulings. How would you respond to that  
22 concern?

23 A. At the Administrative Law Court, I was the ultimate  
24 gatekeeper because of course, I made the decision so  
25 that if something came in that probably in terms of

1 evidence that shouldn't have come in, I could always  
2 just disregard that in my own decision. As a circuit  
3 court judge, of course, especially with jury trials,  
4 I'm the one who has to be a gatekeeper, has to be much  
5 more -- much more concerned about what comes in and  
6 not because a jury even with a curative instruction  
7 may use that in an improper way. So we've just got to  
8 get better with regard to evidentiary issues, with  
9 regard to -- particularly with regard to criminal  
10 procedure. I've never done a whole lot of criminal  
11 trial work. I did do some criminal work as a  
12 practicing lawyer. It's just something we just have  
13 to get better at. Have to just do better.

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

15 MR. UMSTED: I would note that the Midland Citizens  
16 Committee found Judge Kimpson qualified in the  
17 evaluative criteria of constitutional  
18 qualifications, physical health and mental  
19 stability. The committee found him well  
20 qualified in the evaluative criteria of ethical  
21 fitness, professional and academic ability,  
22 character, reputation, experience and judicial  
23 temperament. The committee stated in summary, he  
24 is a great judge who is well liked, organized,  
25 intelligent, and strong character with an

1 exemplary temperament. And they also noted he  
2 should be reelected and continue to serve our  
3 judicial branch as a leader.

4 Q. Just a few housekeeping issues. JMSC procedural Rule  
5 17 includes a prohibition on any candidate from  
6 attending or watching any portion of the live stream  
7 or recordings of public hearings of this cycle until  
8 after all hearings are concluded. Have you watched or  
9 listened to any of these hearings before your  
10 appearance today?

11 A. No, sir.

12 Q. Has any other person relayed any information about any  
13 of the proceedings before this commission to you?

14 A. No, sir.

15 Q. Judge Kimpson, since submitting your letter of intent,  
16 have you contacted any members of the commission about  
17 your candidacy?

18 A. No, sir.

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

22 A. I am. I am familiar with it, yes.

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

1 the outcome of your screening?

2 A. No, sir.

3 Q. Have you asked any third parties to contact members of

4 the General Assembly on your behalf, or are you aware

5 of anyone attempting to intervene in this process?

6 A. I have not.

7 Q. And have you reviewed and do you understand the

8 commission's guidelines on pledging and South Carolina

9 Code section 2-19-70(E)?

10 A. I am familiar with it, yes.

11 MR. UMSTED: I would just note for the record that any

12 concerns raised during the investigation

13 regarding Judge Kimpson were incorporated into

14 the questions -- or into the questioning of this

15 candidate today. Mr. Chairman, I have no further

16 questions.

17 CHAIRMAN CASKEY: Thank you, sir. Members of the

18 commission have any questions for Judge Kimpson?

19 Mr. Lay?

20 MR. LAY: Good morning, Judge Kimpson.

21 JUDGE KIMPSON: Morning, sir.

22 MR. LAY: I wanted to just figure out exactly what

23 you're doing to improve, you know, your

24 experience level, your knowledge in criminal

25 procedure, criminal law.

1 JUDGE KIMPSON: Reading, of course, advance sheets.

2 When an issue comes up -- I appreciate when, in

3 the criminal realm, when I have pretrial motions

4 getting them early so that we can do the research

5 necessary to make sure that we are prepared. Of

6 course, talking to other judges. One morning, I

7 had a trial where the issue about bifurcation

8 came up. So of course, I did some preliminary

9 research, but then shot out an email to the other

10 judges and got great advice and did additional

11 research based on that. Where I have evidentiary

12 issues that come up in the midst of trial,

13 sometimes I'll just need to take a break.

14 Sometimes when motions come up, we'll just not

15 rule immediately, but go back to the chambers and

16 research those. So what I hope for at all times

17 is pretrial issues that may be thorny, becoming

18 aware of those prior to trial, so that I'll have

19 an opportunity to review and hopefully make a

20 correct ruling on that. It's just, for lack of a

21 better way of description, homework.

22 MR. LAY: And I can tell you, I've had a different

23 experience with you on evidentiary issues --

24 JUDGE KIMPSON: Yes, sir.

25 MR. LAY: -- since we tried a case 30 years ago against

1           each other and I thought it was going to go to  
2           the U.S. Supreme Court. And I was very impressed  
3           with your knowledge of the Rules of Evidence and  
4           your knowledge just in how to do your job around  
5           a courtroom.

6 JUDGE KIMPSON: Yes, sir.

7 MR. LAY: So I just wanted to be sure that was  
8           expressed.

9 JUDGE KIMPSON: Thank you.

10 MR. LAY: That's all.

11 CHAIRMAN CASKEY: And Judge, if I might, before, as I  
12           see the Senator from Richland reaching for his  
13           microphone, humbly make a suggestion where  
14           opportunities for improvement have been  
15           identified. One way that I see folks more  
16           quickly arrive at success is through CLEs and  
17           other deliberative education efforts. This is  
18           not just a shameless plug for the CLE that  
19           Senator from Richland will be delivering at the  
20           bar convention here in January on a view of the  
21           Legislature's activity, but there are CLEs  
22           certainly that can help, though, I think the  
23           Senator will do a fantastic job in that  
24           presentation. Or else it might be the most  
25           boring half hour of in all of human history. I'm

1                   probably the first half. Okay, I'm sorry, where  
2                   were we? Does anyone else have questions for --  
3                   Representative Stavrinakis?

4 REPRESENTATIVE STAVRINAKIS: Judge, thank you so much  
5                   for your service and welcome this morning.

6 JUDGE KIMPSON: Thank you.

7 REPRESENTATIVE STAVRINAKIS: I'm not sure and, you  
8                   know, up here -- I know in Charleston, Judge  
9                   Young, when cases are likely headed to trial,  
10                  does a wonderful job of statusing the cases  
11                  during that process. He asks the lawyers to  
12                  flush out potential issues, motions that might  
13                  and are likely to come up at trial.

14 JUDGE KIMPSON: Yes, sir.

15 REPRESENTATIVE STAVRINAKIS: I think that helps the  
16                  process of identifying issues prior to trial,  
17                  which, as you mentioned, is often helpful to  
18                  trial judges to know. Many times those issues  
19                  might even be heard and resolved before trial.  
20                  So again, I don't know the processes in your home  
21                  circuit as well as I do back home, but I would  
22                  just suggest that's a wonderful tool for judges  
23                  and for lawyers --

24 JUDGE KIMPSON: I agree.

25 REPRESENTATIVE STAVRINAKIS: -- to be prepared and to

1 kind of clear the deck for the actual conduct of  
2 a trial and allow them to proceed more  
3 efficiently and to have rulings, you know, be  
4 able to -- a judge to be able to consider  
5 necessary rulings more efficiently and just  
6 wasn't sure if y'all were doing that up here.  
7 Probably are, but I've been impressed with what  
8 Judge Young does on so many issues but as chief  
9 admin down in Charleston, he really does a good  
10 job. I do a lot of criminal work down there.

11 JUDGE KIMPSON: Yes, sir.

12 REPRESENTATIVE STAVRINAKIS: And I imagine it's very  
13 helpful to the trial judges.

14 JUDGE KIMPSON: It is incredibly helpful to have  
15 everything -- as much as you can beforehand to  
16 get a heads up. Judge Young is always willing to  
17 assist. The other thing, though, is, of course,  
18 a Sharepoint drive and Judge Young has always  
19 contributed to the Sharepoint drive so there are  
20 samples, cases that he's done in the past,  
21 verdict sheets. It's just been incredibly  
22 helpful with sharing his knowledge with other  
23 judges. So thank you.

24 CHAIRMAN CASKEY: Senator Walker.

25 SENATOR WALKER: Let me begin, Mr. Chair, by saying

1           that that seminar that we have coming up in  
2           January, you will be headlining. I'm just the  
3           opening act. But it's good to see you, Judge.

4 JUDGE KIMPSON: Good morning.

5 SENATOR WALKER: What I would like to say to you, and  
6           just for this body, is commend you on your  
7           decades of public service and not to, I guess,  
8           underscore your age, but your public service goes  
9           back to, what, the late '80s if I'm not mistaken.

10 JUDGE KIMPSON: That is about right, yes, sir.

11 SENATOR WALKER: You were a JAG officer.

12 JUDGE KIMPSON: Correct.

13 SENATOR WALKER: I didn't know that about you.

14 JUDGE KIMPSON: Yes, sir.

15 SENATOR WALKER: I've known you for years. I didn't  
16           know you had served as a JAG officer. You know,  
17           staff attorney at DHEC. In fact, I think I first  
18           met you when you were a chief legal counsel at  
19           the Department of Revenue.

20 JUDGE KIMPSON: That is correct.

21 SENATOR WALKER: So your just decades of service, not  
22           only as a settler, but it's certainly, you know,  
23           more than commendable. And I know most people  
24           are probably well familiar with your brother, the  
25           former Senator from Charleston, --

TRANSCRIPT OF PUBLIC HEARINGS

Page 27

1 JUDGE KIMPSON: Yes, sir.

2 SENATOR WALKER: -- Marlin, but public service runs in  
3 your family.

4 JUDGE KIMPSON: Yes, sir.

5 SENATOR WALKER: I think your dad started the  
6 Community Relations Council, was one of the  
7 founders of the Community Relations Council back  
8 in the late '60s.

9 JUDGE KIMPSON: Yes, sir.

10 SENATOR WALKER: So a civil rights trailblazer. So  
11 just what you're doing is just it's consonant  
12 with what your family has done for the state of  
13 South Carolina, dating back to, you know, the  
14 1960s. I don't have any concerns about your, you  
15 know, legal acumen. No one can know everything.  
16 We've had many judges appointed to elected to the  
17 bench rather, who didn't have experience in the  
18 criminal realm, or some had experience doing  
19 criminal work, but not much experience in the  
20 area of civil litigation.

21 JUDGE KIMPSON: Yes, sir.

22 SENATOR WALKER: While the onus is certainly on you to  
23 expand your knowledge, but I learned early on in  
24 my career that sometimes as lawyers, you have to  
25 take the judge to where you want him or her to

1 go, meaning that you do the requisite research,  
2 you provide the information to the judge, you  
3 cite the correct case law. In an ideal world,  
4 you know, judges would know -- will have the  
5 answer to everything. But as litigants, you have  
6 to, you know, give the judge the information that  
7 he or she needs to make the correct decision. So  
8 as long as there's a judge who actually  
9 understands the law, who can comprehend and  
10 understand complex legal principles, that makes  
11 me comfortable, and you have that in spades. So  
12 thank you for being willing to offer yourself up  
13 for another six years.

14 JUDGE KIMPSON: Thank you. Yes, sir.

15 CHAIRMAN CASKEY: Senator Rankin.

16 SENATOR RANKIN: Judge, I want to commend you, though,  
17 perhaps not the given as much or certain times,  
18 as little regard as we pay to the ballot box  
19 surveys, these anonymous statements made about  
20 all the candidates.

21 JUDGE KIMPSON: Yes, sir.

22 SENATOR RANKIN: Again, varying degrees of whether  
23 people agree that we should look at them or  
24 ignore them. One thing that just screams from  
25 every comment about you, and one in particular,

1 particularly with regard to criminal experience,  
2 is your even handedness, your even temperament.  
3 And forgive me, I'm going to read this one best I  
4 can or paraphrase, but someone appeared before  
5 you in general session in Berkeley County for a  
6 plea. The writer writes that you connected with  
7 the client who was pleading guilty in a way that  
8 I do not know that I've ever seen before. You  
9 were firm, at the same time, they could tell in  
10 your voice and your demeanor that you truly,  
11 truly took an interest in the client and worked  
12 to render a just sentence. He doesn't know you  
13 or she outside of the few times that you appear,  
14 but you reflect the highest ideals of our  
15 judiciary and you're a great asset to our state.  
16 That cannot say more to me that a person would  
17 take the time to write this in such detail.

18 JUDGE KIMPSON: Yes, sir.

19 SENATOR RANKIN: In such perhaps a throw away  
20 opportunity. But the little things to me, define  
21 our import and our impact with people. And so I  
22 want to just tip my hat to you, as these others  
23 have said, maybe you don't get it right. That's  
24 why there's an appellate bench. Maybe you don't  
25 get it right on the time.

1 JUDGE KIMPSON: Yes, sir.

2 SENATOR RANKIN: But you get it. And you do it in a  
3 way that I just have to think Clifton Newman  
4 would be proud of, as well as Tommy Cooper --

5 JUDGE KIMPSON: Yes, sir.

6 SENATOR RANKIN: -- who at 85, yesterday we saw and  
7 happily extended his retired services. So for  
8 those skills that you learned at home, from your  
9 parents, from your community, beautifully done  
10 and I commend you for your continued willingness  
11 to do it.

12 JUDGE KIMPSON: Thank you, sir. Thank you, sir.

13 CHAIRMAN CASKEY: All right, Judge Kimpson, thank you  
14 very much for your service to the state and the  
15 many capacities in which you have served. And  
16 thank you for offering for continued service  
17 here. This will conclude this portion of the  
18 screening process. I do need to take this  
19 opportunity to remind you that pursuant to the  
20 commission's evaluative criteria, the commission  
21 can still follow the letter as well as the spirit  
22 of our ethics law, and we would view any  
23 violation or appearance of impropriety as very  
24 serious and deserving of heavy weight in our  
25 screening deliberations. So on that note, as you

1 know, the record will remain open until the  
2 formal release of the qualifications report. If  
3 there were an issue to arise, we can call you  
4 back for further conversation. Do you understand  
5 all of that, sir?

6 JUDGE KIMPSON: Yes, sir. Thank you.

7 CHAIRMAN CASKEY: Wonderful. Again, that will  
8 conclude this portion of the hearing. Thank you  
9 for offering for service to the state of South  
10 Carolina.

11 JUDGE KIMPSON: Thank you all. Have a wonderful  
12 afternoon.

13 CHAIRMAN CASKEY: Thank you. And we will proceed with  
14 our next candidate once he or she is here in the  
15 room with us.

16 (Off the record)

17 CHAIRMAN CASKEY: All right, ladies and gentlemen, we  
18 will resume with our screenings here this  
19 morning. Before us, we have Will Wheeler, a  
20 candidate for Seat 2 in the Third Circuit of the  
21 circuit court bench. Do I have all that right,  
22 sir?

23 MR. WHEELER: Yes, sir.

24 CHAIRMAN CASKEY: All right. If you would please  
25 raise your right hand.

TRANSCRIPT OF PUBLIC HEARINGS

Page 32

1 WHEREUPON:

2                   WILLIAM WHEELER, being duly sworn and  
3                   cautioned to speak the truth, the whole truth and  
4                   nothing but the truth, testifies as follows:

5 CHAIRMAN CASKEY: All right. If you would please  
6                   state your full name for the record.

7 MR. WHEELER: William W. Wheeler III.

8 CHAIRMAN CASKEY: Wonderful. There should be some  
9                   documents there in front of you. If you would  
10                  take a moment and review those.

11 MR. WHEELER: Okay. I have.

12 CHAIRMAN CASKEY: Okay. Are those the personal data  
13                  questionnaire and the scoring statement that  
14                  you've submitted?

15 MR. WHEELER: Yes, sir.

16 CHAIRMAN CASKEY: Any changes or updates need to be  
17                  made?

18 MR. WHEELER: No, sir.

19 CHAIRMAN CASKEY: Do you have any objection to our  
20                  including those in the record as a part of our  
21                  screening process?

22 MR. WHEELER: No, sir.

23                   (EXHIBIT NO. 3 MARKED FOR  
24                  IDENTIFICATION PURPOSES (18 pages)  
25                  PDQ - Will Wheeler)

TRANSCRIPT OF PUBLIC HEARINGS

Page 33

1 (EXHIBIT NO. 4 MARKED FOR  
2 IDENTIFICATION PURPOSES (5 pages)  
3 Sworn Statement - Will Wheeler)

4 CHAIRMAN CASKEY: All right. Let me give staff just a  
5 moment to do that. The Judicial Merit Selection  
6 Commission has thoroughly investigated your  
7 qualifications for the bench. Our inquiry has  
8 focused on the nine evaluative criteria and has  
9 included a ballot box survey, a thorough study of  
10 your application materials, a search of newspaper  
11 -- newspaper articles in which name appears,  
12 verification of your compliance with state ethics  
13 laws, and checks for economic conflicts of  
14 interest. We received no affidavits filed in  
15 opposition to your election, and no witnesses are  
16 present to testify. If you would like to make a  
17 brief opening statement, we'd be happy to hear  
18 from you. Otherwise, I would recognize council  
19 to begin with some questions.

20 MR. WHEELER: Just appreciate the opportunity to be  
21 here and glad to answer any questions. Thank you  
22 all for serving and having me here this morning.

23 CHAIRMAN CASKEY: Thank you, sir. Ms. Crawford?

24 EXAMINATION

25 MS. CRAWFORD:

1 Q. **Good morning, Mr. Wheeler.**

2 A. Good morning.

3 MS. CRAWFORD: Mr. Chairman, I note for the record  
4 that based on the testimony contained in Mr.  
5 Wheeler's PDQ, which has been included in the  
6 record with his consent, Will Wheeler meets the  
7 constitutional and statutory requirements for  
8 this position regarding age residents and years  
9 of practice.

10 Q. **Mr. Wheeler, can you give the commission a short  
11 summary of your legal and professional experience and  
12 tell them how this experience renders you qualified,  
13 and will assist you to be an effective circuit court  
14 judge?**

15 A. I've been actively practicing law since admission to  
16 the bar in 1999. I continuously practiced with  
17 Jennings and Jennings PA in Bishopville, South  
18 Carolina since December of 2000. It's a small general  
19 practice, small town firm. In that capacity, had a  
20 pretty broad experience. Tried and worked on lots of  
21 different kinds of cases from criminal cases to civil  
22 cases. Had a lot of jury trials over those years, and  
23 had I think a good professional experience. I've  
24 immensely enjoyed practicing law. This is certainly  
25 something I always hoped maybe one day to have the

1 opportunity to do. Of course, we all know there's no  
2 control over when those opportunities will arise, but  
3 I appreciate to have had the opportunity to do it now.  
4 I always thought, hoped, and if you all find the same  
5 and the body finds the same, that my personality and  
6 skills may be well suited to doing this. And I hope  
7 to offer service in that capacity. Thank you.

8 Q. Thank you. Should you be elected? How do you think  
9 your service as a former member of the General  
10 Assembly will impact your philosophies or your  
11 practices in serving on the bench?

12 A. I think it's helpful. I don't think I would have ever  
13 grasped the separation of powers and how some of this  
14 works without having served in the General Assembly  
15 first. As a practicing lawyer, you certainly  
16 understand those principles but until you work in a  
17 day-to-day capacity, where you see vetoes, and you see  
18 the interaction with the courts and how the courts  
19 must rule on legislative actions. It's a very  
20 interesting perspective, and I appreciate the  
21 opportunity to have been able to gain that  
22 perspective.

23 Q. Thank you, Mr. Wheeler. Mr. Wheeler, the commission  
24 received 377 ballot box surveys regarding you with 41  
25 additional comments. Ballot box surveys, for example,

1 contain the positive comments: Will has the perfect  
2 temperance for a judge. He is respectful, calm and  
3 hard working. Another comment said, Mr. Wheeler  
4 possesses the wisdom and temperament to serve as a  
5 circuit court judge. He is very knowledgeable in the  
6 law and would serve the state well. Finally, a third  
7 comment stated incredibly kind and intelligent. Would  
8 be an asset to the judicial bench. There were no  
9 patterns of concern raised in the ballot box surveys.

10 Mr. Wheeler, the SLED report and we went over this  
11 contained -- that we received contained numerous  
12 matters involving you. However, when we reviewed  
13 these, they all appear to be matters in which you are  
14 acting counsel. Is that correct?

15 A. Yes, ma'am. They just, I guess, mixed up. I wasn't a  
16 party to any action, --

17 Q. Right.

18 A. -- but I represented folks in federal court in one  
19 capacity or another.

20 Q. And then there were several matters that are listed in  
21 the SLED report that I believe they were class action  
22 matters, but it's my understanding that you are not  
23 the William Wheeler involved in those cases, correct?

24 A. Unfortunately, not because I never received anything  
25 from those matters. So no, ma'am.

1 Q. Mr. Wheeler, how would you handle a potential conflict  
2 of interest involving a petition -- involving  
3 potential conflicts of interest with members of your  
4 family or with you?

5 A. If it were clear, I would simply recuse myself. If it  
6 was something I just felt I needed to make the parties  
7 aware of some family, business, friendship, whatever  
8 the nature of the relationship may be. I would  
9 certainly disclose it and let them decide whether they  
10 felt comfortable with me hearing the matter or not.  
11 And I would abide by whatever. If either party  
12 objected, I would recuse myself.

13 Q. Yes, sir. I would note that the Pee Dee Citizens  
14 Committee reported Mr. Wheeler is well qualified in  
15 the evaluative criteria of ethical fitness,  
16 professional and academic ability, character,  
17 reputation, experience and judicial temperament, and  
18 qualified in the evaluative criteria of constitutional  
19 qualifications, physical health and mental stability.  
20 I just have a few housekeeping issues. JMSC  
21 procedural Rule 17 includes a prohibition of any  
22 candidate from attending or watching any portion of  
23 the live stream or recordings of the live stream of  
24 the public hearings of this cycle until after all the  
25 hearings are concluded. Have you watched or listened

1 to any of these hearings before your appearance today?

2 A. No, ma'am.

3 Q. Has any other person relayed any information about  
4 those proceedings before this commission?

5 A. No, ma'am.

6 Q. Okay. Are you aware that as a judicial candidate,  
7 you're bound by the Code of Judicial Conduct is found  
8 in Rule 501 of the South Carolina Appellate Court  
9 rules?

10 A. Yes, ma'am.

11 Q. Since submitting your letter of intent, have you  
12 contacted any member of this commission about your  
13 candidacy?

14 A. No, ma'am.

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

19 A. No, ma'am.

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

23 A. Yes, ma'am.

24 Q. Have you asked any third parties to contact members of  
25 the General Assembly on your behalf? Or are you aware

1                   **of anyone attempting to do so?**

2       A.    No, ma'am.

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

6       A.    Yes.

7                   MS. CRAWFORD: Mr. Chairman, I would note for the  
8                   record that any concerns raised during the  
9                   investigation by staff regarding this candidate  
10                  were incorporated into the questioning of him  
11                  today and I have no further questions.

12                  CHAIRMAN CASKEY: Thank you, ma'am. Before moving on  
13                  to other commission members, Mr. Wheeler, I'd ask  
14                  you -- as I understand your practice has largely  
15                  been in rural areas, and how that has shaped your  
16                  professional development and to the extent you  
17                  think it is a benefit, I'd be interested to know  
18                  what benefit you think that perspective might be  
19                  to the bench as a whole for our judiciary in  
20                  South Carolina.

21                  MR. WHEELER: I'm based in Lee County, Bishopville.  
22                  That's where our office is so we primarily  
23                  represented clients in Lee, Sumter, Darlington,  
24                  and Kershaw. That probably makes up the most of  
25                  it. And I would consider all those compared to

1                   Charleston or Greenville or Richland, relatively  
2                   smaller communities. Most of the bars that we  
3                   work with, opposing counsel in cases would be  
4                   from well, Sumter, Columbia, Florence. That was  
5                   probably the bulk of it. Kershaw. But the  
6                   benefit, what I enjoyed, what I thought made me  
7                   better was knowing that that was never the last  
8                   time I was going to see that opposing counsel.  
9                   We were going to get another case together in six  
10                   months or two years or what have you. And it  
11                   taught us early not to burn bridges. And I think  
12                   required some additional civility which I  
13                   appreciated having those relationships and  
14                   knowing, you know, we're going to see each other  
15                   again. And the facts may be different. So just  
16                   remember that. And just the ability to work  
17                   together repeatedly on some tough cases, even in  
18                   difficult cases to know and have some level of  
19                   respect for opposing counsel I thought was  
20                   beneficial. And I think being able to foster  
21                   those kinds of relationships, I'd like to be able  
22                   to bring that where I could bring that without  
23                   interfering. If that answers your question, I  
24                   don't know.

25                   CHAIRMAN CASKEY: I think so. Other members of the

1 commission have questions? Mr. Stegmaier? Or  
2 Judge Strickland, excuse me.

3 JUDGE STRICKLAND: Please forgive me. I'm not a  
4 member of the House or haven't been a member of  
5 the Legislature, but when did you leave the  
6 House?

7 | MR. WHEELER: Last December.

8 JUDGE STRICKLAND: Last December. So how long have  
9 you been --

10 MR. WHEELER: Excuse me last January.

11 JUDGE STRICKLAND: Last January? January of 2025?

12 MR. WHEELER: January 2025.

13 JUDGE STRICKLAND: Okay. So how long have you been  
14 out of the legislature?

15 MR. WHEELER: It will be a year on January the 10th.  
16 No, 17th. I can't remember what day I resigned,  
17 but the 15th or so January of this year. But it  
18 will be more than a year prior to the election in  
19 this matter.

20 JUDGE STRICKLAND: Thank you.

21 MR. WHEELER: Yes, sir.

22 CHAIRMAN CASKEY: Mr. Stegmaier.

23 MR. STEGMAIER: Mr. Wheeler, good morning.

24 MR. WHEELER: Good morning.

25 MR. STEGMAIER: Just picking up on Chairman Caskey's

1 reflections about your service in Lee County.  
2 One thing I'm incredibly proud about knowing you  
3 -- you know, we've been knowing each other a long  
4 time is you're a unicorn in as much as you think  
5 about all the folks we went to law school with  
6 who stayed in Columbia or went to Greenville or  
7 went to Charleston, but you chose to go home, and  
8 of course had your legislative service there.  
9 I'm interested to know, especially on the general  
10 sessions side, you live in a challenging county,  
11 to the extent where you don't have a lot of  
12 members of the bar but you still have a fair  
13 amount of volume especially of general sessions.  
14 When we think about access to justice, making  
15 sure that the system runs as smooth as it  
16 possibly can in the third circuit, do you have  
17 any sort of ideas that you've gleaned? Just  
18 based from your practice, I know that you've done  
19 a lot of work in the general sessions court as  
20 well as from your legislative service. Do you  
21 have any ideas about improvement? About how to  
22 make things that much more smooth in your  
23 circuit?  
24 MR. WHEELER: I think things -- in Lee County, in  
25 particularly, I'm happy to note, I think our

1 backlog situation and that kind of thing is --  
2 and everything's relative, of course, but is  
3 relatively well maintained at this point in our  
4 particular county. I'm not familiar with all the  
5 other counties in the circuit, but Lee is. And I  
6 grew up in the old -- when I started practicing  
7 law, there was no circuit public defender system.  
8 So the local bar did the public defender work.  
9 So I think there were six members of the bar when  
10 I started. So if the next public defender case  
11 was jaywalking, and you got it, great. If it was  
12 murder, and you got it, great. You took whatever  
13 you got. That was invaluable experience. Yeah,  
14 I am so thankful to have had it. I do think the  
15 new system, and I could not tell you, I want to  
16 say it was like 2007 or so that third circuit  
17 public defender system was implemented. I do  
18 think made for a better system because it is more  
19 uniform, it's easier to track, it's easier to  
20 control, and it's more akin to the solicitors are  
21 set up the same as public defenders. It probably  
22 was an improvement, although I certainly enjoyed  
23 having the ability. I wouldn't have been able to  
24 do those cases if I hadn't been there at that  
25 time. But to get back to answer your question, I

1 think promoting communication between opposing  
2 sides in that -- in the general sessions realm is  
3 just important as it is in the civil realm. You  
4 have to be able to communicate and say all right,  
5 this is up for trial, and let's have a docket and  
6 let's run it. And that requires communication  
7 between the parties.

8 CHAIRMAN CASKEY: Senator Campsen.

9 SENATOR CAMPSEN: Early on in your introductory  
10 remarks, you mentioned the impact that your  
11 observation of participating in the legislative  
12 process and the Separation of Powers doctrine  
13 kind of seeing it close up and personal. Can you  
14 elucidate on that? What you learned while in the  
15 legislature in that regard?

16 MR. WHEELER: The textbook knowledge of it is no  
17 different. I understood what it -- on paper how  
18 separation of powers rates, but until you're, you  
19 know, sitting in the chamber and you do see veto  
20 messages come back from the executive branch and  
21 how they must be reacted to and how those  
22 branches interplay together. That is a  
23 perspective that was unique to be able to see how  
24 that works together, how the judiciary works.  
25 Response to the Legislature. We had several

1 cases come up, more than I can mention, and I  
2 don't want to point to any one, but as recently  
3 as last week I think where the judiciary weighs  
4 in on legislative action. And the -- there's a  
5 great deal of respect -- I've observed a great  
6 deal of respect from the judiciary, in how they  
7 view legislative enactments. Whether you agree  
8 with the law or disagree with the law, it's the  
9 legislative prerogative to make that law. And  
10 having sat in that chamber, it really helps to  
11 get a better feel for what that means. If that  
12 answers the question.

13 CHAIRMAN CASKEY: Mr. Lambert.

14 MR. LAMBERT: Mr. Wheeler, I've had the pleasure of  
15 knowing your law partners, particularly Jake, for  
16 decades. They're fine lawyers. I'd be curious  
17 how you would express how they've helped shape  
18 you as a lawyer and prepare you for what you're  
19 asking us to do and qualify you to serve on the  
20 bench and the judge from the Third Circuit.

21 MR. WHEELER: It's hard to describe the impact both my  
22 older partners had on me without -- I don't know  
23 what I'd be without them. I value them so much.  
24 I grew up -- if I can put it that way. You're  
25 reared as a child by your parents. You're reared

1 by as a lawyer, to some extent by the people you  
2 work with. And I was very blessed to work with  
3 very -- I said at some point before, we were  
4 trained like bird dogs, which means, you know,  
5 sometimes you're petted, sometimes you're kicked,  
6 but you know where you stand. But it was  
7 extremely valuable training. I mean, I think the  
8 world -- I mean, I miss them dearly. In fact,  
9 the process in the fall of last year deciding  
10 whether I might take this route was difficult to  
11 make a decision. Over the last period, I'm the  
12 last one in the office at this point. And it is  
13 really quiet and really lonely. And I think I  
14 made the right choice. It's hard to -- we've got  
15 a lot of wonderful memories. But to be the only  
16 one there with all those years with being with  
17 them, I think maybe everything happens for a  
18 reason. But there's so many things. Mr. Robert  
19 and Mr. Jacobs, just words of wisdom, I won't  
20 take too much time going through them, but plenty  
21 of them. Plenty of them. Thank you.

22 CHAIRMAN CASKEY: Ms. Craig.

23 MS. CRAIG: Mr. Wheeler, I appreciate your comments  
24 about civility. As a trial lawyer, you certainly  
25 understand the importance of getting along with

1 opposing counsel and that we all have to live and  
2 work together. I've enjoyed reading the comments  
3 in the ballot boxes about you and it's obvious  
4 that you practice what you preach. It's  
5 admirable.

6 MR. WHEELER: Thank you.

7 CHAIRMAN CASKEY: Senator Rankin.

8 SENATOR RANKIN: I want to pick up on your letters of  
9 reference and who better to know how you act and  
10 practice what you preach than those who you come  
11 into contact with at the courthouse. The clerk  
12 of court cannot be a better indication about who  
13 you are. They don't have to write these letters.  
14 We request letters of reference. We've read  
15 these before. You can read between the lines  
16 this is a obligatory. Yours is not. And so  
17 again, I had to be reminded by my seatmate here.  
18 I think I know him. I agree with everything  
19 we've heard thus far in terms of what people are  
20 saying about you, and the temperament that you  
21 will have, the civility that you will have that  
22 is so needed and refreshing. And I will say of  
23 this group, at least this person in this seat,  
24 rewarded. And so I cannot imagine when you come  
25 back that it will be anything but the same

1 accolades that folks who are recommending you for  
2 the position will say about you now having  
3 fulfilled that term. So thank you.

4 MR. WHEELER: Thank you, Senator. Thank you, Senator.

5 CHAIRMAN CASKEY: Mr. Wheeler, I have come to know you  
6 over several years, I have personally no doubt  
7 about your qualification. I think you can  
8 distinguish yourself in ways that others have  
9 referenced and is replete in the ballot box  
10 record that you don't get to see all of but I  
11 assure you there are dozens of superlative  
12 comments about it. But I do, though, feel a  
13 certain responsibility, given your status as a  
14 previous legislator, to put the question to you  
15 because your ability to respond to the question  
16 going forward will be limited to non-existent  
17 from the perspective of a public perception. The  
18 public will have concerns about any legislator  
19 who offers in for service in the judiciary. And  
20 while I may not reach the same conclusions as the  
21 members of -- some members of the public, I think  
22 that the question is worth asking to you so that  
23 you can say to those folks, what can you offer to  
24 allay concerns that your previous political  
25 activities will not be infused into your judicial

1                   activities should the commission deem you  
2                   qualified in the General Assembly elect you to  
3                   this position? How can the public have  
4                   confidence that while you may have engaged in  
5                   political activity and partisan political  
6                   activity at times, that if you were to put on the  
7                   black robe, they can have faith that you will be  
8                   an unbiased and impartial Minister of Justice?

9                   MR. WHEELER: That's a very fair question. And we  
10                  always know there's likely to be some question  
11                  when someone has been a legislator. It's not a  
12                  new thing. It's happened for years before. But  
13                  to be -- before I was a legislator, I was a  
14                  lawyer. I believe in the rule of law above all  
15                  else, whether I like the way of statutes written  
16                  or don't like it, or whatever the policy position  
17                  behind it may have been, once it's passed, once  
18                  it's enacted, once it's law, wearing that robe,  
19                  your job is to uphold, enforce and apply that  
20                  law. That is something I believe since I was 18  
21                  or 19, before I went to law school, but  
22                  certainly, as long as I've been practicing law.  
23                  And to make that distinction, I would say the  
24                  last year has equipped me to better answer that  
25                  question. You know, I left in -- and again, I

1 want to say like January the 17th, it was the  
2 first week of session, I definitely remember  
3 that. And knowing that -- what you just asked in  
4 that question, knowing that was something that  
5 would come up later, because it was no secret why  
6 I left. The opportunity was going to present  
7 itself, and it was either catch the boat or the  
8 boat's leaving and it can't be both ways. I've  
9 really have made an effort, sometimes I feel bad  
10 about it but I know lots of you all, and have  
11 lots of other friends that I've not called for a  
12 year and won't be. Locally, there have been  
13 matters that came up that people may have come  
14 and asked for my thoughts on and I've said, I  
15 don't do that anymore. I'm not part of that  
16 anymore. A line has to be drawn in the sand. I  
17 did that. I loved that when I did it but that's  
18 not what I'm doing anymore. And I've already  
19 implemented that. Some of you that are in the  
20 same field probably look forward to the day when  
21 you can say that as well. So it's not all bad.  
22 Don't feel bad for me. But it has to be a firm  
23 line. I'm not a policy wonk anymore. But I'm  
24 past -- I'm past that. Is that a fair answer,  
25 Mr. Caskey, or a full answer?

1 CHAIRMAN CASKEY: I think that's question fair -- I  
2 think it's fair answer. I think that's a  
3 question for really you to answer. I just want  
4 to present the opportunity to you. I must  
5 confess to some future fantasy world in which I  
6 can honestly say I have nothing to do with your  
7 roads so I can understand the satisfaction that  
8 must arise when leaving behind politics.

9 MR. WHEELER: People would ask. I say I don't know, I  
10 don't watch, I don't have opinions about that.

11 CHAIRMAN CASKEY: Mr. Stavrinakis.

12 REPRESENTATIVE STAVRINAKIS: Thank you, Mr. Chairman.  
13 Mr. Wheeler, welcome and thank you for offering  
14 yourself. I more want to follow up on the  
15 question you asked. I mean, I think we've got  
16 what 30 something candidates that we're going  
17 through this process with. I think of those, two  
18 former legislators. This issue gets bandied  
19 about a lot. It's probably more is made of it  
20 than you know, probably -- my opinion than  
21 probably should be in most cases. But I will  
22 tell you that because it's out there, I think  
23 about it as well, just like obviously you have in  
24 posing the question. And I will tell you what I  
25 look for, and what matters to me, having served

1 with the two that are part of this process, who  
2 were former legislators, you know, how you  
3 separate that, how you how we can be comfortable  
4 that they will separate that is integrity. And I  
5 believe that former Speaker Lucas is a man of  
6 integrity. And that's why I was comfortable that  
7 he would, if elected, wear the robe  
8 independently, and exercise discretion and  
9 judgment appropriately. And having served with  
10 Mr. Wheeler, I wholeheartedly -- my experience  
11 with him is he's a man of integrity, and the same  
12 thing. And that's important to me in trying to  
13 evaluate what, again, I think is something that's  
14 important, you know, that we are aware of and  
15 flush out because we're not even -- you know,  
16 those of us on this panel that are legislators  
17 are not going to be legislators forever. We want  
18 now and especially in the future, a judiciary  
19 that's independent and that will act accordingly.  
20 And so it's important to me. And that's how just  
21 for the public, Mr. Wheeler, whoever, our  
22 colleagues here, that's how I, you know,  
23 primarily -- I mean, you know, obviously, you got  
24 to evaluate all of the candidates on their  
25 intellect, qualifications. And, you know, that's

1 important to me. So just I just wanted to throw  
2 my two cents in there. I think in looking at  
3 that, you know, how will you feel comfortable,  
4 integrity matters, boy, so much because that's a  
5 pressure. And I'm sure, you know, whether a  
6 judge really feels it or not, depends on partly  
7 on that, that characteristic. So just my two  
8 cents. Mr. Wheeler, I also say to you that, you  
9 know, we sit in the House, we sat in a big  
10 chamber, there's a lot of people, it's a crazy  
11 atmosphere at times. And you were always  
12 professional, and dignified, and courteous, and  
13 prepared, and, you know, intellectual, but also  
14 passionate. And if you bring those same  
15 qualities that you brought, you know, and I'm  
16 sure you did the same thing as a lawyer, outside  
17 of being a judge, I think that you'll -- you'll  
18 do a great job as a judge and appreciate you  
19 offering yourself for service.

20 MR. WHEELER: Thank you so much.

21 CHAIRMAN CASKEY: Thank you, Representative  
22 Stavrinakis. I agree with what you've said. I  
23 think I have tried to ask the hard questions to  
24 every candidate and for that purpose, because  
25 they don't get to see -- the public doesn't get

1 to see all that. They don't get to see the  
2 comments here. I'll share some of them with you  
3 that I think are telling. Not sure I've ever  
4 known a lawyer with a more even temperament than  
5 Will Wheeler. Fair and just, cares deeply about  
6 people. Reputation and character impeccable,  
7 brilliant, incredibly respected. And again,  
8 dozens of comments, exceptional temperament,  
9 reasonable, intelligent, tireless work ethic.  
10 And I say those to you primarily so that you take  
11 with you knowledge that you have earned a stellar  
12 reputation as a lawyer. I presume these people  
13 are not saying this because of your political  
14 activities. They are all couched in terms of  
15 reflection on your legal career. And again, as  
16 I've said to others, people on the internet don't  
17 have to say nice things about you. They can say  
18 mean, unbridledly, caustic things and they chose  
19 to say good things about you because of the work  
20 you've done. And I hope you take that with you.  
21 Because as Representative Stavrinakis alluded,  
22 there are, as you well know, the naysayers who  
23 don't burden themselves with information and  
24 knowledge about individuals, much less the state  
25 and its history of recognizing and empowering

1                   people to serve in different capacities. And so  
2                   I thank you for doing that. I appreciate your  
3                   commitment to public service. And with that,  
4                   this will conclude this portion of the screening  
5                   process. I do need to take a moment, though, to  
6                   remind you that pursuant to the commission's  
7                   evaluative criteria, the commission expects a  
8                   chance to follow the letter as well as the spirit  
9                   of our ethics laws, and that we would view any  
10                   violation or appearance of impropriety as very  
11                   serious and potentially deserving of heavy weight  
12                   in our screening deliberations. And on that  
13                   note, as you know, the record will remain open  
14                   until the formal release of the qualifications  
15                   report and should the need arise, we can call you  
16                   back in to have a further discussion if that was  
17                   so warranted. You understand that?

18                   MR. WHEELER: Yes, sir.

19                   CHAIRMAN CASKEY: All right. Again, that will  
20                   conclude this portion of the screening process.  
21                   Thank you for your service to the state. And  
22                   thank you for offering for judicial service as  
23                   well.

24                   MR. WHEELER: Thank you all. Have a great day.

25                   CHAIRMAN CASKEY: Thank you, sir. Everybody good to

TRANSCRIPT OF PUBLIC HEARINGS

Page 56

1 move to the next candidate? All right, we will  
2 stand at ease for just a moment as the next  
3 candidate comes in.

4 (Off the Record)

5 CHAIRMAN CASKEY: Ladies and gentlemen, we will  
6 proceed now to our next screening. Before us we  
7 have Judge DeBerry, who is a candidate for  
8 reelection to Seat 3 in the 12th Judicial Circuit  
9 Circuit Court. Do I have all that right, Judge?

10 JUDGE DEBERRY: Yes, sir.

11 CHAIRMAN CASKEY: All right. If you would please  
12 raise your right hand.

13 WHEREUPON:

14 HARRY STEVEN DEBERRY, being duly sworn and  
15 cautioned to speak the truth, the whole truth and  
16 nothing but the truth, testifies as follows:

17 CHAIRMAN CASKEY: All right. If you would please  
18 state your full name for the record.

19 JUDGE DEBERRY: Harry Steven DeBerry the Fourth.

20 CHAIRMAN CASKEY: There should be some documents in  
21 front of you. If you would take a moment to look  
22 at those.

23 JUDGE DEBERRY: Yes, sir.

24 CHAIRMAN CASKEY: Are those the personal data  
25 questionnaire and sworn statement that you have

TRANSCRIPT OF PUBLIC HEARINGS

Page 57

1 submitted to the commission?

2 JUDGE DEBERRY: Yes, sir. Appear to be.

3 CHAIRMAN CASKEY: Are there any changes or updates  
4 need to be made?

5 JUDGE DEBERRY: No, sir.

6 CHAIRMAN CASKEY: Do you have any objection to our  
7 including those in the record?

8 JUDGE DEBERRY: No, sir.

9 CHAIRMAN CASKEY: All right. Let me give staff just a  
10 minute to do that.

11 JUDGE DEBERRY: All right.

12 (EXHIBIT NO. 5 MARKED FOR  
13 IDENTIFICATION PURPOSES (1 pages)  
14 PDQ)

15 (EXHIBIT NO. 6 MARKED FOR  
16 IDENTIFICATION PURPOSES (2 pages)  
17 Amendment)

18 (EXHIBIT NO. 7 MARKED FOR  
19 IDENTIFICATION PURPOSES (7 pages)  
20 Sworn Statement)

21 (EXHIBIT NO. 8 MARKED FOR  
22 IDENTIFICATION PURPOSES (1 pages)  
23 Amendment)

24 CHAIRMAN CASKEY: All right. The Judicial Merit  
25 Selection Commission has thoroughly investigated

1 your qualifications for the bench. Our inquiry  
2 is focused on the nine evaluative criteria and  
3 has included a ballot box survey, a thorough  
4 study of your application materials, a  
5 verification of your compliance with state ethics  
6 laws, search of newspaper articles in which your  
7 name appears, study of previous screenings, and a  
8 check for economic conflicts of interest. We've  
9 received no affidavits filed in opposition to  
10 your election. No witnesses are present to  
11 testify. And if you would like to make a brief  
12 opening statement, I'd be happy to recognize you  
13 or go straight to staff counsel for some  
14 questions.

15 JUDGE DEBERRY: Thank you. I'll waive that  
16 opportunity.

17 CHAIRMAN CASKEY: All right, Ms. Wilkinson.

## EXAMINATION

19 BY MS. WILKINSON:

20 Q. Good morning, Judge DeBerry.

21 A. Good morning.

22 Q. After serving four years on circuit court bench, why  
23 do you want to continue to serve as a circuit court  
24 judge?

25 A. I just really want to continue what I've been able to

1 start and certainly had a tougher transition than I  
2 anticipated. But since getting some time under my belt  
3 and on the bench, I certainly feel like I'm well  
4 suited for the position, able to help people and just  
5 be as fair and available and accessible as possible.

6 **Q. What do you think your reputation is among attorneys  
7 who practice before you?**

8 A. Well, I certainly hope it's very good. I don't have  
9 any reason to believe it's not. But certainly,  
10 sometimes, as we all do, I worry sometimes. But, you  
11 know, I was encouraged somewhat by my ballot box  
12 responses and learned very early on in this process of  
13 being on the bench that you can't really expect an  
14 honest answer when you ask people how you're doing  
15 because they always tell you the exact same thing. So  
16 I just quit -- I just quit asking and hope for the  
17 best.

18 Q. **Judge DeBerry, the commission received 40 ballot box  
19 surveys regarding you with 34 additional comments.  
20 The ballot box survey, for example, contain the  
21 following positive comments. Judge DeBerry is one of  
22 the finest judges that I know he has a superb  
23 understanding of the law and yet he also has the  
24 ability to convey rulings in a way that makes sense  
25 even to non lawyers in the courtroom. He is an asset**

1 to the circuit court bench in this state. I have  
2 personally witnessed Judge DeBerry deal with difficult  
3 pro se parties and difficult situations lawyers have  
4 created with thoughtfulness and care. He has handled  
5 some very unusual and tricky situations with patience  
6 and care and made the right call every time he is a  
7 credit to the bench. My first trial as an attorney in  
8 Horry County was in front of Judge DeBerry. I found  
9 his demeanor from the bench to be exactly what an  
10 advocate and party would want from their sitting  
11 judge. One that does not exhibit bias, gives fair  
12 opportunity to both sides when arguing on an issue,  
13 and delivering his ruling with courtesy and compassion  
14 for both sides. Six of the written comments expressed  
15 concerns. Four of those comments indicated a pattern  
16 of concern regarding your ability to handle complex  
17 civil cases. How would you respond to that concern?

18 A. Well, I certainly understand that concern and  
19 appreciate that concern. And as a solo practitioner,  
20 you know, it was hard to dedicate all of your time to  
21 one maybe complex case. And from time to time when we  
22 encounter them on the bench, certainly I'm going to do  
23 everything I can to make sure I get better in that  
24 area. Certainly, I feel like it's more of a  
25 preparation thing than a capability issue. Certainly,

1           some of these cases could have been litigated, by the  
2           time they get to trial or otherwise, for years and  
3           years, and there may have been multiple judges that  
4           issue rulings, cases could go up and back on appeal.  
5           So I just think it's learning how to focus and prepare  
6           for the case at hand and do the best we can in the  
7           time that we have.

8           MS. WILKINSON: Regarding the Citizens Committee  
9           report, I would note that the Pee Dee Citizens  
10          Committee found Judge DeBerry to be well  
11          qualified in the areas of ethical fitness,  
12          professional and academic ability, character,  
13          reputation, experience and judicial temperament,  
14          and qualified in the areas of constitutional  
15          qualifications, physical health and mental  
16          stability. The Citizens Committee did not have  
17          any additional comments.

18          Q.     **Judge DeBerry, I do have a few housekeeping issues.**  
19           **JMSC procedural Rule 17 includes a prohibition of any**  
20           **candidate from attending or watching any portion of**  
21           **the live stream or recordings of the public hearings**  
22           **of this cycle until all hearings are concluded. Have**  
23           **you watched or listened to any of these hearings**  
24           **before your appearance today?**

25          A.     No, ma'am.

1 Q. Has any other person relayed any information about any  
2 of the proceedings before this commission to you?

3 A. No, ma'am.

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

7 A. No, ma'am.

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

11 A. Yes, ma'am.

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

16 A. No, ma'am.

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

21 A. No, ma'am.

22 Q. Have you reviewed and do you understand the  
23 commission's guidelines on pledging and South Carolina  
24 code 2-19-70(E)?

25 A. Yes, ma'am.

1 MS. WILKINSON: I would note for the record that any  
2 concerns raised during the investigation  
3 regarding Judge DeBerry were incorporated into  
4 the questioning of him today. Mr. Chairman, I  
5 have no further questions.

6 CHAIRMAN CASKEY: Thank you, ma'am. Representative  
7 Jordan.

8 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman. Good  
9 morning, Judge.

10 JUDGE DEBERRY: Good morning.

11 REPRESENTATIVE JORDAN: I'm trying to remember. I  
12 think you practiced law for about 15 years before  
13 you took the bench. Does that sound about right?

14 JUDGE DEBERRY: Yes. That's about right.

15 REPRESENTATIVE JORDAN: So I have a theory and I've  
16 asked candidates over the years this question.  
17 So one of the things that I look at that I think  
18 you can -- and this being from the same area, I'm  
19 in the courthouse a lot. But one of the things  
20 that I look at is how the people in the courtroom  
21 talk about you, the judge, before you come in the  
22 courtroom and after you leave the courtroom. In  
23 your experience as a lawyer who I think tried a  
24 lot of cases, correct?

25 JUDGE DEBERRY: Yes, sir.

1 REPRESENTATIVE JORDAN: Is that a fair sort of  
2 measurement of perhaps character acumen of some  
3 sort of a judge?

4 JUDGE DEBERRY: Certainly is. I wish I could be there  
5 sometimes, but I haven't figured that out. But I  
6 remember those days and certainly the  
7 anticipation leading up to the judge taking the  
8 bench and which judge it was and what was going  
9 on. That's certainly a good indication amongst  
10 the bar.

11 REPRESENTATIVE JORDAN: I mean, we -- I'm sure you've  
12 seen like I have some judges, perhaps that  
13 everybody's running for the exits, you know,  
14 looking -- ducking for cover kind of thing. I  
15 guess would it surprise you to know that you're  
16 regarded extraordinarily high amongst not just  
17 the lawyers, but you know, one of the other  
18 things I look to the folks that work in the  
19 courtroom, the security folks, the clerk folks  
20 speak highly of you. Would that surprise you?

21 JUDGE DEBERRY: Well, I don't know how to answer that.  
22 But I hope to -- I mean, I try to -- I try to do  
23 everything I can to make everybody feel  
24 comfortable and welcome and be what we need to  
25 do.

1 REPRESENTATIVE JORDAN: And then I don't want to sort  
2 of let you off the hook. I do want to address  
3 the -- being from Florence, I'm not sure what a  
4 complex civil case is. Yeah, every case. As I  
5 remember, did you have a specialty or were you a  
6 general practice?

7 JUDGE DEBERRY: No. I mean, the only thing I ceased  
8 doing very early on in my practice was family  
9 law. But other than that, I kept going in pretty  
10 well every direction. I mean, that's what I was  
11 trying to say earlier. You know, I never -- I'm  
12 not sure if it would have been fortunate or not  
13 but the more complex cases I had, certainly I  
14 would associate with other lawyers who might  
15 specialize in whatever field that might have  
16 been. So that's kind of the way I had to run my  
17 practice. Because if you dedicate everything in  
18 one -- in one area, then where I was and what I  
19 was doing, then you'd have problems somewhere  
20 else.

21 REPRESENTATIVE JORDAN: Well, I suppose there's pros  
22 and cons to everything. But I was thinking about  
23 with the prior candidate, Mr. Wheeler, who comes  
24 from kind of rural South Carolina. One of the  
25 benefits is when you're a general practice, you

1           get to see a tremendous amount of different  
2           things that again, if you're a specialist in that  
3           field, you're perhaps an expert in that field,  
4           and I take nothing from those folks. But as a  
5           general practice, you're going to touch and see  
6           and live through your cases, a very broad array  
7           of types of law and circumstances. Has that been  
8           your experience? Has that benefitted you, I  
9           guess, would be my question.

10          JUDGE DEBERRY: Certainly I think it's benefitted.  
11           Being able to truly sit on the bench and not --  
12           and not -- I can't think of anything that I've  
13           encountered that I've never -- never heard of or  
14           been a part of in some in some way. So I think  
15           so.

16          REPRESENTATIVE JORDAN: Thank you, Judge.

17          CHAIRMAN CASKEY: Senator Rankin.

18          SENATOR RANKIN: Judge, how you doing?

19          JUDGE DEBERRY: Good morning.

20          SENATOR RANKIN: How you doing?

21          JUDGE DEBERRY: Good. Thank you.

22          SENATOR RANKIN: What is the question that you get? Or  
23           rather, the answer to that question that you  
24           know, they don't mean what they're saying?

25          JUDGE DEBERRY: Well, it's just always positive. You

1 know, you're doing a great job. You know,  
2 couldn't -- couldn't be happier. And somebody  
3 told me one time, if you're a judge, and you  
4 really want to see who you're around, tell a joke  
5 that's not funny. And then the only ones that  
6 don't laugh, maybe you can have some confidence  
7 in.

8 SENATOR RANKIN: Those are your -- those are your true  
9 judges, right?

10 JUDGE DEBERRY: I understand.

11 SENATOR RANKIN: I want to touch on the complicated or  
12 complex litigation issue that was raised. And  
13 again, we don't want to overstate the outliers  
14 here. But I was involved in a case that, without  
15 a doubt was complex, because it involved high  
16 powered defense lawyers, other than John T. Lay.  
17 Many, many people touching a case. And a matter  
18 that you discerned, and ruled in a way that I  
19 think, not to the surprise of anyone the correct  
20 way, but more importantly, to an issue that no  
21 one had really even talked about that was truly  
22 an underlying part of the case. And so that not  
23 just my experience, but watching someone and  
24 reading rather, either this person's got a crush  
25 on you, or some unhealthy desire to follow you,

1 but they write that they've read transcripts of  
2 some of your more difficult trials, as you've  
3 navigated between the fire from both sides and  
4 issued rulings that are both comprehensive and  
5 fair. To the point, perhaps of my seatmate here,  
6 the delivery of your rulings often brings the  
7 tone of animosity down, so that the trial can  
8 continue without issue. That is a gift and a  
9 style. And is that by design or is that just who  
10 you are?

11 JUDGE DEBERRY: Well, I appreciate the question. I  
12 can tell you that when people -- when you can  
13 feel people's blood pressure go up, it makes me  
14 nervous. So I try to defuse situations every  
15 chance I can. I can remember early on, it was a  
16 criminal term in Horry County, and a bunch of  
17 lawyers that were about to try a case, they came  
18 to chambers, and they were all standing up and  
19 they were all -- you could tell tensions were  
20 high. And I said well, first thing we're all  
21 going to have to do is sit down. And we're going  
22 to just have to have another conversation before  
23 we talk about this. I really thought that  
24 helped defuse the situation. But I certainly try  
25 to do that. I like everybody to feel

1                   comfortable. And sometimes I'm successful,  
2                   sometimes I'm not.

3 SENATOR RANKIN: As you have completed this term among  
4                   surprises, good and bad, and suggestions to us  
5                   about this process and how we can make the bench  
6                   better.

7 JUDGE DEBERRY: You know, I mean, it certainly is the  
8                   process and I have much confidence in it. I  
9                   think the people who really understand the way  
10                  the state elects its judges and the product of  
11                  judges that we have, notwithstanding myself, but  
12                  some of my -- the people that I respect the  
13                  absolute most in the state are fellow judges, who  
14                  I've known and practiced before for a long time,  
15                  and now are a colleague on the bench, certainly  
16                  gives me confidence in the system. I wish that  
17                  we could just focus on what we do. But, you  
18                  know, we have to hear and see everything as well.  
19                  But we do the best we can. And just believe  
20                  there's confidence in the system.

21 CHAIRMAN CASKEY: Senator from Richland.

22 SENATOR WALKER: Just very briefly, Mr. Chair. Good  
23                  to see you, Judge.

24 JUDGE DEBERRY: Good morning.

25 SENATOR WALKER: I had the privilege of appearing

1 before you, I think just over a year ago, and you  
2 didn't know who I was from a can of paint. I  
3 think at that time, I hadn't been elected to the  
4 Senate. I was still serving in local government  
5 here in Richland County. And, you know, as to I  
6 guess, the criticism or critique about complex  
7 legal issues, or at least the manner in which you  
8 grapple with them, I had a complex legal issue  
9 before you as well. Perhaps not as complex as  
10 Senator Rankin's, but it was a wrongful death  
11 case and it was a minor settlement hearing. And  
12 there were some issues and frankly, I thought you  
13 were -- you handled it very -- in an excellent  
14 manner. And I didn't come away from that  
15 experience with any misgivings about you or any  
16 reservations about your ability as a judge.  
17 Second thing I would say is no one can be  
18 conversant in everything, right? In a perfect  
19 world, you would -- we would nominate judges who  
20 have experience in contractual law, criminal  
21 defense, criminal prosecution, maybe someone  
22 who's handled wrongful death cases. And perhaps  
23 there is, I guess, the prototypical candidate,  
24 right, that's out there. But most folks, you  
25 know, that, you know, come before this body, you

1 know, they have experience practicing law, but  
2 again, they're not conversant in every area. For  
3 me it's making sure that you have candidates who  
4 are smart, who are nimble, and who understand the  
5 law. And I'll say this again, I think the onus  
6 is on lawyers, you know, to make an argument, you  
7 know, before the judge, provide the pertinent  
8 case law, reference to pertinent rules of  
9 evidence and procedure, and try to take the judge  
10 -- lead the judge rather to where you want him or  
11 her to go. As long as you have judges -- or  
12 candidates who have, you know, an understanding  
13 of the law and, and they're able to comprehend,  
14 then for me that's more than enough solace. Just  
15 based on my experience with you, you have that in  
16 spades. So thank you for being willing to do  
17 this again.

18 JUDGE DEBERRY: Thank you.

19 CHAIRMAN CASKEY: All right, Judge, I think that will  
20 bring us to the conclusion of this portion of the  
21 screening process. Certainly great to see you.  
22 I do need to take a moment, though, to remind you  
23 that pursuant to the commission's evaluative  
24 criteria, the commission expects candidates to  
25 follow the spirit as well as the letter of the

1 ethics laws and that we would view any violation  
2 or appearance of impropriety as very serious and  
3 potentially deserving of heavy weight in our  
4 screening deliberations. Further, the record  
5 will remain open until the formal release of the  
6 report of qualifications. And should there be  
7 cause we would have the ability to call you back  
8 for further dialogue if that were necessary. You  
9 understand that?

10 JUDGE DEBERRY: Yes, sir.

11 CHAIRMAN CASKEY: All right. Again, thank you for  
12 your service to the state. Thank you for  
13 offering for continued service and wish you well  
14 for the for the rest of your day.

15 JUDGE DEBERRY: All right. Thank you all.

16 CHAIRMAN CASKEY: Thank you, Judge. We have we have  
17 two more candidates on the morning portion of our  
18 agenda. Seeing no flags or signals for SOS,  
19 we'll proceed with the next candidate.

20 (Off the record)

22 CHAIRMAN CASKEY: Good morning. we will continue now  
23 with our screening process. Before us we have  
24 Melissa Inzerillo. She's screening for Seat 2 of  
25 the 16th Judicial Circuit and the Circuit Court.



1 IDENTIFICATION PURPOSES (1 pages)

2 PDQ)

3 (EXHIBIT NO. 10 MARKED FOR

4 IDENTIFICATION PURPOSES (1 pages)

5 Sworn Statement)

6 CHAIRMAN CASKEY: All right. Let me give staff a  
7 moment to mark those for inclusion in the record.  
8 All right, the Judicial Merit Selection  
9 Commission has thoroughly investigated your  
10 qualifications for the bench. Our inquiry has  
11 focused on the nine evaluative criteria and has  
12 included a ballot box survey, a thorough study of  
13 your application materials, a review of newspaper  
14 articles in which your name appears, verification  
15 of your compliance with state ethics laws, a  
16 study of previous screenings, and a check for  
17 economic conflicts of interest. We've received  
18 no affidavits filed in opposition to your  
19 election and no witnesses are present to testify.  
20 Before giving you an opportunity to make a brief  
21 statement, should you wish to do so, I noticed  
22 that two smiling faces have followed you here  
23 into the room and wanted to give you an  
24 opportunity to introduce them to the commission  
25 or us to them, however one does introductions.

1           If you so choose or if you want to ignore this  
2           awkward moment, we can do that and move on with  
3           questions.

4 MS. INZERILLO: I will introduce them if that's all  
5           right, Mr. Chairman.

6 CHAIRMAN CASKEY: Yes ma'am, please.

7 MS. INZERILLO: Here with me today is my mother, Susan  
8           Inzerillo, as well as my friend and colleague,  
9           Barton O'Kelly.

10 CHAIRMAN CASKEY: Welcome, glad to have you here.

11           Thank you very much. As I said, Ms. Inzerillo,  
12           I'd be happy to hear a brief opening statement if  
13           you'd like to make one. Otherwise, I would  
14           recognize staff counsel to begin questions.

15 MS. INZERILLO: I would just like to take a moment to  
16           thank everyone for taking the time to speak with  
17           me today, but I'm ready for questions.

18 CHAIRMAN CASKEY: Wonderful. Ms. Crater?

19 MS. CRATER: I will note for the record that based on  
20           the testimony contained in the candidate's PDQ,  
21           which has been included in the record with the  
22           candidate's consent, Ms. Inzerillo meets the  
23           constitutional and statutory requirements for  
24           this position regarding age, residence, and years  
25           of practice.

## 1 EXAMINATION

2 BY MS. CRATER:

3 Q. Ms. Inzerillo, how do you feel your legal and  
4 professional experience thus far renders you qualified  
5 and will assist you to be an effective circuit court  
6 judge?7 A. I feel my legal and professional experience will  
8 assist me in two ways. The first is I am a long-time  
9 trial practitioner. I have been in courtrooms not  
10 only in York and Union counties, but also in  
11 Orangeburg and Charleston counties. I have tried  
12 cases, I have resolved cases, negotiated cases, and  
13 I'm very, very comfortable in a courtroom. I  
14 understand the rules and procedures that any case in a  
15 courtroom would entail. In all my years as a trial  
16 practitioner, I have also watched judges and learned  
17 from judges how they manage their courtroom, how they  
18 interact with staff, how they manage the day-to-day  
19 operations such as ensuring jurors are comfortable,  
20 ensuring that jurors are assisted in a timely manner.  
21 I have also watched them help attorneys, for example,  
22 that need to get to other courts or other counties  
23 have their cases resolved in their courtrooms. So  
24 I've spent many years learning not only the nuts and  
25 bolts of being a trial attorney, but also learning

1 from judges. Additionally, since 2020, I've been the  
2 administrative deputy for the 16th Circuit Public  
3 Defender's Office. In this role, I have basically  
4 taken care of the day-to-day operations of my office.  
5 That can include personnel management, scheduling,  
6 docketing, and various administrative tasks. So I  
7 believe those skills will assist me as well in  
8 managing a courtroom if I were to become judge.

9 **Q. Ms. Inzerillo, the commission received 198 ballot box**  
10 **surveys regarding you with 59 additional comments.**  
11 **The ballot box surveys, for example, contain the**  
12 **following positive comments: Would be an excellent**  
13 **circuit court judge. Smart, fair, impartial, and a**  
14 **great temperament. And also, would be an excellent**  
15 **circuit court judge. Smart, fair, impartial, with a**  
16 **great temperament. Ten of the comments express**  
17 **concerns. First, several of the comments express**  
18 **concerns about your ability to remain impartial. What**  
19 **would you offer as a response to these concerns?**

20 A. I believe that concern may arise from my long-standing  
21 practice in criminal defense. I've been a public  
22 defender for the majority of my career. However, I  
23 can assure this commission that my role as a judge, my  
24 understanding of that role, requires me to be fair and  
25 impartial, and I understand that. As a trial

1 practitioner, I appear in front of judges, and I want  
2 them to be fair and impartial in my cases, and I would  
3 act no differently.

4 **Q. Second, several of the comments raise concerns about**  
5 **your lack of civil experience. What response would**  
6 **you offer to these concerns?**

7 A. I began my legal career practicing civil law as an  
8 associate in a firm in Columbia. I did employment  
9 defense as well as immigration law, and it has been a  
10 while since I've done that job, but that job did give  
11 me a great foundation understanding not only the civil  
12 rules and procedures but also the logistics of  
13 building a civil case, such as conducting depositions  
14 and summary judgment motions. While it has been a  
15 while, I have tried to reacquaint myself with much of  
16 the civil law. I have reviewed civil procedure, the  
17 civil rules. I have attended CLEs to further my  
18 knowledge of the civil issues of the day. For  
19 example, I attended the bar convention in January and  
20 took classes there that I thought would assist my  
21 understanding of various aspects of civil law, and I  
22 have attended a class that my local bar put on about  
23 the new tort reform statute that takes effect in  
24 January. In addition to that, I have been watching  
25 court. I didn't just want to look at the civil law,

1 at the black and white law on paper. I wanted to know  
2 what motions would commonly come before a judge on the  
3 civil docket, what issues would be presented, and how  
4 those judges would handle those issues, and so I've  
5 spent as much time as I can watching civil cases, not  
6 only trials, but a scheduling day to see how a judge  
7 schedules matters for trial, for example, and I've  
8 watched many judges that have come through our  
9 circuit, but I've spent more time watching Judge  
10 McKinnon and learning from Judge McKinnon, who has an  
11 extensive background doing civil matters.

12 Q. I would note that the Upstate Citizens Committee  
13 reported that Ms. Inzerillo is qualified in the  
14 evaluative criteria of constitutional qualifications,  
15 physical health, and mental stability. The committee  
16 found her well qualified in the evaluative criteria of  
17 ethical fitness, professional and academic ability,  
18 character, reputation, experience, and judicial  
19 temperament. The committee stated in summary, Ms.  
20 Inzerillo has a demonstrated record of public service,  
21 deep experience in criminal law matters, and a clear  
22 appreciation of the authority and responsibility of a  
23 circuit court judge. Like Ms. Shelton, the panel  
24 recognizes that Ms. Inzerillo lacks civil law  
25 experience, but believes that she has the ability and

1 the commitment to acquire that quickly. We believe  
2 she would make a fine circuit court judge. I just  
3 have a few housekeeping issues. JMSC procedural Rule  
4 17 includes a prohibition of any candidate from  
5 attending or watching any portion of the live stream  
6 or recordings of the public hearings of this cycle  
7 until after all hearings are concluded. Have you  
8 watched or listened to any of those hearings before  
9 your appearance today?

10 A. No, ma'am.

11 Q. Has any other person relayed information about any of  
12 the proceedings before this commission to you?

13 A. No, ma'am.

14 Q. Ms. Inzerillo, are you aware that as a judicial  
15 candidate you are bound by the Code of Judicial  
16 Conduct as found in Rule 501 of the South Carolina  
17 Appellate Court Rules?

18 A. Yes, ma'am.

19 Q. And, Ms. Inzerillo, since submitting your letter of  
20 intent, have you contacted any members of the  
21 commission about your candidacy?

22 A. No, ma'am.

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

1                   **screening?**

2       A.    No, ma'am.

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

6       A.    Yes, ma'am.

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

11      A.    No, ma'am.

12      Q.    **And have you reviewed and do you understand the**  
13                   **commission's guidelines on pledging and South Carolina**  
14                   **Code Section 2-19-70(E)?**

15      A.    Yes, ma'am.

16      MS. CRATER: And Mr. Chairman, I would -- oh, and I  
17                   just want to correct that this was the Piedmont  
18                   Citizens Committee that conducted it. Thank you.

19      Mr. Chairman, I would note for the record that  
20                   any concerns raised during the investigation by  
21                   staff regarding the candidate were incorporated  
22                   into the questioning of the candidate today. Mr.  
23                   Chairman, I have no further questions.

24      CHAIRMAN CASKEY: Thank you, ma'am. Members of the  
25                   commission have questions for the candidate?

1           Perhaps while others are -- Senator Walker.

2 SENATOR WALKER: Thank you, Mr. Chair. Ms. Inzerillo,  
3           I said that correctly, right?

4 MS. INZERILLO: Yes sir, you did.

5 SENATOR WALKER: Firstly, let me just acknowledge your  
6           years of service to the state. You have been in  
7           the Public Defender's Office for how long now?

8 MS. INZERILLO: Over 20 years. About 23 years or so.

9 SENATOR WALKER: Twenty-three years. And you may not  
10           know this about me, but I started my legal career  
11           at the Public Defender's Office here in Richland  
12           County. And so I am intimately familiar with the  
13           challenges and the struggles of that job. I  
14           didn't have your patience and bandwidth, so I was  
15           only there for a little over a year. But that  
16           experience was an indelible one. It was  
17           invaluable. And there's still a part of my  
18           current legal practice that is dedicated to  
19           indigent defense. And one of the comments that I  
20           read here in the ballot box survey, and it's  
21           probably the most salient to me, sticks out to me  
22           the most, but it reads: Melissa is not qualified  
23           to be a circuit court judge. She has been a  
24           public defender for the majority of her legal  
25           career and has become some -- what some rather

1 would call a true believer. That comment really  
2 bothers me. I think what people don't understand  
3 about public defenders is they provide access to  
4 justice for many individuals across our state who  
5 otherwise could not afford to hire, say, a  
6 Representative Leon Stavrinakis or Senator  
7 Overture Walker or a Representative Micah Caskey.  
8 And in that role, you have to keep the government  
9 honest. It's not your job to just be a rubber  
10 stamp for the prosecution or to just roll over.  
11 Just this morning, Senator Campsen and I, we were  
12 talking about attending an event this evening, a  
13 lecture over at the law school. And the person  
14 who's giving that lecture is an authority on the  
15 Constitution and the importance of checks and  
16 balances in our system of democracy. And I think  
17 when it comes to our judiciary, our judicial  
18 system, rather, people forget that criminal  
19 defense lawyers, public defenders, you all are  
20 lawyers, people forget that oftentimes, right?

21 MS. INZERILLO: Yes, sir.

22 SENATOR WALKER: But you serve as a check on the  
23 government. It is your job to keep the  
24 government honest. And if we don't have that  
25 zealous advocacy, at least that branch, the third

1 branch of our government, it fails. And so just  
2 know that I appreciate what you do. I appreciate  
3 your service. But I'll also give you a chance to  
4 respond to, you know, that comment where someone  
5 feels that your 20 plus years of public service  
6 somehow disqualifies you from ascending to the  
7 bench.

8 MS. INZERILLO: Well, Senator Overture, I really  
9 appreciate those comments about public defenders.  
10 And in response to that comment, I would say that  
11 I have been doing my job a long time. And part  
12 of the appreciation I have gotten over the years  
13 is a true appreciation of our criminal justice  
14 system. The way our court systems work is  
15 amazing to me. The fact that the state has to  
16 come in, prove someone guilty, that person has to  
17 do nothing to prove themselves innocent, that  
18 they are entitled to having 12 people they don't  
19 know have to unanimously agree that they are  
20 guilty and have the right to go in front of a  
21 fair and impartial judge to basically, as people  
22 like to say, call balls and strikes and not be on  
23 the side of one another. To me, that is the most  
24 amazing system I think we could envision. And I  
25 have a role in that. And in that role, I work

1 hard for my clients. I am an attorney that does  
2 my job to the best of my ability. But I am also  
3 well versed in the system itself. Part of my job  
4 is advising clients when it may be best to take a  
5 plea, when it may be best to go to trial. Some  
6 of that involves advising clients to take very  
7 high offers. So there is a reality and a realism  
8 in my job that I am extremely accustomed to. So  
9 I think the true believer has sort of an  
10 emotional connotation that I would be unable to  
11 separate myself from believing and not be able to  
12 be objective and not understanding how the system  
13 works and appreciate how the system works. As a  
14 judge, I would no longer be an advocate. My job  
15 would be to be neutral, to be fair and impartial  
16 on both sides. And as I indicated a few minutes  
17 ago, as a trial attorney, I expect and appreciate  
18 that in our judges. And I would certainly be  
19 that same kind of judge.

20 CHAIRMAN CASKEY: Ms. Inzerillo, while others may be  
21 contemplating what, if any, questions they may  
22 have, I would begin by first thanking you for  
23 that last response to Senator Walker's questions.  
24 I appreciate everything you've said. You've  
25 distinguished yourself in your career such that

1 the comments, generally, feedback from the bar,  
2 feedback from the ballot box, all put you at  
3 superlative levels of performance as a lawyer in  
4 the criminal context. But as our system at the  
5 circuit court level in this state does not  
6 segregate judges by criminal matters and civil  
7 matters, there is clearly a dearth of civil  
8 experience, at least relative to your criminal  
9 experience. And this commission is charged with  
10 the responsibility of determining qualification  
11 pursuant to the nine evaluative criteria. And  
12 being familiar with your previous candidacy and  
13 all the materials that I recited earlier, I will  
14 tell you I am satisfied that you were qualified  
15 to be a judge. But if I could be so bold as to  
16 make a recommendation or suggestion to you, it  
17 would be that you undertake a serious and  
18 deliberative effort to bolster your civil bona  
19 fides through things that you mentioned. And you  
20 said all of the right things, but I think I would  
21 be remiss if I didn't underscore the importance  
22 of doing those things like CLEs and sitting with  
23 Judge McKinnon, who is a fantastic, brilliant  
24 jurist. He often presents or is presenting a CLE  
25 just before Senator Walker in January at the bar

1 convention, if you haven't heard. Judge McKinnon  
2 does a fantastic job there. But it is incredibly  
3 important because while there are certain  
4 transferable skills between those portions of the  
5 law, as you know, because you have practiced the  
6 civil law, there is no doubt still an opportunity  
7 to deepen that experience. And I would suggest  
8 to you that those are opportunities you could  
9 avail yourself of in the very immediate short-  
10 term. Because again, our charge here is simply  
11 qualification. The determination of election by  
12 the General Assembly, I think you may be very  
13 well aided by undertaking some of those efforts.

14 MS. INZERILLO: Yes, sir.

15 CHAIRMAN CASKEY: All right. End soliloquy. I'm  
16 looking around to see if there are any other  
17 questions or comments from members of the  
18 commission.

19 SENATOR RANKIN: If I may.

20 CHAIRMAN CASKEY: Senator from Horry.

21 SENATOR RANKIN: And very briefly, and I remember you  
22 too, as the Chairman is referencing those of us  
23 who were here before, impressed with your  
24 candidacy and was impressed last time. Again,  
25 share the sentiment here of basically 100 percent

1 to zero percent. But as we know, and as the dear  
2 folks from your part of the world and the fine  
3 solicitor from your part of the world seems to  
4 spend more time in that court there in criminal  
5 matters and less civil. And so that does seem to  
6 be perhaps, though not designated as the General  
7 Sessions guru, the demand of our circuit courts  
8 in this state, without a doubt. My question, as  
9 briefly as you can, not trying to belabor this, -  
10 -

11 MS. INZERILLO: Sure.

12 SENATOR RANKIN: -- but what have you learned and what  
13 -- you may have broached this earlier. Forgive  
14 me if you've already covered it. But what have  
15 you learned since you were screened favorably the  
16 last time?

17 MS. INZERILLO: About civil law or just in general?

18 SENATOR RANKIN: This -- your desire to be -- to run  
19 again, and what has either sharpened your desire  
20 -- what is, again, what have you done to prepare  
21 for a better, hopefully, result for you this  
22 time?

23 MS. INZERILLO: Well, I decided to run again because I  
24 really wanted to be a judge. And certainly with  
25 that desire coming more into focus, I have tried

1 to look at all aspects of being a judge. So for  
2 example, as indicated prior, I watched Judge  
3 McKinnon handle scheduling of trials. I thought  
4 that would be an additional part of the job I had  
5 overlooked before, that would be an important --  
6 that would be an important aspect. I did spend a  
7 lot of time down here. And so I got to know -- I  
8 got to know how it all works. And I've got to  
9 understand y'all's jobs and the time commitments  
10 that you all have, trying to do everything that  
11 you do in a session. And I think that's been the  
12 biggest thing that I'm carrying with me this  
13 time, is to really assess my qualifications as a  
14 judge, improve what needs to be improved by  
15 really attending civil court, honing in, studying  
16 more aspects of the civil law, but also the  
17 practical side and interacting with you all and  
18 all the hard work that you do down here.

19 CHAIRMAN CASKEY: All right, Ms. Inzerillo, before I  
20 let you run out of here, I do want to just  
21 impress upon you some of the feedback, and some  
22 was mentioned by staff counsel, but the comments  
23 from your colleagues in the bar: Melissa's  
24 smart, good lawyer, honorable individual, find  
25 her to have high ethical standards and sound,

1 calm temperament, conscientious lawyer, sound  
2 reasoning, outstanding temperament, credit to the  
3 profession in both the quality of her craft and  
4 the respect she shows to other litigants. Again,  
5 I think that is a tribute to you and who you are  
6 and how you've conducted yourself. And I think  
7 you should be very proud of that. And one other  
8 point I'll just share with you, because I think  
9 it's worthy of praise, perhaps I missed it in the  
10 PDQ, but one commenter noted that you volunteered  
11 with several civic groups, including Habitat for  
12 Humanity, and I just wanted to applaud you for  
13 doing that. You know, you certainly have a  
14 caseload of probably hundreds, but finding time  
15 to give back, I think, is something that -- it  
16 means something to me. I think public service  
17 matters, whether that's through government  
18 institutions or civic organizations or causes  
19 like Habitat for Humanity, and I really applaud  
20 you for doing that. So thank you. That will  
21 conclude this part of our screening process. I  
22 do need to take this moment, though, to remind  
23 you that pursuant to the commission's evaluative  
24 criteria, we expect candidates to follow the  
25 letter as well as the spirit of our ethics laws,

1 and we would view any violation or appearance of  
2 impropriety as very serious and potentially  
3 deserving of heavy weight in our screening  
4 deliberations, such that if there were a need, we  
5 could call you back to the commission for a  
6 hearing and have a further discussion about that  
7 if the need were to arise. Do you understand all  
8 of that?

9 MS. INZERILLO: Yes, sir.

10 CHAIRMAN CASKEY: All right. Thank you for offering  
11 for public service. Thank you for your public  
12 service to date, and wish you all the best as you  
13 go on with the rest of your day.

14 MS. INZERILLO: Thank you very much. Thank you for  
15 your time.

16 CHAIRMAN CASKEY: Thank you for being here, and thank  
17 you to both of you for joining Ms. Inzerillo here  
18 this morning.

19 MS. INZERILLO: Thank you.

20 CHAIRMAN CASKEY: All right. We will stand at ease  
21 until the next candidate has made his or her way  
22 into the room.

23 (Off the Record)

24 CHAIRMAN CASKEY: Good morning. We can go ahead and  
25 proceed with the next screening. Before us, I

TRANSCRIPT OF PUBLIC HEARINGS

Page 92

1 believe we have Misti Shelton.

2 MS. SHELTON: Yes, sir.

3 CHAIRMAN CASKEY: Am I saying that right?

4 MS. SHELTON: Yes, sir.

5 CHAIRMAN CASKEY: All right. And this is an applicant  
6 for seat two of the 16th Judicial Circuit Court.

7 MS. SHELTON: Yes.

8 CHAIRMAN CASKEY: Do I have all that right?

9 MS. SHELTON: Yes.

10 CHAIRMAN CASKEY: All right. If you would please  
11 raise your right hand.

12 WHEREUPON:

13 MISTI HORTON SHELTON, being duly sworn and  
14 cautioned to speak the truth, the whole truth and  
15 nothing but the truth, testifies as follows:

16 CHAIRMAN CASKEY: If you would please state your full  
17 name for the record.

18 MS. SHELTON: Misti Horton Shelton.

19 CHAIRMAN CASKEY: All right. There should be some  
20 documents in front of you. If you would please  
21 take a moment to look at those.

22 MS. SHELTON: Yes, sir.

23 CHAIRMAN CASKEY: Are those the personal data  
24 questionnaire and the sworn statement that you  
25 submitted to the commission?

1 MS. SHELTON: Yes, sir.

2 CHAIRMAN CASKEY: Are there any updates or changes  
3 that need to be made to this?

4 MS. SHELTON: No additional changes. No, sir.

5 CHAIRMAN CASKEY: Do you have any objection to our  
6 including those in the record?

7 MS. SHELTON: No, sir.

8 (EXHIBIT NO. 11 MARKED FOR  
9 IDENTIFICATION PURPOSES (16 pages)  
10 PDQ)

11 (EXHIBIT NO. 12 MARKED FOR  
12 IDENTIFICATION PURPOSES (1 pages)  
13 Amendment)

14 (EXHIBIT NO. 13 MARKED FOR  
15 IDENTIFICATION PURPOSES (6 pages)  
16 Sworn Statement)

17 CHAIRMAN CASKEY: Let me give staff just a second to  
18 do that. The Judicial Merit Selection Commission  
19 has thoroughly investigated your qualifications  
20 for the bench. Our inquiry has focused on the  
21 nine evaluative criteria and has included the  
22 thorough study of your application materials, a  
23 ballot box survey, a search of newspaper articles  
24 in which your name appears, a check for economic  
25 conflicts of interest, and a -- I've said this so

1                   many times and I've lost my place in making sure  
2                   that I have identified -- verification of your  
3                   state ethics laws. There we go. We have  
4                   received no affidavits filed in opposition to  
5                   your election. No witnesses are present to  
6                   testify. If you would like to make a brief  
7                   opening statement, we'd be happy to hear from  
8                   you. Otherwise, I would recognize staff counsel  
9                   to proceed with questions.

10                  MS. SHELTON: Other than to say I'm grateful for the  
11                   opportunity. Thank you for everyone's time and I  
12                   would also just like to take this time to say  
13                   thank you to Ms. Crawford, Ms. Putnam, and Ms.  
14                   Trask. They were so very kind and helpful  
15                   through the whole process. They were very  
16                   wonderful to work with and made it much easier  
17                   for someone who was very nervous to put her foot  
18                   in the pool to start for the first time.

19                  CHAIRMAN CASKEY: Great. Well, that's nice to hear  
20                   especially about Ms. Crawford. At this point,  
21                   I'd recognize Ms. Trask.

22                   EXAMINATION

23                  MS. TRASK:

24                  Q.     **Good morning.**

25                  A.     Good morning.

1 MS. TRASK: I note for the record that based on the  
2 testimony contained in the candidate's PDQ, which  
3 has been included in the record with the  
4 candidate's consent, Misti H. Shelton meets the  
5 constitutional and statutory requirements for  
6 this position regarding age, residence, and years  
7 of practice.

8 Q. **Ms. Shelton, how do you feel your legal and**  
9 **professional experience thus far renders you qualified**  
10 **and will assist you to be an effective circuit court**  
11 **judge?**

12 A. Well, I'd like to say I started my legal career  
13 clerking for Judge Lockemy and if anybody's familiar  
14 with Judge Lockemy, he is a teacher. He likes to  
15 impart his knowledge freely at all times and I learned  
16 a lot from him that year and I went into my year with  
17 him thinking that I wanted to be a trial lawyer and I  
18 ended that year knowing that I wanted to be in the  
19 courtroom and that's where I wanted to spend my  
20 career. And then I've spent the next 20 plus years  
21 being a trial lawyer. I've done both prosecution and  
22 defense and I've tried a lot of cases and have spent  
23 the vast majority of my time in a courtroom even after  
24 my circuit moved to more of a plea pile type system.  
25 I've continued to do my own pleas because I just like

1 being in a courtroom. In addition to my trial work,  
2 I've also taken sort of a managerial role in the  
3 office where one of the things that I excel at is  
4 docket management where I have worked extensively at  
5 training the younger prosecutors in docket management  
6 and kind of have worked sort of hand-in-hand with the  
7 courts and with judges with maintaining our efficient  
8 docket in the 16th circuit. So I kind of have I think  
9 sort of an inside look at what the judges face and  
10 what they have to do to help maintain the docket. And  
11 I did spend some time in private practice so I do  
12 understand the strains that being in a small practice  
13 puts on an attorney when they have, you know, to have  
14 to maintain their practice while being in multiple  
15 courtrooms at a time at various times. So I do have  
16 an understanding of that. Beyond just my professional  
17 experience, I think that my strongest qualities that I  
18 would bring the bench is just my life experience, is  
19 my work ethic, my understanding of people and probably  
20 my compassion.

21 Q. Thank you. Ms. Shelton, the commission received 128  
22 ballot box surveys regarding you with 41 additional  
23 comments. The ballot box survey, for example,  
24 contained the following positive comments. Misti is  
25 very intelligent and capable and she has a strong work

1           **ethic and is committed to upholding the rule of law**  
2           **with integrity and compassion. Seven of the written**  
3           **comments expressed concerns. Some of the concerns**  
4           **were regarding your lack of civil experience. What**  
5           **response would you like to offer to those concerns?**

6       A. That I understand those concerns. I knew that that  
7           would be something that would need to be addressed  
8           before I even applied. So back in August I began  
9           studying. I spent the summer at my kitchen table  
10          reading through the rules of civil procedure, reading  
11          civil advance sheets that I hadn't done in many years  
12          because I didn't need to. I've started taking CLEs.  
13          I've taken three CLEs and I've also taken -- it didn't  
14          -- it doesn't show on my CLE report because I don't  
15          think it counted for credit, but it was the bar review  
16          civil course. I've also sat in portions of three  
17          trials and I've sat in both civil motions and status  
18          conferences and in those the judges have been very  
19          kind afterwards to stay and answer questions for me  
20          and kind of explain to me the process, why they did  
21          certain things, and just kind of explain to me sort of  
22          what happened in those procedures and they were very -  
23          - they were very nice to do that. I also called two  
24          judges that I respect very much that came from a  
25          predominantly criminal background to ask them what

1                   they did to bridge the gap and to be ready to be a  
2                   judge that didn't have that civil experience and I got  
3                   advice from both of them.

4                   **Q. A couple comments indicated concerns regarding your**  
5                   **ability to remain unbiased and regarding your judicial**  
6                   **temperament. What response would you offer to these**  
7                   **concerns?**

8                   A. The unbiased, I understand because I have been a  
9                   prosecutor for the last 10 years, or 13 years, I  
10                  guess. I'm older than I like to let myself believe  
11                  sometimes, but the -- but I was a public defender for  
12                  a couple of years and I was a private defense attorney  
13                  for a couple of years before that. And a lot of  
14                  people that know me know this story that when I went  
15                  into law school my goal was to be a public defender  
16                  and up through my third year of law school, that's  
17                  what I wanted to do when I got out and the reason why  
18                  I wanted to do that is because I didn't have any  
19                  lawyers in my family, I didn't have a lot of  
20                  background in the legal system, so my view of what  
21                  public defenders did was help people and I really  
22                  didn't know much about what prosecutors did, but I  
23                  knew public defenders helped people and I remember I  
24                  worked for the National College of District Attorneys  
25                  when I was second year into my third year of law

1 school and we did the career prosecutor course down in  
2 Charleston and I remember having a conversation with a  
3 prosecutor down there and she was just asking me what  
4 my goals were and I told her I wanted to be a public  
5 defender and she asked me why and I went through the  
6 whole, you know, bright-eyed, you know, idealistic I  
7 want to help people and she said you can as a  
8 prosecutor and you can help everyone. You can help  
9 victims, you help law enforcement and you can help  
10 defendants because you as a prosecutor have the  
11 ability to dismiss charges if that's the right thing,  
12 you have the ability to reduce charges if that's the  
13 right thing. And I feel like that's what I have done  
14 my entire career and I hope that the vast majority of  
15 the ballot box comments did acknowledge that, that I  
16 have tried for the vast majority of my career to be  
17 fair and to be reasonable and to give people second  
18 chances when that is deserved. And to keep in mind,  
19 going to more to the temperament side, as a prosecutor  
20 and as a defense attorney you are an advocate so I was  
21 always advancing some position and sometimes you have  
22 to be strong when you do that and firm but as a judge  
23 you are more -- you don't have a position to advance.  
24 You are fair and impartial and so I would hope that  
25 would take away any temperament concerns.

1 Q. Thank you, Ms. Shelton. I would note that the  
2 Piedmont Citizens Committee reported that Ms. Shelton  
3 is well qualified in the evaluative criteria of  
4 ethical fitness, professional and academic ability,  
5 character, reputation, experience, and judicial  
6 temperament. She was found to be qualified in the  
7 evaluative criteria of constitutional qualifications,  
8 physical health, and mental stability. The Citizens  
9 Committee commented Ms. Shelton has over two decades  
10 of experience on both sides of criminal court with the  
11 judgment and thoughtfulness that that experience  
12 commands. Like Ms. Inzerillo, the panel recognizes  
13 that Ms. Shelton lacks civil law experience but  
14 believes that she has the ability and commitment to  
15 acquire that quickly. We believe she would make a  
16 fine circuit court judge. I have a few housekeeping  
17 issues. JMSC procedural Rule 17 includes a  
18 prohibition of any candidate from attending or  
19 watching of any portion of the live stream or  
20 recordings of the public hearings of this cycle until  
21 after all hearings are concluded. Have you watched or  
22 listened to any of these hearings before your  
23 appearance today?

24 A. No, ma'am.

25 Q. Has any other person relayed any information about any

1                   of the proceedings before this commission to you?

2   A.   No, ma'am.

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

7   A.   Yes, ma'am.

8   Q.   Ms. Shelton, since submitting your letter of intent,  
9                   have you contacted any members of the commission about  
10                  your candidacy?

11   A.   No, ma'am.

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

16   A.   No, ma'am.

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

20   A.   Yes, ma'am.

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

25   A.   No, ma'am.

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

4 A. Yes, ma'am.

5 MS. TRASK: Mr. Chairman, I would note for the record  
6 that any concerns raised during the investigation  
7 by staff regarding the candidate were  
8 incorporated into the questioning of the  
9 candidate today. And Mr. Chairman, I have no  
10 further questions.

11 CHAIRMAN CASKEY: Thank, you ma'am. Members of the  
12 commission have questions for Ms. Shelton? While  
13 some may be thinking of those. I wanted to ask  
14 you about the criticism that you lack civil  
15 experience. I know there was a brief exchange  
16 about it, but that is not an inconsequential  
17 aspect to your candidacy. And while the  
18 commission is charged with qualification, not  
19 election, that's for the General Assembly to  
20 handle, I just want to talk about that briefly to  
21 make sure I understand kind of where you've been,  
22 where you see yourself headed, and what you can  
23 tell us about that aspect of your candidacy.

24 MS. SHELTON: I do have very, very little civil.  
25 While I clerked for Judge Lockemy, which was many

1 years ago, if my memory serves correctly, he was  
2 Chief Admin Civil for that, I guess, six months  
3 while I was with him. My memory was that we had  
4 two civil trials. I remember one very, very  
5 vividly because it was wild. He thinks that we  
6 had more than that. I did in private practice  
7 for the two years that I was in private practice,  
8 it was a civil criminal firm, but in complete  
9 candor I had very little to do with the civil  
10 side. I maybe reviewed a few things here or  
11 there, but I did very little. I think I put on  
12 my application that the last five years maybe one  
13 percent of my practice has been in civil. That  
14 is doing forfeitures. So I have probably -- if  
15 you looked in e-filing, I probably have 25 or 30  
16 cases in the past five years. I understand that  
17 as a concern. I am the type of person that I do  
18 not like to fail at anything. And I don't want  
19 to be good enough to just be selected to be a  
20 judge. If I am going to be a judge, I want to be  
21 a great judge. I want to be the type of judge  
22 that attorneys want to appear in front of. So I  
23 will work as hard as I need to make up for any  
24 deficits that I have. The two judges that I  
25 talked to that had mainly criminal experience,

1 that was basically the crux of their -- it was  
2 Judge Hall and Judge McCaslin, that was basically  
3 the crux of their advice was just to put your  
4 head down, work, always read ahead, always be the  
5 most informed person going into the courtroom at  
6 the beginning of your civil week. Judge Hall  
7 advised me to reach out. He said the judiciary  
8 is a wonderful source of information and to reach  
9 out to ask questions. If I found myself not  
10 knowing something to not hesitate to ask for  
11 help. And so I would certainly do that.

12 CHAIRMAN CASKEY: Thank you. Thank you for that. And  
13 I'll also extend that thanks to one of the points  
14 that you made in response to Ms. Trask's  
15 questions that I thought was particularly, I  
16 don't know if the right word is for it,  
17 interesting, good, smart, hadn't come up, but  
18 taking the bar prep for civil stuff. Like I  
19 thought that was a smart -- that is a smart way  
20 to go about trying to address that opportunity  
21 for growth as well as the CLEs and sitting with  
22 judges and all those sorts of things. But I  
23 don't suspect that -- let me just say it this  
24 way. I, based on your record, think that you  
25 meet the standards of qualification, but I would

1           be remiss if I didn't take this opportunity to  
2           make humbly the suggestion that you do all that  
3           you can to bolster your civil bona fides, both  
4           for the lesser purpose of allaying concern, but  
5           the greater purpose of actually knowing it and  
6           actually being able to apply it should your  
7           candidacy be successful.

8    MS. SHELTON: Yes, sir.

9    CHAIRMAN CASKEY: So now that others have warmed to  
10           the question asking process, I will recognize  
11           Senator Walker.

12   SENATOR WALKER: Thank you, Mr. Chair. And good  
13           morning to you, Ms. Shelton.

14   MS. SHELTON: Good morning.

15   SENATOR WALKER: Firstly, let me just acknowledge your  
16           22 years of public service.

17   MS. SHELTON: Thank you.

18   SENATOR WALKER: You have 20 years, I believe, as a  
19           prosecutor, at least two years as a public  
20           defender, correct?

21   MS. SHELTON: Yes, sir.

22   SENATOR WALKER: And one thing that you and I have in  
23           common is that I started my career as a public  
24           defender and I also prosecuted at some point in  
25           my legal career as well. And I can't say enough

1 just how important it is for a judicial candidate  
2 to have a balanced perspective, especially when  
3 it comes to handling criminal cases or someone  
4 who may end up residing in General Sessions  
5 Court. I've said ad nauseam over the years, you  
6 know, I wish that public defenders could go and  
7 work as prosecutors for six months and I wish  
8 that prosecutors can go and work as public  
9 defenders for six months so that way each side,  
10 you know, could develop an appreciation for the  
11 challenges and the struggles, you know, that they  
12 deal with respectively. And so again, you know,  
13 thank you for your service and I just know how  
14 that balanced experience does carry a lot of  
15 weight with me. But I would be remiss if we did  
16 not sort of bring up what I would deem to be the  
17 elephant in the room. Your -- this race, as you  
18 know, you have a -- there's someone else who's  
19 running for the seat.

20 MS. SHELTON: Yes, sir.

21 SENATOR WALKER: And a year ago she came before the  
22 General Assembly and she was the only candidate  
23 screened out and her candidacy was scuttled at  
24 the 11th hour.

25 MS. SHELTON: Yes, sir.

1 SENATOR WALKER: And here we are, you know, less than  
2 a year later and there's not only is she running  
3 again but there's an opponent in the incarnation  
4 of you --

5 MS. SHELTON: Yes, sir.

6 SENATOR WALKER: -- you know, that is also vying for  
7 the seat and so it makes your race intriguing.

8 MS. SHELTON: Yes, sir.

9 SENATOR WALKER: And that's probably an  
10 understatement. So the question I would have for  
11 you is were you encouraged by anyone --

12 MS. SHELTON: Yes, sir.

13 SENATOR WALKER: -- to run --

14 MS. SHELTON: I was.

15 SENATOR WALKER: -- for the seat?

16 MS. SHELTON: I was. I was encouraged by the circuit  
17 public defender B.J. Barrowclough and long-term  
18 defense attorney Leland Greeley from the 16th  
19 circuit and by Montreal Belton. Those were the  
20 main people that encouraged me to run.

21 SENATOR WALKER: There were no elected officials --

22 MS. SHELTON: No, sir.

23 SENATOR WALKER -- state or local --

24 MS. SHELTON: No, sir.

25 SENATOR WALKER: -- who encouraged you --

1 MS. SHELTON: No, sir.

2 SENATOR WALKER: -- to seek the seat?

3 MS. SHELTON: No, sir.

4 SENATOR WALKER: I'm not questioning your motives --

5 MS. SHELTON: No, sir. Now once I did decide, I would  
6 say the first four people, five people that I  
7 talked to about running. The first person that  
8 talked to me about running was B.J. Barracough.  
9 He and I have been friends for 20 years. He has  
10 been asking me to run for 15 years but I have  
11 kids that are now teenagers that don't need me as  
12 much anymore. And the second person was Leland.  
13 Leland talked to me twice. I told both of them  
14 no the first time and then I talked to my husband  
15 --

16 SENATOR WALKER: That's most important.

17 MS. SHELTON: -- and then I talked to Judge Hall and  
18 then I think I talked to Montreal. So I think  
19 those were the first five people that I talked  
20 to. So it was after I decided to run before I  
21 talked to any representatives and it was just  
22 basically to introduce myself. I've talked to --  
23 I think I've talked to all of my local  
24 representatives just to introduce myself and say  
25 hey I'm running.

1 SENATOR WALKER: And let me just say this, Ms.  
2 Shelton. You know, please don't take umbrage at  
3 the question. It would probably be almost  
4 malpractice for me as a member of this commission  
5 to not ask the obvious when you consider the  
6 dynamics in your race. You have a record of  
7 public service. In the event you were successful  
8 in your bid, you know, to serve as a judge, that  
9 would be just an extension of what you have been  
10 doing for the past 20 years which is again, you  
11 know, serving the public. But I felt compelled to  
12 ask in light of those, you know, dynamics. So  
13 thank you for answering the question.

14 MS. SHELTON: I completely understand. And I would --  
15 just on the public service, I did the two years  
16 of private practice. It was not for me. I am a  
17 public servant. It is the only thing that I have  
18 wanted to do. And so that is kind of where this  
19 is the next natural step for me.

20 SENATOR WALKER: Thank you.

21 CHAIRMAN CASKEY: Senator from Charleston.

22 SENATOR CAMPSEN: Thank you, Ms. Shelton, for your  
23 willingness to offer yourself for this position.  
24 I want to just get down to the -- and you  
25 acknowledge that you have significant criminal

1                   experience but very little civil.

2 MS. SHELTON: Yes, sir.

3 SENATOR CAMPSEN: but you also indicated that you have  
4                   taken steps to bolster your civil, perhaps not  
5                   trial experience, but at least your understanding  
6                   of civil law and concepts of civil law. And so I  
7                   just wanted to get a clarification. You kind of  
8                   rattled off a lot of things --

9 MS. SHELTON: Yes, sir.

10 SENATOR CAMPSEN: -- that sounded like -- sounded  
11                   good.

12 MS. SHELTON: Yes, sir.

13 SENATOR CAMPSEN: I just want to make sure that I get  
14                   all those things you did. Like did you -- you  
15                   took -- you studied the bar's -- bar prep for  
16                   civil?

17 MS. SHELTON: Not the full bar prep. There's -- if  
18                   you go on to the on demand, there's these little  
19                   hour-long sections you can do and there was one  
20                   on civil. That's on-demand bar prep for civil.  
21                   I did that one.

22 SENATOR CAMPSEN: You did one.

23 MS. SHELTON: I did that one.

24 SENATOR CAMPSEN: So that's -- that's the totality of  
25                   the civil section?

1 MS. SHELTON: No. I did three -- that was all that I  
2 saw on demand.

3 SENATOR CAMPSEN: Okay.

4 MS. SHELTON: And with working full-time I have to --  
5 I've had to do CLEs in small little bits and  
6 pieces and I've done three other -- two other  
7 on-demand and one in-person CLEs that were for  
8 credit.

9 SENATOR CAMPSEN: Okay. And you've been reading the  
10 advance sheets?

11 MS. SHELTON: I have, yes sir.

12 SENATOR CAMPSEN: Okay. How long have you been doing  
13 that?

14 MS. SHELTON: Since July, since I decided to run.

15 SENATOR CAMPSEN: Okay. And I think you mentioned  
16 sitting with judges during trials?

17 MS. SHELTON: I sat in portions of two trials. Not  
18 the full -- not the full trials but in -- in  
19 portions of trials and I've sat in motions on two  
20 occasions and I've sat with Judge McKinnon during  
21 status conferences on one occasion. And then  
22 during the motions and status conferences when  
23 the judges stayed during breaks and after and  
24 answered questions for me.

25 SENATOR CAMPSEN: Okay. Anything else on the civil

1                   side?

2 MS. SHELTON: Other than just reading through the  
3                   rules of civil procedure and, and talking with  
4                   Judge Hall and Judge McCaslin about what they did  
5                   to get up to speed and, and get prepared and how  
6                   they handled bridging the gap from going from  
7                   criminal -- going from having a purely criminal  
8                   background to being a circuit court judge. That  
9                   -- that's.

10 SENATOR CAMPSEN: And you've done this in what period  
11                   of time?

12 MS. SHELTON: Since July. Since I decided to file.

13 SENATOR CAMPSEN: Since July of this year?

14 MS. SHELTON: Yes, sir.

15 SENATOR CAMPSEN: Okay. Well that's -- that's --  
16                   that's a pretty good amount for just July to this  
17                   moment in time.

18 MS. SHELTON: Yes, sir.

19 SENATOR CAMPSEN: Thank you.

20 MS. SHELTON: Thank you.

21 CHAIRMAN CASKEY: Representative Stavrinakis.

22 REPRESENTATIVE STAVRINAKIS: What time is it now?  
23                   Okay, we're still morning. Good morning.

24 MS. SHELTON: Yes, sir. Good morning.

25 REPRESENTATIVE STAVRINAKIS: Thank you for your

1                   service --

2 MS. SHELTON: Yes, sir.

3 REPRESENTATIVE STAVRINAKIS: -- as a former public  
4                   defender and solicitor and for offering yourself  
5                   for the bench. You mentioned in some of your  
6                   comments that you thought you would bring a lot  
7                   of helpful experience with regard to docket  
8                   management.

9 MS. SHELTON: Yes, sir.

10 REPRESENTATIVE STAVRINAKIS: Obviously, that's a big  
11                   issue around the state.

12 MS. SHELTON: Yes, sir.

13 REPRESENTATIVE STAVRINAKIS: The criminal docket,  
14                   which I do, you know, some criminal work and it's  
15                   been a big issue and it's been a changing issue.  
16                   I would imagine you've been around long enough  
17                   that you were a solicitor when the solicitor kind  
18                   of had the exclusive control of the docket.

19 MS. SHELTON: Yes, sir.

20 REPRESENTATIVE STAVRINAKIS: Then you worked through  
21                   the period where the Court kind of had the  
22                   exclusive control and now we have kind of this  
23                   hybrid. What are your impressions of where we  
24                   are right now?

25 MS. SHELTON: I think -- honestly, I think every

1                   circuit's a little different.

2 REPRESENTATIVE STAVRINAKIS: Sure.

3 MS. SHELTON: I think in York we've had Judge Kelly  
4                   this year and I think we very much are a hybrid.  
5                   We are -- we are very much following the 45-day  
6                   trial notice with asking for, you know, input  
7                   from the bar -- from the defense bar on objecting  
8                   and then the judge sets the final trial docket at  
9                   20 days and I think it's working really well as  
10                   far as trial notice and the trial docket and we  
11                   are using second appearances as necessary. So I  
12                   think that is -- I think the hybrid is working in  
13                   York County and I kind of -- that's where we are  
14                   right now in York.

15 REPRESENTATIVE STAVRINAKIS: In York, when the docket  
16                   gets quote finalized, that -- is that the judge  
17                   finalizing?

18 MS. SHELTON: Yes, sir.

19 REPRESENTATIVE STAVRINAKIS: Is the judge also  
20                   finalizing the order of the cases or just what  
21                   the actual cases will be and then the solicitor's  
22                   office is determining the order of those?

23 MS. SHELTON: We are still submitting our proposed  
24                   order to the judge.

25 REPRESENTATIVE STAVRINAKIS: Including the order of

1 cases?

2 MS. SHELTON: Including the order of cases, but that  
3 is kind of done with coordinating with the  
4 defense bar and then also with input from the  
5 Court. Like this week, the order -- we are in  
6 trial this week and the order that was supposed  
7 to happen is not happening and that was after  
8 something came up with the attorneys that were  
9 supposed to start on Monday with the defense  
10 attorney, the judge rearranged the order. So it  
11 is kind of a hybrid -- it is still a hybrid  
12 system.

13 REPRESENTATIVE STAVRINAKIS: Okay. And would you  
14 continue as a judge to employ that practice of  
15 involvement with the defense bar?

16 MS. SHELTON: Yes.

17 REPRESENTATIVE STAVRINAKIS: Okay.

18 MS. SHELTON: Absolutely.

19 REPRESENTATIVE STAVRINAKIS: In deciding what priority  
20 -- after we decide, so here are the 20 cases and  
21 in deciding what -- what order to prioritize  
22 those cases, what do you think are the most  
23 important considerations that should -- as a  
24 judge. Not as a solicitor. I'm talking about if  
25 you were a judge?

1 MS. SHELTON: I think first has that person, the  
2 accused been in jail for a long time? I think --  
3 I think -- I do not like to see people  
4 languishing -- even as a prosecutor, do not like  
5 to see people languishing in jail for months and  
6 months and months. So I think age of case is --

7 REPRESENTATIVE STAVRINAKIS: Years and years and  
8 years, to be quite honest.

9 MS. SHELTON: Yes, that does -- that does not really  
10 happen with me.

11 REPRESENTATIVE STAVRINAKIS: Good.

12 MS. SHELTON: So I think, is the person in jail, how  
13 long have they been in jail, is something that I  
14 would always be interested in as a judge. The  
15 overall age of the case. I think the people that  
16 are most -- that know the most about whether or  
17 not this case is ready are both the state and the  
18 defense. So is the case ready, I think is, the  
19 court can't be 100 percent totally involved  
20 because they don't know if the case is actually  
21 ready. So I think that has to be a factor that  
22 the Court takes into consideration. But, I think  
23 for me, as a judge the biggest concern I would  
24 have is the age of the case and, and how long --  
25 if the person is in jail, how long they have been

1           in jail. I certainly wouldn't want to try a case  
2           that was a year old where the person had been out  
3           on bond for a year if the next case on the docket  
4           was three years old and the person had been in  
5           jail for three years.

6           REPRESENTATIVE STAVRINAKIS: Okay, thank you. That's  
7           refreshing to hear. There was a comment in, you  
8           know, the ballot box about something to the  
9           effect of punishing defendants for exercising  
10           their rights. So let me ask you a couple of  
11           questions about that because, you know, I've been  
12           -- was a solicitor for a while. Three years as a  
13           full-time and then another three and a half or so  
14           as a part-time in Charleston and Berkeley  
15           counties. You know, have you ever employed the  
16           practice of withdrawing or deadlining an offer  
17           such as to prevent a person from having a motion  
18           to suppress or to exercise some constitutional  
19           right in front of a judge?

20           MS. SHELTON: That happens in York a lot for -- with  
21           drug cases. They do not -- it is office policy  
22           that unless the judge orders a -- so our defense  
23           bar does not really do a lot of motions practice.

24           REPRESENTATIVE STAVRINAKIS: Well, it's hard to do  
25           motions practice as a defense lawyer just to, you

1 know. That would be -- that would be a question  
2 for our Supreme Court candidates about making  
3 that easier --

4 MS. SHELTON: I don't disagree.

5 REPRESENTATIVE STAVRINAKIS: -- but yeah.

6 MS. SHELTON: I have not been a drug attorney in a  
7 long time. I would say in the early 2000s when I  
8 was a drug attorney, we didn't do our suppression  
9 hearings until trial so.

10 REPRESENTATIVE STAVRINAKIS: That's what happens a  
11 lot.

12 MS. SHELTON: So yes -- so I -- so yes, I had --  
13 anytime I had a drug trial that went to trial  
14 with a suppression hearing, we went to trial and  
15 the suppression hearing was encompassed in the  
16 trial and there were times where I gave offers  
17 back after the suppression hearing, but there  
18 were times where offers weren't given back just  
19 depending on the situation with the case, but I  
20 have not done that since being a drug attorney in  
21 --

22 REPRESENTATIVE STAVRINAKIS: But you mentioned that  
23 was office policy in your office.

24 MS. SHELTON: Yes.

25 REPRESENTATIVE STAVRINAKIS: And that was set by who?

TRANSCRIPT OF PUBLIC HEARINGS

Page 119

1 MS. SHELTON: The solicitor.

2 REPRESENTATIVE STAVRINAKIS: Who is?

3 MS. SHELTON: Kevin Brackett.

4 REPRESENTATIVE STAVRINAKIS: Okay. And what about

5 bond hearings? Have y'all ever employed a  
6 practice of withdrawing offers to people who --

7 MS. SHELTON: No, not to my knowledge. I have never,  
8 and I have never seen that, and if I had seen  
9 that as a supervisor, I would tell the person not  
10 to do that.

11 REPRESENTATIVE STAVRINAKIS: Okay. That's good to  
12 hear. So like Senator Walker, I don't want you  
13 to take any offense by these questions. We just  
14 have a obligation to ask certain questions. You  
15 mentioned that you work for Solicitor Brackett --

16 MS. SHELTON: Yes.

17 REPRESENTATIVE STAVRINAKIS: -- for how long now?

18 MS. SHELTON: I think I came back to the office in  
19 2011. So since 2011.

20 REPRESENTATIVE STAVRINAKIS: Okay. Solicitor  
21 Brackett, Solicitor Pasco, Solicitor Wilson,  
22 maybe some others have been very vocal about  
23 alleging that this process is corrupted.

24 MS. SHELTON: Yes, sir.

25 REPRESENTATIVE STAVRINAKIS: That some of the people

1 involved, particularly the lawyer legislators are  
2 corrupting influence on this process. Let me ask  
3 you. Have you experienced any corruption in your  
4 time as a candidate?

5 MS. SHELTON: Again, I -- before this started, I was  
6 not very involved in this process, knew very  
7 little. I can only --

8 REPRESENTATIVE STAVRINAKIS: I'm asking you about  
9 before. I'm asking you since you filed as a  
10 candidate, have you experienced --

11 MS. SHELTON: No, sir.

12 REPRESENTATIVE STAVRINAKIS: -- any evidence of  
13 corruption, seen any evidence of corruption --

14 MS. SHELTON: No, sir.

15 REPRESENTATIVE STAVRINAKIS: -- in the process?

16 MS. SHELTON: No, sir. I can only speak from my  
17 personal experience. I feel thoroughly vetted.  
18 I feel like I have been treated very fairly.  
19 Throughout the entire process, people have been  
20 very kind. So no. And I can only speak from m  
21 experience.

22 REPRESENTATIVE STAVRINAKIS: Okay. And that's all I'm  
23 asking you about. You mentioned some people you  
24 spoke to about running for judge. You did not  
25 mention Solicitor Brackett. Is he someone you

1 have not talked to?

2 MS. SHELTON: I've certainly talked to him. He was  
3 not on my top first list of people that I talked  
4 to.

5 REPRESENTATIVE STAVRINAKIS: Okay.

6 MS. SHELTON: I mean, he knows I'm running.

7 REPRESENTATIVE STAVRINAKIS: Other than -- I'm not  
8 sure about your husband, but you mentioned a  
9 number of people. Are they lawyers  
10 predominantly?

11 MS. SHELTON: Yeah. Leland Greeley is a defense  
12 attorney in York County, been around for a long  
13 time. Montreal Belton is a defense attorney in  
14 York County. B.J. Barrowclough is the circuit  
15 public defender. Judge Hall is former -- is  
16 retired now, but judge is -- yes.

17 REPRESENTATIVE STAVRINAKIS: Solicitor Brackett's a  
18 lawyer?

19 MS. SHELTON: Yes.

20 CHAIRMAN CASKEY: So let me interrupt just for a  
21 second to remind everyone that we have to take  
22 turns. There was a couple of moments there where  
23 we were both trying to talk and -- and that does  
24 a disservice to the court reporter. And so I  
25 just want to interrupt to make sure that we go --

1 MS. SHELTON: Sorry.

2 CHAIRMAN CASKEY: -- like lawyers do in a -- in a  
3 courtroom.

4 REPRESENTATIVE STAVRINAKIS: That's probably my fault  
5 as I'm interrupting you right now because you  
6 interrupted me.

7 CHAIRMAN CASKEY: Well, a hit dog will holler as they  
8 say. Additionally, I want to remind everyone to  
9 keep the focus on the determination of  
10 qualification. So as long as we're getting  
11 there, I don't see a problem, but let's get  
12 there.

13 REPRESENTATIVE STAVRINAKIS: Again, my fault. You  
14 mentioned that those folks are -- most of them  
15 are lawyers.

16 MS. SHELTON: Yes.

17 REPRESENTATIVE STAVRINAKIS: Okay. Will they be  
18 assisting you if you are fortunate enough to  
19 screen out and be found qualified?

20 MS. SHELTON: Assisting me in?

21 REPRESENTATIVE STAVRINAKIS: Saying good things about  
22 you.

23 MS. SHELTON: I think Mr. Barrowclough cannot because  
24 he is on the citizens committee.

25 REPRESENTATIVE STAVRINAKIS: Some of them might

1                   though.

2 MS. SHELTON: I believe so, yes. I don't think they  
3                   would say bad things.

4 REPRESENTATIVE STAVRINAKIS: And they would later  
5                   possibly appear in your court?

6 MS. SHELTON: Yes.

7 REPRESENTATIVE STAVRINAKIS: Okay.

8 MS. SHELTON: I think -- I think Mr. Greeley's  
9                   probably getting close to not appearing, but yes.

10 REPRESENTATIVE STAVRINAKIS: Certainly Solicitor  
11                   Brackett's office might appear in your court.

12 MS. SHELTON: Yes.

13 REPRESENTATIVE STAVRINAKIS: Okay. You see any  
14                   problem there?

15 MS. SHELTON: No, I mean --

16 REPRESENTATIVE STAVRINAKIS: Frankly, neither do I,  
17                   but apparently when it's on the other side, some  
18                   people do see a problem with it.

19 MS. SHELTON: No.

20 REPRESENTATIVE STAVRINAKIS: But anyway, thank you  
21                   again for offering yourself for service. Thank  
22                   you for your candid responses. And like a lot of  
23                   candidates, I've been practicing law 30 plus  
24                   years. I don't have perfect experience to be a  
25                   judge, you know? We have -- especially because

1                   our circuit court requires a vast variety of  
2                   undertakings with our judges. They have to deal  
3                   with so many different kinds of cases that I  
4                   don't expect as a screener, as a -- as a  
5                   legislator, someone to have every bit of  
6                   experience required. What I look for are they  
7                   smart enough, talented enough, hardworking  
8                   enough, committed enough to learn where they need  
9                   to learn, get better where they need to get  
10                   better. And, you know, so thank you for offering  
11                   yourself for service again.

12 MS. SHELTON: Thank you.

13 CHAIRMAN CASKEY: All right. Thank you very much.

14                   Did you have something? Senator from Horry.

15 SENATOR RANKIN: Thank you, ma'am. And I have heard  
16                   about 98 percent of this.

17 MS. SHELTON: Yes, sir.

18 SENATOR RANKIN: I had to step out there for a second,  
19                   but I'm curious harkening back to the earlier  
20                   questions not who you talked to, but effectively,  
21                   why now and why not before? What were you doing  
22                   summer of 24 when this seat was open? Dan Hall  
23                   had retired, or was retiring at that point, I  
24                   think, correct?

25 MS. SHELTON: Yes. So I will be -- without naming --

1 without naming names, there was another candidate  
2 in the race in the summer of 2024 that -- that  
3 withdrew. And she was a very close friend, and  
4 she made it known very early that she was going  
5 to run. And out of respect of our friendship, I  
6 did not -- I opted to not run at that time. Now,  
7 I can say prior to 2024, the years before that,  
8 I'm a mom. I have two boys. My boys are now in  
9 their teenage years. My oldest is about to start  
10 driving. I am a mom that comes home every day  
11 and cooks dinner, and helps with homework, and  
12 does all of those things, and they don't need me  
13 as much anymore. They both are good students and  
14 responsible kids. My oldest is about to become  
15 an Eagle Scout. My youngest is just made, I  
16 think, star, and is working on life. I think  
17 that's the next, next step for him. So they're -  
18 -- they're good kids. They don't need me as much.  
19 So from just a personal standpoint, it was -- I'm  
20 able to not be as home as much. And from a  
21 professional standpoint, I felt like I had the  
22 experience, and the maturity, and the confidence  
23 to run now, but specifically in 2024, it was out  
24 of respect of that friendship.

25 SENATOR RANKIN: And again, I appreciate your being

1                   that detailed with it, and more to the point,  
2                   effectively loyal to your friend. Who was that  
3                   remind me?

4 MS. SHELTON: I would rather not say her name since  
5                   she withdrew.

6 SENATOR RANKIN: Okay.

7 MS. SHELTON: Early, early on.

8 SENATOR RANKIN: All right. Not here. We did not  
9                   meet that person?

10 MS. SHELTON: No, sir.

11 SENATOR RANKIN: Okay, thank you.

12 MS. SHELTON: Yes, sir.

13 SENATOR RANKIN: Because I don't recall meeting  
14                   anybody.

15 MS. SHELTON: Yes, she withdrew before then.

16 SENATOR RANKIN: All right, very good. You invoke  
17                   Judge Hall's name --

18 MS. SHELTON: Yes, sir.

19 SENATOR RANKIN: -- as one of the people that you  
20                   spoke with. And you are familiar with a  
21                   solicitor by the name of Brackett? Is it Kevin  
22                   Brackett?

23 MS. SHELTON: Yes, sir.

24 SENATOR RANKIN: Who had a splendid relationship with  
25                   Judge Hall?

1 MS. SHELTON: Yes. I wouldn't call it that. But yes,  
2 sir.

3 SENATOR RANKIN: And that is the context for those of  
4 us who were here, that looms larger, perhaps in  
5 your candidacy than it should, in fairness to  
6 you.

7 MS. SHELTON: Yes, sir. And I understand that. I do.  
8 And I think that the person who probably should  
9 bear the greatest grudge out of all that would be  
10 Judge Hall. And I think if you were to call him,  
11 step out of this room and call him right now, he  
12 would absolutely only say kind things about me.  
13 Judge Hall and I have known each other for 20  
14 plus years. I met him as a brand new baby  
15 prosecutor, and he has -- he's about the same age  
16 as my mom. I am about the same age as his oldest  
17 kids -- as his oldest kid, and he has, for lack  
18 of a better term, has been like a father figure  
19 to me. It is one of the reasons why he's one of  
20 the first three people that I spoke to. When I  
21 called him to ask him about bridging the gap from  
22 criminal to civil, the first question I asked him  
23 was, having known me and seen me grow and be in  
24 the courtroom, did he think I could do it? So  
25 that is the relationship that I have with Judge

1 Hall.

2 SENATOR RANKIN: I'm curious, and I'm sure you may  
3 have read the transcripts perhaps, or maybe not.  
4 Either answer is fine, but effectively what your  
5 boss, and Mr. Brackett is your boss, --

6 MS. SHELTON: Yes, sir.

7 SENATOR RANKIN: He's your employer, correct?

8 MS. SHELTON: Yes, sir.

9 SENATOR RANKIN: Filing a complaint -- a sitting  
10 solicitor filing a complaint against a sitting  
11 unopposed circuit court judge --

12 MS. SHELTON: Yes, sir.

13 SENATOR RANKIN: -- unprecedented, that in essence and  
14 in word admitted at the end of the fairly uniform  
15 questioning by the members of that commission,  
16 admitted it was a personal personality conflict.  
17 Are you familiar with that exchange or that  
18 history, or if you're not, let's not even go  
19 there.

20 MS. SHELTON: Not in total. No, I will say not in  
21 total. I was not -- I purposely was not involved  
22 in any of that decision making. So no, not  
23 completely. No, sir.

24 SENATOR RANKIN: You use the word grudge, and if  
25 anyone had a grudge, it should be Judge Hall.

1                   Why did you use that word?

2 MS. SHELTON: Yes. Because I do think for Judge Hall

3                   being the sitting judge, it was particularly

4                   painful. I mean, he was the judge, and he was

5                   the sitting judge, and had to come in and defend

6                   his position, and defend the work that he had

7                   been doing, and how he had been doing it, and

8                   again, I don't know the full circumstances, but

9                   for the next year and a half, he didn't appear in

10                  court in York County.

11 SENATOR RANKIN: Which was really the kind of a

12                  supposition that many of us have. The complaint

13                  was basically to ice him, keep that judge out of

14                  your circuit's general sessions courtroom.

15 MS. SHELTON: Yes, sir. I mean, and he was gone,

16                  because we had Judge Griffith came in after that,

17                  who I also am very fond of, but it -- so that --

18                  it -- that's why I use the word -- and I'm not

19                  saying that he does, I'm just saying that if

20                  there is a person that would have one, it would

21                  be him.

22 SENATOR RANKIN: And all of this, to the point of my

23                  seatmates, perhaps, or others, with the now, most

24                  watched, now we are, with 82 people watching, the

25                  low bar of 12, perhaps the solicitor's office,

1                   hello, Mr. Brackett, is watching now. And I  
2                   don't bear anyone any ill will, but I do take a  
3                   particular interest in your candidacy as an  
4                   employee of that office, and the goal that we  
5                   have, not to elect you, but to probe into whether  
6                   you're going to be what your solicitor, your  
7                   employer, finally wanted in Judge Hall, --

8 MS. SHELTON: Yes, sir.

9 SENATOR RANKIN: -- that he didn't get directly, and  
10                  indirectly, by filing a complaint, effectively,  
11                  conflicts Judge Hall, who by every other count,  
12                  highly, highly, highly, ballot box as well,  
13                  highly regarded on the bench.

14 MS. SHELTON: Yes, sir.

15 SENATOR RANKIN: So you get my --

16 MS. SHELTON: Yes, sir.

17 SENATOR RANKIN: -- context here?

18 MS. SHELTON: Yes sir. I do. And if you -- I mean, I  
19                  would just point you to -- I understand -- I  
20                  understand those concerns. There's a reason why  
21                  I had Harry Dest write me a letter of  
22                  recommendation. Harry Dest was the public  
23                  defender, I believe, either when all that went  
24                  down, or leading up to when all that went down.  
25                  Harry has -- Mr. Dest has also known me for a

1 very long time, and I think can speak to who I am  
2 as a lawyer, and who I am as a person. I have  
3 another colleague who says that I am the least  
4 yes person he has ever met in his life. I have  
5 tremendous respect for the judiciary, and  
6 tremendous respect for what that office does, and  
7 for the criminal justice system. I have, for the  
8 past 20 years, done what I think was right by my  
9 moral, ethical, and legal standards, not what  
10 Kevin Brackett has told me to do. Kevin Brackett  
11 has very rarely involved himself in what I do.  
12 And if I am successful in this, if I make it  
13 through this process, and am selected, I will  
14 continue to do what I think is right, and that,  
15 you know, will at, probably at points in time,  
16 make solicitors angry, and at points in time,  
17 will make defense attorneys angry, but I am as  
18 close to people in the defense bar in York  
19 County, as I am to people in the solicitor's  
20 office in York County, so that -- I understand  
21 the concern, but he is my boss now, and even  
22 being my boss now, I still operate by my own  
23 moral, ethical, and legal code.

SENATOR RANKIN: Let me follow up on this, and then perhaps wrap it up. And to the point you're

1 making, someone here anonymously has written, in  
2 fairly great detail, that you are one of the few  
3 members of the solicitor's office who seem to  
4 have the appropriate intentions, not only making  
5 fair offers, willing to negotiate, and willing to  
6 dismiss a case if it's simply not eligible for  
7 prosecution. You don't seek excessive penalties.  
8 And so, effectively, maybe giving voice to the  
9 conflict, perhaps, but more to the point to your  
10 independence, and so, this business of becoming a  
11 judge, and judging others, and former employers,  
12 whether it be a solicitor, a house member, a  
13 majority leader of the House of Representatives,  
14 you're being independent from the backroom  
15 channels, but more dependent upon what is  
16 presented to you, in front of you, on a day-in  
17 and day-out basis. So to the 83 people that are  
18 listening, watching, to see whether you can be  
19 that independent person to stand up, perhaps,  
20 under the withering precedent of a complaint  
21 being filed against you, how do you disassociate  
22 yourself, and stiff arm all of that, not just,  
23 again, this context, but everybody, every  
24 victim's group, or every whatever?

25 MS. SHELTON: That is not something that -- I mean, I

1 did think about that when deciding to do this,  
2 because I have enjoyed having a very good  
3 relationship with both the defense bar, and law  
4 enforcement, and with my own office, for the past  
5 20 plus years. And I know -- and I'm a very  
6 social person, and I enjoy being with people, and  
7 I enjoy being around people, and I enjoy having  
8 friendships, and I know, if I'm on the bench,  
9 that that will probably all go away, and I will  
10 have to become this very independent person, and  
11 as you said, stand up to maybe some withering  
12 criticism. If I didn't think that I could do it,  
13 I would not have put myself through this process.  
14 As lovely as it has been, it still has been  
15 challenging. It will not be without difficulty,  
16 but I think anything that is worth doing, and  
17 doing well, is going to also bring with it  
18 difficulty, and if you are putting yourself in  
19 that position to judge people, and to impact  
20 people's lives, you have to be willing to accept  
21 that responsibility, and to accept that  
22 difficulty, and accept that position that you  
23 aren't -- that you may not be well liked, that  
24 you will make difficult decisions, that people  
25 aren't going to like you, and people aren't going

1 to support every decision that you make, but if  
2 you're going to put yourself in that position to  
3 have that, for lack of a better word, power over  
4 people's lives, you have to be willing to accept  
5 that for that burden.

6 SENATOR RANKIN: Finally: when I joined this circuit,  
7 she was the only senior female solicitor who was  
8 kind, respectful, welcoming, and friendly to me,  
9 and a rare occurrence, which I find to be so  
10 inspirational and impressive. You have the  
11 character of someone I wanted to be like. I look  
12 up to her in many ways. That speaks volumes for  
13 you and I appreciate your candidness with me.

14 MS. SHELTON: Thank you.

15 CHAIRMAN CASKEY: Thank you, Ms. Shelton, for your  
16 time and your patience for this today. I guess  
17 we were a little ahead of schedule getting there,  
18 so maybe not as much thanks for your patience as  
19 we had to extend to some yesterdays as we got  
20 behind the proverbial eight ball. Nonetheless, I  
21 appreciate your public service to date, as noted  
22 by others, and your offering for any service. I  
23 would also just extend a bit of congratulations  
24 to your sons on the pursuit of their Eagle Scout  
25 awards.

1 MS. SHELTON: Thank you.

2 CHAIRMAN CASKEY: Early back in the 1900s, I earned my  
3 own Eagle Scott awards, came across it not too  
4 long ago. Good times and formative in so many  
5 ways. This is the conclusion of this portion of  
6 the screening process. I do need to take the  
7 opportunity, though, to remind you that, pursuant  
8 to the Commission's evaluative criteria, we  
9 expect candidates to follow the letter as well as  
10 the spirit of our state's ethics laws, and we  
11 view any violation or appearance of impropriety  
12 as very serious and potential for heavy weight in  
13 our screening deliberations. And, as you know,  
14 were the need to arise, if there was a concern  
15 that arose prior to the formal release of the  
16 recorded qualifications, we can call you back for  
17 further discussion. You're aware of all of that.

18 MS. SHELTON: Yes, sir.

19 CHAIRMAN CASKEY: Wonderful. Again, thank you for all  
20 the many things I said, and thank you for being  
21 here today. I wish you all the best as you  
22 travel home safely.

23 MS. SHELTON: Thank you.

24 CHAIRMAN CASKEY: Thank you, ma'am. We are going to  
25 proceed with our next candidate. I know the

1 schedule that you were led to believe as truth  
2 now says lunch now, but lunch has been delayed.  
3 Our next candidate is here and rather than  
4 finding ourselves not taking advantage of the  
5 time that we have, we will proceed with the next  
6 candidate.

(Off the record)

8 CHAIRMAN CASKEY: All right. Good afternoon. We will  
9 proceed with the next screening. We have before  
10 us Mr. Kinney, who is a candidate for seat two,  
11 the third circuit of the Family Court bench. Do  
12 I have all of that right, sir?

13 MR. KINNEY: That's correct.

14 CHAIRMAN CASKEY: All right. If you would please  
15 raise your right hand.

16 WHEREUPON:

20 CHAIRMAN CASKEY: If you would please state your full  
21 name for the record.

22 MR. KINNEY: Edwin Thompson Kinney.

23 CHAIRMAN CASKEY: Awesome. There should be some  
24 documents there in front of you. If you would  
25 please take a moment to review those.

1 MR. KINNEY: Yes, sir.

2 CHAIRMAN CASKEY: Are those the personal data  
3 questionnaire and the sworn statement that you  
4 submitted to the commission?

5 MR. KINNEY: They are.

6 CHAIRMAN CASKEY: Are there any updates or changes you  
7 need to make?

8 MR. KINNEY: No, sir.

9 CHAIRMAN CASKEY: Do you have any objections to our  
10 including those in the record?

11 MR. KINNEY: No objection.

12 (EXHIBIT NO. 14 MARKED FOR  
13 IDENTIFICATION PURPOSES (19 pages)  
14 PDQ)

15 (EXHIBIT NO. 15 MARKED FOR  
16 IDENTIFICATION PURPOSES (7 pages)  
17 Sworn statement)

18 CHAIRMAN CASKEY: All right. Let me give staff just a  
19 moment to do that. The Judicial Selection  
20 Commission has thoroughly investigated your  
21 qualifications for the bench. Our inquiry has  
22 focused on the nine evaluative criteria and has  
23 included a thorough examination of your  
24 application materials, a ballot box survey,  
25 verification of your compliance with state ethics

1 laws, a search of newspaper articles in which  
2 your name appears, a study of any previous  
3 screenings, and a check for economic conflicts of  
4 interest. We received no affidavits filed in  
5 opposition to your election. No witnesses are  
6 present to testify, but before recognizing  
7 counsel or giving you the opportunity to make a  
8 brief opening statement, I noticed that some fine  
9 young folks have followed you into the room, and  
10 we would love to have an opportunity to meet them  
11 if you'd like to introduce them or not, and we'll  
12 just pretend this moment didn't happen. It's up  
13 to you.

14 MR. KINNEY: Thank you, Mr. Chairman. This is my  
15 wife, Ashley Kinney, and this is my brother, Will  
16 Kinney.

17 CHAIRMAN CASKEY: Great. Thank you both for being  
18 here. Appreciate you being here on this sunny  
19 afternoon. I think it's sunny out there. I'm  
20 looking out the window. I've been in here since  
21 a long time ago. In here it's sunny. All right.  
22 As I say, Mr. Kinney, if you'd like to make a  
23 brief opening statement, I'd be happy to hear  
24 from you. Otherwise, I would recognize counsel  
25 for questions.

1                   MR. KINNEY: I would just thank y'all for letting me  
2                   be here, and I would defer the opening statement.

3                   CHAIRMAN CASKEY: Thank you, sir. Mr. Austin.

4                   EXAMINATION

5                   MR. AUSTIN:

6                   **Q. Good afternoon, Mr. Kinney.**

7                   A. Good afternoon.

8                   **Q. Would you please state for the record the city and**  
9                   **circuit in which you reside?**

10                  A. I reside in Sumter in the Third Judicial Circuit.

11                  MR. AUSTIN: Mr. Chairman, I would note for the record  
12                  that based on the testimony contained in the  
13                  candidate's PDQ, which has been included in the  
14                  record with the candidate's consent, Mr. Kinney  
15                  meets the statutory requirements for this  
16                  position regarding age, residence, and years of  
17                  practice.

18                  **Q. Mr. Kinney, why do you want to serve as a family court**  
19                  **judge, and why do you feel that your legal and**  
20                  **professional experience qualify and will assist you to**  
21                  **be an effective judge?**

22                  A. Thank you. Well, you know, I really believe in the  
23                  idea of vocation and the idea of a calling to, you  
24                  know, something that's meaningful, and I think this is  
25                  a career path that I think would be very meaningful to

1 me. It's kind of where I believe my skill set and the  
2 deep needs of this state and our community kind of  
3 meet, and I'm very excited about the opportunity to  
4 serve as a family court judge. I have been very  
5 fortunate to have a really wide range of family court  
6 experience in my time of practice. I practice  
7 privately and represent parents and mothers and  
8 fathers in divorces and child custody cases. I'm a  
9 guardian ad litem in a lot of highly contested child  
10 custody cases. I serve as a family court mediator  
11 where I mediate disputes and try to help people come  
12 to resolution before going to court. I have a lot of  
13 experience on what I would call the public docket, the  
14 DSS cases where I've represented parents. I've been  
15 appointed to represent parents in abuse and neglect  
16 cases and termination of parental rights cases, and  
17 I've been a public defender and appointed counsel and  
18 juvenile -- defended juveniles. And now I'm a public  
19 -- I'm the prosecutor in Sumter and Clarendon  
20 counties. I'm part-time. I'm a juvenile prosecutor,  
21 so I manage the juvenile docket in those two counties,  
22 and so all that to say, I think I have a really wide  
23 range of experience in family court, and I'm humbled  
24 to have the chance to offer to serve my community and  
25 my state.

1 Q. Thank you. Mr. Kinney, you sort of answered a bit of  
2 this already, but I would like to ask you, are there  
3 any areas of the law for which you would need  
4 additional preparation in order to serve as a family  
5 court judge, and how would you handle that additional  
6 preparation if needed?

7 A. Well, I've been fortunate to have -- I've kind of done  
8 it all in family court, but I, you know, there's, in  
9 our community there's probably less high net worth  
10 divorces than some of the bigger communities in our  
11 state, but I'm very familiar with the concepts, and  
12 I've done the division of property and the division of  
13 debt, but I certainly would rely on counsel, rely on  
14 attorneys in those types of cases, and would continue  
15 to keep myself abreast of the law and to really kind  
16 of stay updated on all the changes in the law, but,  
17 you know, I feel fortunate to be prepared and have  
18 good experience, but I certainly would always be  
19 learning and to gain more experience as I go.

20 Q. Thank you. And to just follow up on that, Mr. Kinney,  
21 would you briefly describe your experience in handling  
22 complex or contested family court matters,  
23 specifically, specific experience with financial  
24 aspects of that family court work a little bit?

25 A. Yes, sir. I've been involved in a lot of highly

1                   contested custody cases, particularly as a guardian ad  
2                   litem. I've had a lot of relocation cases where I've  
3                   had to travel out of state, flown somewhere across the  
4                   country to do an investigation where there was a hotly  
5                   contested issue about one parent wanting to relocate.  
6                   I've had a lot of experience in military cases, being  
7                   from Sumter, Shaw, the Army and Air Force are there,  
8                   so we have a lot of people that live in South  
9                   Carolina, but get PCS'd elsewhere, so that's an area  
10                  that I've had really good experience in. I have had a  
11                  lot of experience in military divorces, but on the  
12                  financial aspects as well, with dividing retirement  
13                  plans, TSP, survivor benefit plan, it kind of is  
14                  another wrinkle of complexity, and I've been fortunate  
15                  to be able to represent parties in those types of  
16                  cases as well.

17                  Q. Thank you. Mr. Kinney, the Commission received 146  
18                  ballot box surveys regarding you, with 30 additional  
19                  comments which were overwhelmingly positive. The  
20                  ballot box survey, for example, contained the  
21                  following positive comments: Excellent attorney and  
22                  will be a wonderful addition to the bench. Thompson  
23                  Kinney has the perfect disposition for a judge. He is  
24                  smart and knowledgeable on the law, his demeanor is  
25                  always calm, and he listens to all sides.

1           Level-headed, fair, and consistent. There was only  
2           one negative comment which expressed some concern with  
3           your work ethic. What response would you offer to  
4           that concern?

5       A. I don't really know exactly what that -- I was a  
6           little surprised by that comment. I like to think  
7           that I've always had a good work ethic. I've started  
8           my own law firm and have built a really busy caseload,  
9           but I certainly take it to heart and know that there  
10           was some time where somebody got that impression of  
11           me, and it's very humbling to hear that type of  
12           comment, and I certainly take it to heart and will  
13           ensure -- but I would disagree with it, but I  
14           certainly would do some self-reflection on that point.

15      Q. Thank you. Mr. Kinney, since your last screening,  
16           you've been involved in two lawsuits. The first  
17           lawsuit in 2024 was filed in the result of an  
18           automobile accident in Sumter County, and you were  
19           appointed as a special administrator for Carl B. Jones  
20           for the purposes of allowing proceedings to be brought  
21           against the decedent's estate. Could you just briefly  
22           explain the nature and disposition of the lawsuit?

23      A. Yes, sir. I was asked by another attorney, a  
24           colleague of mine, to be the special administrator on  
25           a gentleman that was deceased, and they had to open

1 the estate to be able to file a lawsuit, and so my  
2 role was ministerial to apply to be the special  
3 administrator and then to accept service, and that was  
4 my limited nature in that case.

5 Q. Thank you. And the second lawsuit also filed in 2024  
6 was the result of an automobile accident in Sumter  
7 County, and you were appointed as the special  
8 administrator for the estate of Rosa Lee Lowry Jones  
9 for the sole purpose of bringing a suit on the  
10 decedent's behalf. Could you just briefly explain  
11 that one as well?

12 A. The same thing. I have done this from time to time  
13 where a colleague of mine have asked me to do that.  
14 For the same exact purpose, to be the special  
15 administrator to accept service on behalf of the  
16 estate of a deceased person.

17 Q. Okay. And shifting focus just a little bit. How  
18 would you handle a potential conflict of interest  
19 involving you or a family member?

20 A. I would -- I would be very cautious. I know we have a  
21 duty under the Canons to sit when possible and to hear  
22 cases, but I think it's very -- you know, I think  
23 seriously the idea of any appearance of impropriety  
24 and would certainly be very cautious and proceed with  
25 caution in accordance with the Canons.

1 Q. Thank you. I would note that the Pee Dee Citizens  
2 Committee found Mr. Kinney qualified in the evaluative  
3 criteria of constitutional qualifications, physical  
4 health, and mental stability. The committee found him  
5 well qualified in the evaluative criteria of ethical  
6 fitness, professionalism, and academic ability,  
7 character, reputation, experience, and judicial  
8 temperament. The committee provided no additional  
9 summary. Just a few housekeeping issues. JMSC  
10 procedural Rule 17 includes a prohibition of any  
11 candidate from attending or watching any portion of  
12 the live stream or recordings of the public hearings  
13 of this cycle until after all hearings are concluded.  
14 Have you watched or listened to any of the hearings  
15 before your appearance today?

16 A. No, I have not.

17 Q. Has any other person relayed any information about any  
18 of the proceedings before this commission to you?

19 A. No, sir.

20 Q. Mr. Kinney, are you aware that as a judicial  
21 candidate, you are bound by the Code of Judicial  
22 Conduct as found in Rule 501 of the South Carolina  
23 Appellate Court Rules?

24 A. Yes, sir.

25 Q. Mr. Kinney, since submitting your letter of intent,

1 have you contacted any members of the commission about  
2 your candidacy?

3 A. No, I have not.

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

7 A. Yes, sir.

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

12 A. No, sir.

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

17 A. No, sir.

18 Q. Have you reviewed and do you understand that the  
19 commission's guidelines on pledging and South Carolina  
20 Code 2-19-70(E)?

21 A. Yes, sir.

22 MR. AUSTIN: 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 of the candidate today. Mr.

1 Chairman, I have no further questions.

2 CHAIRMAN CASKEY: Thank you, sir. Members of the  
3 commission have questions. Mr. Stegmaier?

4 MR. STEGMAIER: Mr. Kinney, good afternoon.

5 MR. KINNEY: Good afternoon.

6 MR. STEGMAIER: When I was examining your record ahead  
7 of the hearing, I noted that you had worked for  
8 General Mulligan.

9 MR. KINNEY: Yes, sir.

10 MR. STEGMAIER: I consider him a true renaissance man.  
11 What was that experience like? I'm assuming you  
12 consider him a mentor.

13 MR. KINNEY: I do. He's also my uncle.

14 MR. STEGMAIER: Okay.

15 MR. KINNEY: So full disclosure.

16 MR. STEGMAIER: Okay.

17 MR. KINNEY: But Tom is a mentor of mine. I went to  
18 work with him right out of law school and my  
19 brother used to work with him as well when he was  
20 in private practice. You know, he really taught  
21 me how to do things right. I really consider him  
22 a mentor about the way he operated his firm, but  
23 the interesting thing that he allowed me to do  
24 was to do new things, including family court. He  
25 allowed me to have the freedom to go and get the

1                   public defender contracts and to start doing  
2                   cases of legal services when I first started.  
3                   And he really gave me -- he wanted me to go out  
4                   and find new things to do, and that's how I ended  
5                   up building my own practice and then went off and  
6                   started my own firm. He is family, but he's also  
7                   a dear mentor to me. I certainly agree with your  
8                   assessment, sir.

9 CHAIRMAN CASKEY: Representative Jordan. My  
10                   apologies.

11 REPRESENTATIVE JORDAN: Welcome.

12 MR. KINNEY: Thank you.

13 REPRESENTATIVE JORDAN: Help me remember a couple  
14                   things. You were here last year, correct?

15 MR. KINNEY: That's correct.

16 REPRESENTATIVE JORDAN: And I seem to remember there  
17                   was a little bit of a question. I think you were  
18                   moving to Sumter last year.

19 MR. KINNEY: That's correct, sir.

20 REPRESENTATIVE JORDAN: Made the move fully into the  
21                   community now it sounds like it seems.

22 MR. KINNEY: That's right, sir. So last year we had  
23                   just we're under contract on a house and we were  
24                   moving back to Sumter as I was running. And me  
25                   and my wife are both from Sumter and we made the

1 move in last spring and we're there and it's been  
2 wonderful. I hope my wife agrees with me. We  
3 won't make her say that on the record maybe, but  
4 I think she agrees. Our children are in school.  
5 I have a five minute commute to work now and so  
6 it's been wonderful and I'm very thankful that me  
7 running last time sort of got the process moving  
8 to Sumter and I'm here. I didn't expect to be  
9 here again this year, honestly, but here I am and  
10 I'm very thankful.

11 REPRESENTATIVE JORDAN: Well, as I remember last year,  
12 it was the bottom line was there's just two  
13 really good candidates, you and Judge Buxton, I  
14 think.

15 MR. KINNEY: That's correct.

16 REPRESENTATIVE JORDAN: And I'm glad to see you back.

17 MR. KINNEY: Yes, sir.

18 REPRESENTATIVE JORDAN: Because I think your screening  
19 went smoothly last time.

20 MR. KINNEY: Yes.

21 REPRESENTATIVE JORDAN: Everything went smooth.

22 MR. KINNEY: Thank you, sir.

23 REPRESENTATIVE JORDAN: Glad you're acclimated in  
24 Sumter. Sorry you're going to lose to the  
25 Florence athletic teams when they play each

1           other.

2    MR. KINNEY: Well, yes, sir. We had a couple of those  
3            games this year. That's correct.

4    REPRESENTATIVE JORDAN: I'll cut it short for other  
5            members, but again, glad to see you back.

6    MR. KINNEY: Yes, sir. Thank you.

7    CHAIRMAN CASKEY: Senator Walker.

8    SENATOR WALKER: Thank you, Mr. Chair. And really, my  
9            comment is for the edification of the group. But  
10           I had the opportunity to be on the other side of  
11           a case with Mr. Kinney. I think at that time you  
12           were an assistant city attorney or city  
13           prosecutor for Forest Acres.

14    MR. KINNEY: Right, that's correct.

15    SENATOR WALKER: And I can tell you he has a good feel  
16           for cases, very balanced perspective, even keel,  
17           smart. And I've also seen you in action over in  
18           Sumter. And so if there's anyone who has  
19           questions about his work ethic, well, you know,  
20           he was taking on indigent defense cases, and he  
21           was back and forth between Columbia and Sumter.  
22           And so I've just seen firsthand your work ethic,  
23           but also just being on the other side of the case  
24           with you and just know that you are very smart.  
25           And I'm glad that you have offered yourself once

1 again, serve the people of South Carolina, but  
2 this time in a much wider capacity. So I hope it  
3 goes well for you.

4 MR. KINNEY: Thank you, Senator.

5 CHAIRMAN CASKEY: Mr. Kinney, I join my colleagues and  
6 thank you for offering for service. I would be  
7 remiss if I didn't take note of the letters of  
8 recommendation that you have, which all reflect  
9 highly on you. And so as to not disappoint Mr.  
10 McElveen, I will mention his name in public. He  
11 likes it when you talk about him in various  
12 forum. And he wrote a wonderful letter on your  
13 behalf. So if you see the good senator before I  
14 do, please say hello for us.

15 MR. KINNEY: Yes, sir.

16 CHAIRMAN CASKEY: Also, and perhaps by way of closing  
17 out here, I want to just make sure that we share  
18 with you some of the feedback that we got through  
19 the ballot box survey that is really a credit to  
20 you and the work that you've done and the  
21 reputation you have earned as a lawyer and as a  
22 person. As you heard earlier, you know, this is  
23 replete with reference to being even tempered,  
24 incredibly smart and talented, perfect demeanor,  
25 hardworking, conscientious, smart, kind and

1 considerate, but no pushover. One comment stuck  
2 with me. Thompson isn't just a great lawyer,  
3 he's a great person. I think that matters. And  
4 insofar as we can do anything in this commission  
5 to help elevate our state's judiciary through the  
6 determination of qualification for great people,  
7 I think we ought to do that. And I appreciate  
8 you being that person that we can perhaps, we'll  
9 see, find qualified and empowered to serve and  
10 represent our profession and our judiciary. So  
11 thank you with all of that. Yeah, let me just  
12 stop there. Thank you. Again, this will  
13 conclude this portion of the screening process.

14 MR. KINNEY: Yes, sir.

15 CHAIRMAN CASKEY: I do need to note that pursuant to  
16 the commission's evaluative criteria, the  
17 commission expects candidates to follow the  
18 letter as well as the spirit of our state's  
19 ethics laws, and we would view any violation or  
20 appearance of impropriety as very serious and  
21 potentially deserving of heavy weight in our  
22 screening deliberations. And as you know, the  
23 record will remain open until the formal release  
24 of the qualifications report and should the need  
25 arise, we can call you back to have a discussion

about that if, again, the need were to arise.

2 | You understand all of that?

3 MR. KINNEY: Yes, sir.

4 CHAIRMAN CASKEY: Wonderful. Thank you. Thank you  
5 for being here. Wish you and your wife well as  
6 you travel home safely. And, Will, if you're  
7 staying, great. If you're leaving, I hope you  
8 travel safely too. Thank you all.

9 MR. KINNEY: Thank you all.

10 CHAIRMAN CASKEY: Wish you a great afternoon.

11 MR. KINNEY: Thank you.

12 CHAIRMAN CASKEY: With that, upon motion of Mr.  
13 Stegmaier, seconded by Mr. Protopapas, we will go  
14 into executive session to receive a legal  
15 briefing.

16 (OFF THE RECORD)

17 (Executive session was held from 12:23 to 1:51)

18 CHAIRMAN CASKEY: Good afternoon everyone. We will go  
19 back on the record as we have come out of  
20 executive session. For the record, while we were  
21 in executive session receiving a legal briefing,  
22 no decisions were made and no votes were taken.  
23 We will resume with our screenings of candidates.  
24 Today before us, we have Ms. Marissa Jacobson,  
25 who is a candidate for Seat 7 in the 9th Circuit

TRANSCRIPT OF PUBLIC HEARINGS

Page 154

1 Family Court. Do I have that right?

2 MS. JACOBSON: Yes.

3 CHAIRMAN CASKEY: If you would, please, raise your  
4 right hand.

5 WHEREUPON:

6 MARISSA JACOBSON, being duly sworn and  
7 cautioned to speak the truth, the whole truth and  
8 nothing but the truth, testifies as follows:

9 CHAIRMAN CASKEY: Thank you, ma'am. If you would,  
10 please state your full name for the record.

11 MS. JACOBSON: Marissa K. Jacobson.

12 CHAIRMAN CASKEY: Ms. Jacobson, there should be some  
13 documents in front of you. If you would, please  
14 take a moment to review those.

15 MS. JACOBSON: Okay.

16 CHAIRMAN CASKEY: Are those the personal data  
17 questionnaire and sworn statement that you have  
18 submitted to the commission?

19 MS. JACOBSON: Yes.

20 CHAIRMAN CASKEY: Are there any updates or changes that  
21 need to be made to those?

22 MS. JACOBSON: No.

23 CHAIRMAN CASKEY: All right. Do you have any objection  
24 to our including those in the record?

25 MS. JACOBSON: I do not.

1 (EXHIBIT NO. 16 MARKED FOR  
2 IDENTIFICATION PURPOSES (16 pages)  
3 PDQ)

4 (EXHIBIT NO. 17 MARKED FOR  
5 IDENTIFICATION PURPOSES (7 pages)  
6 Sworn statement)

7 CHAIRMAN CASKEY: All right. Let me give staff just a  
8 moment to do that. The Judicial Merit Selection  
9 Commission has thoroughly investigated your  
10 qualifications for the bench. Our investigation,  
11 excuse me, our inquiry has focused on the nine  
12 evaluative criteria and has included a thorough  
13 review of your application materials, a ballot  
14 box survey, a verification of your compliance  
15 with state ethics laws, search of newspaper  
16 articles in which your name appears, a study of  
17 any previous screenings, and a check for economic  
18 conflicts of interest. We have received no  
19 affidavits filed in opposition to your election,  
20 and there are no witnesses here to testify. If  
21 you'd like to make a brief opening statement, I'd  
22 be happy to hear from you. Otherwise, I would  
23 recognize staff counsel to begin with some  
24 questions.

25 MS. JACOBSON: I would just like to say thank you all

1 for your service and commitment to this process.

2 CHAIRMAN CASKEY: Thank you, ma'am. Ms. Baker?

3 EXAMINATION

4 BY MS. BAKER:

5 Q. Thank you, Mr. Chairman. Ms. Jacobson, please state  
6 for the record the city and circuit in which you  
7 reside?

8 A. Charleston County, and Ninth Judicial Circuit.

9 Q. Thank you.

10 MS. BAKER: Mr. Chairman, I note for the record that  
11 based on the testimony contained in the  
12 candidate's PDQ, which has been included in the  
13 record with the candidate's consent, Marissa  
14 Jacobson meets the statutory requirements for  
15 this position regarding age, residence, and years  
16 of practice.

17 Q. Ms. Jacobson, why do you want to serve as a family  
18 court judge, and why do you feel like your legal and  
19 professional experience qualify and will assist you to  
20 be an effective judge?

21 A. Well, I would like to be a family court judge because  
22 it would be an opportunity to serve the community.  
23 It's an opportunity to give back to the legal  
24 profession. There's an opportunity to protect  
25 children and an opportunity to overall improve the

1 family court experience for litigants, attorneys,  
2 people who come into the court room.

3 Q. **Thank you. Ms. Jacobson, are there any areas of the  
4 law for which you would need additional preparation in  
5 order to serve as a family court judge and how would  
6 you handle that additional preparation?**

7 A. I don't believe that I would need any additional  
8 preparation. And if I could go back to the last  
9 question and share my experience with everyone. So I  
10 have been on a family court practitioner for the last  
11 20 years. I've had a very well-rounded law practice.  
12 I've had an opportunity to represent litigants and  
13 serve wards in nearly every type of family court  
14 litigation that comes before the family court. I  
15 believe that this gives me a unique and balanced  
16 perspective that would translate well on the family  
17 court bench. I've handled marital litigation, simple  
18 and extremely complicated. I've handled contested  
19 custody matters, grandparent visitation and custody.  
20 I've served as a guardian ad litem in private divorce  
21 matters, in DJJ matters, in DSS matters, and for  
22 vulnerable adults. I've represented minors in  
23 Department of Juvenile Justice actions. I've handled  
24 domestic abuse matters, termination of parental rights  
25 matters and adoptions, I've brought those and I've

1       defended against those. I've handled cases where --  
2       children are in foster care, but they are also dually  
3       involved in DJJ. I've handled cases that involve sex  
4       trafficking and child pornography. I'm a certified  
5       family court mediator. I appear before the court two  
6       to three times a week, and I believe I have the proper  
7       temperament and ability to serve as family court  
8       judge.

9 Q. Thank you. And you've touched on this with your last  
10 response, but could you describe your experience in  
11 handling complex contested family court matters and  
12 specifically discuss your experience with the  
13 financial aspects of family court work?

14 A. As far as complex contested custody matters, I've  
15 handled contested custody matters that include  
16 relocation, custody matters that involve children with  
17 special needs, custody matters where there may be  
18 parental alienation, custody matters where a child's  
19 fate may hang in the balance. As far as financial  
20 matters, I have handled every type of alimony,  
21 equitable division. I have helped divide multi-  
22 million dollar businesses for litigants. I'm familiar  
23 with comparative market analyses, enterprise good  
24 will, personal good will, and business valuations as  
25 well.

1 Q. Thank you. Ms. Jacobson, the Commission received 152  
2 ballot box surveys regarding you with 41 additional  
3 comments. The ballot box survey, for example, contain  
4 the following positive comments: Marissa is an  
5 exceptional attorney with an even temperament and  
6 demeanor that would be welcomed as a judge. She is  
7 organized, knowledgeable, respectful, and well-  
8 respected in the legal community. Ms. Jacobson is  
9 well-rounded, experienced family law attorney. She  
10 has experience in all aspects of family court. She  
11 has a good personality and understands the demands of  
12 being a family court judge. She'd make an excellent  
13 addition to the bench. And finally, She has a vast  
14 knowledge of family law, including complex custody and  
15 marital litigation, juvenile defense, child support  
16 cases, and DSS cases in which she defends her clients  
17 zealously. Nine of the written comments expressed  
18 concerns, while many positive comments noted your  
19 experience in family court, approximately five  
20 indicated that you did not have the experience in  
21 family court to be a judge. What response would you  
22 offer to this concern?

23 A. It's possible that someone is not aware of the  
24 experience that I have. Perhaps they work in a  
25 different county. Perhaps they haven't seen me in 10

1       years. I continue to practice in every area of family  
2       law, continue to always be learning. I would just say  
3       that I do feel like I have proper experience to serve  
4       as a family court judge.

5       **Q.** Thank you. And Ms. Jacobson, the other concern  
6       indicated that you lacked professionalism in the  
7       courtroom. What response would you offer to this  
8       concern regarding your professionalism in the  
9       courtroom?

10      **A.** Well, I hate to hear that. I hate that someone was  
11       left with that impression. It's an important issue.  
12       I'll take it under advisement and act appropriately  
13       accordingly.

14      **Q.** Thank you. Ms. Jacobson, since your last screening,  
15       you were named in a lawsuit in federal court.  
16       However, it appears you were never served and this  
17       matter has been dismissed. Is that your understanding  
18       of this case?

19      **A.** That's correct.

20      **Q.** How would you handle a potential conflict of interest  
21       involving -- potential conflicts of interest involving  
22       you or a family member?

23      **A.** I would follow the judicial canons and use those as my  
24       guide and recuse myself.

25      **Q.** I would note that the Low Country Citizens Committee

1 found Ms. Jacobson qualified in the evaluative  
2 criteria of constitutional qualifications, physical  
3 health and mental stability, and well-qualified in the  
4 evaluative criteria of ethical fitness, professional  
5 and academic ability, character, reputation,  
6 experience, and judicial temperament. The committee  
7 also commented: very good experience, reasonable,  
8 fair, understanding, has worked all sides of family  
9 court, affable, well-qualified, and caring. And just  
10 a few housekeeping issues. JMSC procedural Rule 17  
11 includes the prohibition of any candidate from  
12 attending or watching any portion of the livestream or  
13 recordings of the public hearings of this cycle until  
14 after all hearings are concluded. Have you watched or  
15 listened to any of these hearings before your  
16 appearance today?

17 A. I have not.

18 Q. Have any other person relayed any information about  
19 any of the proceedings before this commission to you?

20 A. No, ma'am.

21 Q. Ms. Jacobson, are you aware that as a judicial  
22 candidate, you are bound by the Code of Judicial  
23 Conduct as found in Rule 501 of the South Carolina  
24 Appellate Court Rules?

25 A. Yes.

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

4 A. I have not.

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

8 A. I am.

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

13 A. I have not.

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

18 A. I have not and I do not.

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

22 A. Yes, ma'am.

23 Q. I would just note for the record that any concerns  
24 raised during the investigation regarding the  
25 candidate were incorporated into the questioning of

1 the candidate today.

2 MS. BAKER: Mr. Chairman, I have no further questions.

3 CHAIRMAN CASKEY: Thank you, ma'am. Members of the  
4 Commission have questions? Mr. Protopapas?

5 MR. PROTOPAPAS: Thank you. Welcome.

6 MS. JACOBSON: Thank you.

7 MR. PROTOPAPAS: You said in your introduction that you  
8 wanted to improve the family court experience.  
9 Can you explain what is -- what is it you see in  
10 the family court experience now that you think is  
11 problematic that would need improvement?

12 MS. JACOBSON: Well, there are a few things. As far as  
13 improving the family court experience, I'm  
14 speaking about for litigants. I hear frequently  
15 that they are not comfortable in the family court  
16 and that they do not feel they are being heard.  
17 And being heard in a family court is the most  
18 important thing to someone who is there. Every  
19 family court case is extremely important,  
20 especially to the person whose life it's  
21 affecting, and that's every single person that  
22 comes through the family court. So continuing to  
23 improve the system by listening, letting people  
24 be heard, making them feel comfortable when they  
25 walk in the courtroom. It's a public courtroom.

1 I think that family court could get up to speed  
2 with e-filing. I think that that would be  
3 helpful. Always bringing attention to civility,  
4 which sometimes can be an issue. Especially when  
5 there are emotionally charged cases such as  
6 family court. So those are a few examples of how  
7 I think that I could improve the family court.

8 MR. PROTOPAPAS: Would you agree with me that civility  
9 is set by the bench?

10 MS. JACOBSON: I believe that we all have an oath of  
11 civility, attorneys and judges. And I take that  
12 oath very seriously, and I hope that others do as  
13 well.

14 MR. PROTOPAPAS: Sure. But if a judge shows  
15 incivility, wouldn't you believe that it also  
16 encourages incivility within the court itself  
17 with lawyers to perform?

18 MS. JACOBSON: Absolutely.

19 MR. PROTOPAPAS: And so as a -- as a applicant of  
20 somebody who is putting themselves forward to be a  
21 judge if you were to become a judge, how would  
22 you enforce civility within your courtroom?

23 MS. JACOBSON: Well, the way that other judges do, by  
24 bringing to litigants' and/or attorneys'  
25 attention in a respectful, non-demeaning, non-

4 MR. PROTOPAPAS: So in those highly charged moments  
5 within the family court, there's a balance that's  
6 happening. Right? One is you're going to have  
7 to make a decision, and someone is going to be  
8 upset. And that's fair. That's what judges have  
9 to do. However, what a judge aligned appears to  
10 be that when you don't either humiliate,  
11 embarrass, or unduly harass a litigant before  
12 that judge. Right?

13 MS. JACOBSON: Absolutely. I think that you're right,  
14 that sometimes there's going to be bad news  
15 coming out of a family court decision. How you  
16 deliver that news to a litigant and/or an  
17 attorney is very valuable. Nonverbal and verbal  
18 communication needs to always be respectful,  
19 restrained, calm, pleasant.

20 MR. PROTOPAPAS: And a litigant could be represented  
21 by an attorney from, say, Richland County or  
22 Greenville County or anywhere and be down in  
23 Berkeley. Right?

24 MS. JACOBSON: Sure.

25 MR. PROTOPAPAS: And that lawyer should be treated the

1                   same as any of the local lawyers?

2 MS. JACOBSON: Absolutely. Everyone that comes in the  
3                   courtroom should be treated exactly the same.

4 MR. PROTOPAPAS: And if you were to be a judge in  
5                   Berkeley County, you wouldn't show preference or  
6                   deference to a local attorney over an attorney  
7                   from a different jurisdiction. Would you?

8 MS. JACOBSON: I would not.

9 MR. PROTOPAPAS: And you'd find that an inappropriate  
10                  conduct for a judge to act that way?

11 MS. JACOBSON: Yes. I believe some people call that  
12                  home cooking. And I haven't really seen that  
13                  happen, but I've heard about it.

14 MR. PROTOPAPAS: You've not seen home cooking?

15 MS. JACOBSON: I've been very fortunate to appear in  
16                  front of judges that I believe are excellent  
17                  judges, and I have not experienced that. I have  
18                  heard of others experiencing that. I'm aware of  
19                  what you're talking about, and that would not  
20                  take place if I were to become a family court  
21                  judge.

22 MR. PROTOPAPAS: And so walk through me with this -- a  
23                  little bit through your practice right now. So  
24                  you're in private practice. You're a solo.

25 MS. JACOBSON: That's right.

1 MR. PROTOPAPAS: Okay. And 10 percent of your practice  
2 is criminal?

3 MS. JACOBSON: Probably.

4 MR. PROTOPAPAS: And the part that is family, how much  
5 of that is DSS related?

6 MS. JACOBSON: I'd say probably 40 percent.

7 MR. PROTOPAPAS: And then the balance of that practice  
8 is just private litigants?

9 MS. JACOBSON: Private litigation. And I do private  
10 guardian ad litem work as well.

11 MR. PROTOPAPAS: And how much is -- how much of your  
12 practice is private guardian work?

13 MS. JACOBSON: What percentage are we at? 60? I mean,  
14 maybe 20.

15 MR. PROTOPAPAS: I can start making it up.

16 MS. JACOBSON: Okay. If we're at 60, then I would say  
17 20.

18 MR. PROTOPAPAS: Got it. So you've got 10 percent  
19 criminal, 40 percent DSS related, 20 percent  
20 would be guardian ad litem, so 30 percent would  
21 be private practice? Something like that?

22 MS. JACOBSON: That's right.

23 MR. PROTOPAPAS: Okay. So in the 30 percent of your  
24 practice that deals with private divorce, how  
25 many of them have gone to trial, like in the last

1           12 months?

2 MS. JACOBSON: None have gone to trial in the last 12  
3           months. However, I do have one that is pending  
4           right now for a five day trial. And it should be  
5           heard some time in 2026.

6 MR. PROTOPAPAS: How many times do you have to retain  
7           a CPA or other business valuation expert in your  
8           cases? Is it every case, is it every now and  
9           then?

10 MS. JACOBSON: Not necessarily. It just depends on  
11           the complexity of the financial issues. If it's  
12           just adding and subtracting and it's a mortgage  
13           or, you know, very finite assets, I don't have a  
14           problem handling those. But if we're talking  
15           about dividing large businesses, other -- more  
16           complicated assets, like trusts or things of  
17           that nature, then absolutely, I'm bringing in a  
18           forensic accountant.

19 MR. PROTOPAPAS: Have you dealt with the trust issue  
20           within a divorce setting?

21 MS. JACOBSON: I have not. I've dealt with a personal  
22           representative coming in for a deceased person  
23           in the midst of litigation. So I guess you  
24           could say the estate of.

25 MR. PROTOPAPAS: Have you dealt with a situation where

1           a litigant would have created a set-aside trust  
2           or a springing trust one in which would be used  
3           to hide marital assets for a future divorce?

4 MS. JACOBSON: I haven't been -- I haven't run across  
5           that thus far.

6 MR. PROTOPAPAS: You see that the jurisdiction of the  
7           family court is one which could reach into a  
8           marital asset, even if it has been cloaked in  
9           the hands of a third-party, be it an LLC a trust  
10           or something of that nature?

11 MS. JACOBSON: Full financial disclosure is very  
12           important in family court.

13 MR. PROTOPAPAS: And you would expect all litigants  
14           and enforce the rules necessary that all  
15           litigants have full disclosure regardless of how  
16           they shielded legal ownership of an equitable  
17           piece of property in family court?

18 MS. JACOBSON: You can only divide a martial estate if  
19           you have captured the entire marital estate.

20 MR. PROTOPAPAS: Is there a family court judge that  
21           you've been before that you would like to  
22           emulate when on the bench?

23 MS. JACOBSON: Judge Alice Anne Richter is one judge  
24           that I really enjoy appearing in front of. And  
25           Judge Daniel Martin is another judge that I

1 believe -- they both have wonderful demeanors,  
2 they are very thoughtful. I enjoy practicing in  
3 front of them.

4 MR. PROTOPAPAS: Thank you.

5 CHAIRMAN CASKEY: Other members of the -- pardon me.  
6 Other members of the Commission have questions?  
7 Senator Rankin?

8 SENATOR RANKIN: Just a few. And I applaud your  
9 candidacy. You have been before here, and I --  
10 forgive me for not recalling exactly. How long  
11 ago was that?

12 MS. JACOBSON: Six years.

13 SENATOR RANKIN: All right. And that was for a family  
14 court position?

15 MS. JACOBSON: That's right. For the 9th Judicial  
16 Circuit.

17 SENATOR RANKIN: All right. And I remember your  
18 husband fondly in, I think, prior screenings.  
19 He is retired hallelujah or retired?

20 MS. JACOBSON: He's very happy to be retired. He's  
21 living his best life. He's --

22 SENATOR RANKIN: Is his name Joel Osteen?

23 MS. JACOBSON: No. He is doing mediation,  
24 arbitration, and he's actually picked up a few  
25 extra roles in HBO series.

1 SENATOR RANKIN: Wow. I will not go --

2 MS. JACOBSON: So he's kind of a movie star now.

3 SENATOR RANKIN: I'm not going to chase that rabbit  
4 for the benefit of -- that will be another  
5 conversation. And the -- in this math game that  
6 you were playing as you were equitably dividing  
7 your time percentage-wise, you list mediation as  
8 well in terms of what you're doing since 2000  
9 and --

10 MS. JACOBSON: I believe for the last three or four  
11 years, I've been working as a certified family  
12 court mediator.

13 SENATOR RANKIN: And I'm curious as to what percentage  
14 of your practice, not dollars but time, to go  
15 into the Peter Protopapas mix of days and hours?

16 MS. JACOBSON: I should have considered that in my  
17 calculations, but I would say I generally  
18 mediate about two to three cases a month.

19 SENATOR RANKIN: All right. So percentage of your  
20 time in that month is approximately -- all of  
21 that is family court. Correct?

22 MS. JACOBSON: All family court mediation. Trying to  
23 help people come to resolutions.

24 SENATOR RANKIN: All right. And that in the advent of  
25 no jury trials -- or they are, but not in family

1 court. But the waning of jury trials across the  
2 landscape of common pleas, general sessions,  
3 etc. Similarly, I guess, in terms of trials or  
4 conflicts in cases that go to trial at the  
5 family court, do you find that mediation is  
6 becoming more and more successful and helps  
7 judges and helps the litigants?

8 MS. JACOBSON: Absolutely. I believe the majority of  
9 cases do settle. And we have excellent  
10 mediators in the Lowcountry that I work with  
11 when I have cases. You know, the goal -- at  
12 least, my philosophy as an attorney is to  
13 attempt to get an agreement for my client if I  
14 can. That's favorable to them. And I do see  
15 most cases resolve in mediation. Sometimes  
16 family court judges, if the case is very  
17 complicated, may order a second round of  
18 mediation. And sometimes that is successful.  
19 And if you can't settle a case with mediation,  
20 try it.

SENATOR RANKIN: There are areas of the state, some  
that are highlighted as the more contentious  
areas. And I would suggest to you, you're in  
it.

25 MS. JACOBSON: I believe so.

1 SENATOR RANKIN: And you're adjoining Low Country  
2 water drinking areas, Charleston perhaps.

3 MS. JACOBSON: I'm born and raised in Charleston. I'm  
4 familiar with the bar. I grew up with this bar.  
5 I've been interested in practicing law since I  
6 was 12 years old. I've always been surrounded  
7 around attorneys. And I've always been taught  
8 by the wonderful mentors that I've had that  
9 civility is of the utmost importance. And I  
10 would continue to echo that if I were to become  
11 a family court judge.

12 SENATOR RANKIN: Well, and two of earlier questions,  
13 and I -- either it is so, or it is just legend  
14 that folks like to point out that there -- your  
15 area and the Charleston area, fraught with  
16 incivility and lawyers that apparently are  
17 litigants that just can't get along and the run  
18 to the judge and they charge the bejeebers out  
19 of their clients, and the they run back to the  
20 judge. Is that endemic of that area, or is it  
21 just the culture right now, or what do you  
22 attribute that to, and did you see that in your  
23 own practice, and do you see it in the mediation  
24 world?

25 MS. JACOBSON: Resources help litigate, so people who

1 have a lot of money can litigate longer. And  
2 there just may be more pockets of wealth in  
3 certain areas of Charleston. It's possible.

4 SENATOR RANKIN: But resources or not, I mean, in  
5 terms of encouraging either behavior or  
6 efficiency, again, have -- you've seen that, I  
7 guess, with some of the wealthier cases and  
8 clients that you've tried to mediate. I'm all  
9 for attorneys making a living and, again, not to  
10 say that one does it wrong if they're charging.  
11 But I'm curious, and I do believe that you will  
12 have a unique role, and not just bystander, as a  
13 participant, but the people of the state will  
14 depend on you to demand civility and punish  
15 lawyers or litigants who waste the court's time  
16 or waste the other side's money fighting over  
17 stupid, frivolous things. So how --

18 MS. JACOBSON: Well, there are sanctions available,  
19 attorney's fees. Usually money makes people  
20 stop.

21 SENATOR RANKIN: So you're nodding your head in  
22 affirmation of that, I guess, statement. But  
23 how do you particularly, different perhaps in  
24 others that you've seen. How do you see  
25 yourself taking the reigns and pulling that

1 runaway billing horse or crazy case from mutual  
2 destruction. How do you see your role as --  
3 MS. JACOBSON: Well, we do have a 365 day benchmark  
4 for cases in family court. They often last  
5 longer than one year, but they are supposed to  
6 be filed and resolved within a year if possible.  
7 Sometimes finding court time for a trial may be  
8 challenging, that may extend a case. Cases can  
9 take on different, I guess, elements, things pop  
10 up. But I understand that a family court judge  
11 does need to keep people in line as far as being  
12 appropriate in court, not wasting the court's  
13 time, not filing frivolous motions. I'm aware  
14 of that. I don't always believe that that -- I  
15 don't believe that's the majority. I just think  
16 that probably it's the minority, and that's what  
17 you hear about the most.

18 SENATOR RANKIN: So -- and earlier hearings over the  
19 last six and half to 10 weeks that we've been  
20 here since yesterday, one line of questioning,  
21 again, by our friend over here, the  
22 mathematician, the -- and in all candor here,  
23 your job is more fraught with life and death  
24 consequences of not just someone being sentenced  
25 to death in a capital case or time in a general

1 sessions case, or money in a common pleas case.  
2 But families being torn or reunited. I'm told,  
3 and I've witnessed, adoption day is the happiest  
4 day, happiest day of a family court judge. But  
5 to you, the person not the judge, how do you  
6 foresee maintaining a healthy mental balance and  
7 not being burdened by the things that you've  
8 talked about at your opening, all that you've  
9 done? How do you keep your peace and your hope?

10 MS. JACOBSON: I'm just very -- I'm very reasonable.  
11 I believe in wellness, being compassionate. You  
12 know, I try not to engage if someone else is  
13 ugly. Practicing law, there are ways to put up,  
14 I guess, protections in that way. It really  
15 does not happen to me very regularly. I get  
16 along very well with the majority of the bar.  
17 So that does not really happen to be -- I think  
18 if people see that I'm on the other side of the  
19 case, they know that I'm going to be very  
20 serious, I'm going to advocate for my client in  
21 a no-nonsense manner. But I'm also going to  
22 want to have respect and to -- I will treat them  
23 with respect as well.

24 SENATOR RANKIN: We heard earlier today a judge  
25 unopposed who effectively measuring the

1 temperature and the heart rate in the room, and  
2 effectively suggested, and in one case, he  
3 literally told everybody to sit down as they  
4 were about to start a proceeding and have a  
5 conversation to cool the room.

6 MS. JACOBSON: Sure, I mean, every family court judge  
7 probably has their own things that they do to  
8 help lower the temperature in the courtroom.  
9 Judges are -- they are supposed to encourage  
10 settlement between parties. And I would do that  
11 as well.

12 SENATOR RANKIN: Thank you.

13 CHAIRMAN CASKEY: Senator Walker?

14 SENATOR WALKER: Thank you, Mr. Chair. And good  
15 afternoon to you, Ms. Jacobson.

16 MS. JACOBSON: Good afternoon.

17 SENATOR WALKER: I am pouring over the comments about  
18 you and the ballot box survey and the lion share  
19 of them are laudatory. But there is one comment  
20 that jumped out at me, and this is beyond your  
21 control. This comment is, you know, this person  
22 says purely demographical. That's really, I  
23 would say, a euphemism for diversity. You know,  
24 in the current political zeitgeist or climate,  
25 that word seems to be, you know, somewhat a --

1                   considered pariah right now. And this person's  
2                   concern has to do with the fact that, I think in  
3                   Berkeley County, there are three slots. Two of  
4                   those three slots are currently -- and you can  
5                   correct me if I'm wrong on the number, but I'm  
6                   thinking -- I believe three slots in family  
7                   court.

8                   MS. JACOBSON: That's right.

9                   SENATOR WALKER: Two of the three slots are occupied  
10                  by women. This person says he has concerns  
11                  about a lack of diversity with respect to  
12                  gender, you know, for the family court bench,  
13                  you know, in Berkeley County. Now granted,  
14                  what's most important is merit. Right? And we  
15                  want judges that have the temperament, that have  
16                  the bona fides, that have the experience. But  
17                  I'm also one of those individuals who believes  
18                  that we should be pulling talent from  
19                  everywhere, from every community, whether it's  
20                  based on color, gender, etc. And so what say  
21                  you to the concern that has been expressed by  
22                  this individual regarding what appears to be a,  
23                  I guess, a lack of diversity, a paucity of  
24                  diversity with respect to gender on the family  
25                  court bench in Berkeley County?

1 MS. JACOBSON: Well, there are two family court judges  
2 that are currently in Berkeley County. They are  
3 both women. Before that, two men served in  
4 those roles for 24 years. There was no  
5 diversity prior to the two women that were  
6 sitting on the bench. Then this new seat has  
7 been created. I don't have any control over who  
8 runs, of course. But I don't believe that my  
9 gender would ever keep me from being fair or  
10 making a decision based on the law and the  
11 various lenses that are available to a family  
12 court judge, civil procedure, evidence, statute  
13 case law. But I understand that people would  
14 like to see people that are like themselves when  
15 they walk into a courtroom. I completely  
16 understand that. And I encourage people to run  
17 for different seats.

18 SENATOR WALKER: Thank you for your candid response.  
19 Thank you, Mr. Chair.

20 CHAIRMAN CASKEY: Other members of the Commission have  
21 any questions? Ms. Jacobson, I do want to ask  
22 you one thing. The writing samples that you  
23 submitted, is there any particular significance  
24 to those? Why did you choose these as your  
25 writing samples?

1 MS. JACOBSON: Well, I thought the guardian ad litem  
2 report was -- I don't know now many of those you  
3 get on the JMSC, but it was a very complicated  
4 case, very emotion driven. The parents had very  
5 different views as to what was in the best  
6 interest of the children that were subject to  
7 the action. So I wanted to share that with the  
8 JMSC. And the other order that -- or settlement  
9 agreement that was submitted had to do with a  
10 division of a multi-million dollar corporation.  
11 And I just wanted to show the different types of  
12 cases that I work on. For a variety, to show  
13 you variety.

14 CHAIRMAN CASKEY: Well, I think they're -- they're  
15 well-written. I don't pretend that I've read  
16 all of it. I've read a significant portion, and  
17 I think they're well-written. All right.  
18 Seeing no further questions, and Ms. Jacobson,  
19 this will bring this portion of the screening  
20 process to a close. I want to thank you for  
21 offering your service on the bench. I do need  
22 to take this opportunity though to remind you  
23 that pursuant to the Commission's evaluative  
24 criteria, the Commission expects candidates to  
25 follow the letter as well as the spirit of the

1 law. And that we would view any violation or  
2 appearance of impropriety very serious and  
3 potentially deserving of heavy weight during our  
4 screening deliberations. And on that note, as  
5 you know, the record will remain open until the  
6 formal release of the qualifications report.  
7 And if the need were to arise, we would have the  
8 ability to call you back for further discussion  
9 about those sorts of things. Do you understand  
10 all that?

11 MS. JACOBSON: I do.

12 CHAIRMAN CASKEY: Wonderful. Again, let me thank you  
13 for making the time to be with us. Thank you  
14 for offering for service, and we wish you well  
15 and hope you enjoy the rest of your day.

16 MS. JACOBSON: Thank you. Thank you all.

17 CHAIRMAN CASKEY: Thank you very much. And we will  
18 proceed to the screening of our next candidate  
19 when he or she is available or able to make it  
20 into the room. The latter being the case.

21 (Off the Record)

22 CHAIRMAN CASKEY: All right. Good afternoon. We will  
23 continue with our screening process. Before us,  
24 we have Mr. LaMantia. Am I pronouncing that  
25 correctly?

1 MR. LAMANTIA: Beautifully. Thank you.

2 CHAIRMAN CASKEY: All right. Mr. Lamantia, is a  
3 candidate for Seat 7 in the 9th Judicial Circuit  
4 for the family court. Do I have that right?

5 MR. LAMANTIA: That's correct.

6 CHAIRMAN CASKEY: All right. If you would, please  
7 sir, raise your right hand.

8 WHEREUPON:

9 ANTHONY LAMANTIA, being duly sworn and  
10 cautioned to speak the truth, the whole truth  
11 and nothing but the truth, testifies as follows:

12 CHAIRMAN CASKEY: If you would, please, state your  
13 full name for the record.

14 MR. LAMANTIA: Anthony Phillip Lamantia, III.

15 CHAIRMAN CASKEY: Mr. Lamantia, there should be some  
16 documents there in front of you. If you would,  
17 please, take a minute to review those.

18 MR. LAMANTIA: Yes, sir. Yes, sir.

19 CHAIRMAN CASKEY: Are those the personal data  
20 questionnaire and the sworn statement that you  
21 have submitted to the Commission?

22 MR. LAMANTIA: As well as an amended response. Yes,  
23 sir.

24 CHAIRMAN CASKEY: Okay. Are there any other updates  
25 or amendments you need to make?

1 MR. LAMANTIA: No.

2 CHAIRMAN CASKEY: Do you have any objection to our  
3 including those as a part of the record in this  
4 matter?

5 MR. LAMANTIA: Not at all.

6 (EXHIBIT NO. 18 MARKED FOR

7 IDENTIFICATION PURPOSES (14  
8 pages) PDQ)

9 (EXHIBIT NO. 19 MARKED FOR  
10 IDENTIFICATION PURPOSES (1 pages)  
11 Amendment)

12 (EXHIBIT NO. 20 MARKED FOR  
13 IDENTIFICATION PURPOSES (5 pages)  
14 Sworn Statement)

15 CHAIRMAN CASKEY: Let me give staff just a moment to  
16 do that. All right. The Judicial Merit  
17 Selection Commission has thoroughly investigated  
18 your qualifications for the bench. Our inquiry  
19 has focused on the nine evaluative criteria, and  
20 has included a ballot box survey, a thorough  
21 study of the application materials, verification  
22 of your compliance with state ethics laws, a  
23 search of newspaper articles in which your name  
24 appears, a study of any previous screenings, and  
25 a check for economic conflicts of interest. We

1 have received no affidavits filed in opposition  
2 to your election, and no witnesses are present  
3 to testify. If you'd like to make a brief  
4 opening statement, we'd be happy to hear from  
5 you. Otherwise, I will turn to staff counsel  
6 for questions.

7 MR. LAMANTIA: Sure. Thank you very much. Hello  
8 everyone. My name is Anthony Lamantia. I am an  
9 attorney in the Low Country, a domestic lawyer.  
10 I've been practicing family law since 1997, so  
11 over half my life I've been a domestic attorney.

12 CHAIRMAN CASKEY: Mr. Lamantia, I apologize for --

13 MR. LAMANTIA: Can you hear me?

14 CHAIRMAN CASKEY: Yeah. If you wouldn't mind, we have  
15 a diverse --

16 MR. LAMANTIA: Not at all.

17 CHAIRMAN CASKEY: -- pool of applicant height. And  
18 so if you could get it up to where the taller  
19 applicant height setting. Wonderful.

20 MR. LAMANTIA: Is this better?

21 CHAIRMAN CASKEY: Yes, sir. Much better. Thank you.

22 MR. LAMANTIA: Thank you. Should I start over?

23 CHAIRMAN CASKEY: No, we're good.

24 MR. LAMANTIA: Okay. Again, I've been practicing  
25 family law since 1997, so almost 29 years. I

1                   clerked for family court judge all those years  
2                   ago, and I have been in family law ever since.  
3                   I'm a single dad of four children. I live in  
4                   Charleston County. I've raised those children  
5                   largely on my own for the last 10 years. In  
6                   fact, on my own for the last 10 years. I'm  
7                   licensed in New York, New Jersey, and South  
8                   Carolina. I've lived in the Low Country for  
9                   over 20 years. And I've been doing this job for  
10                  a long, long time. I hope that I have the  
11                  requisite experience, etc., that would make me a  
12                  good candidate for this position. Thank you.

13 CHAIRMAN CASKEY: Thank you. I'm sorry. I didn't  
14 mean to cut you off if you were --

15 | MR. LAMANTIA: Not at all. No, sir.

16 CHAIRMAN CASKEY: I kind of felt like we hit that  
17 moment where you were arriving to a conclusion.  
18 All right.

19 MR. LAMANTIA: Wrapping up. Yes, sir.

20 CHAIRMAN CASKEY: Ms. Foster.

21 EXAMINATION

22 BY MS. FOSTER:

23 Q. Mr. LaMantia, please state for the record the city  
24 and circuit in which you reside.

25 A. I live in Charleston County. I live in the county.

1 I don't live in Charleston city. The mailing address  
2 is Charleston.

3 **Q. All right. And the circuit in which you reside?**

4 A. The 9th Circuit, 9th Judicial Circuit.

5 MS. FOSTER: Mr. Chairman, I note for the record that  
6 based on the testimony contained in the  
7 candidate's PDQ, which has been included in the  
8 record with the candidate's consent, Mr.

9 LaMantia meets the statutory requirements for  
10 this position regarding age, residence, and  
11 years of practice.

12 **Q. Mr. LaMantia, why do you want to serve as a family  
13 court judge and why do you feel that your legal and  
14 professional experience qualify and will assist you  
15 to be an effective judge? I know you touched on that  
16 a bit, but if you want to elaborate.**

17 A. Thank you. A little bit. Again, I clerked for  
18 family court judge 20 years ago -- excuse me 28 years  
19 ago. And it was an extremely valuable opportunity to  
20 serve as a full-time law clerk to family court judge.  
21 I learned from my judge the -- the right way to do  
22 things. There's really no other way to say it. To  
23 serve the people of the community honorably with the  
24 hard work and dedication that is required of the  
25 position. And through him, I came to learn that a

1       judge who is well-versed in the law, who has  
2       experienced, is a great asset to the community to  
3       serve the community, and is really the pinnacle or  
4       the apex of what any good lawyer can do is to serve  
5       the public with their skills, their expertise, their  
6       knowledge. And since working for my judge for an  
7       entire year, it's all I've aspired to do is learn the  
8       law, learn how to practice, learn how to practice  
9       correctly so that ultimately I could also serve my  
10      community, serve the people of this state with  
11      humility and expertise.

12     **Q. Are there any areas of the law for which you would  
13       need additional preparation in order to serve as a  
14       family court judge, and how would you handle that  
15       additional preparation?**

16     A. Well, I imagine that -- I mean, I've practiced in  
17       every area, as far as I know, in family court over my  
18       time. So I've handled DSS cases. I have handled,  
19       obviously, divorces and dividing marital estates, and  
20       custody and relocation cases and international cases.  
21       I believe I've handled it all. Have I had a  
22       Department of Juvenile Justice case in the last -- in  
23       this year, I probably have not. But there was a time  
24       where I was serving in Berkeley County where I was  
25       being assigned cases all the time. So even though

1           it's been within a year at least since I've had a  
2           case like that, I could certainly brush up on where  
3           we are in the law, and I'd be happy to do that. I  
4           feel like I have a pretty well-rounded base of  
5           experience. But again, I'm -- I take my CLE's and  
6           I'd be happy to study up if I need to.

7   **Q. Mr. LaMantia, please briefly describe your experience**  
8           **in handling complex contested family court matters,**  
9           **and specifically discuss your experience with the**  
10           **financial aspects of family court work.**

11   A. Sure. Again, complex cases can range from child  
12        custody cases or children with special needs cases.  
13        I know you asked about financial issues in  
14        particular, and I'll be happy to address that in a  
15        moment. But again, I've run the gamut of cases over  
16        the years of my experience, speaking about custody  
17        where there is military cases, military relocation  
18        cases, international cases where one of the parents  
19        is from another country and they want the ability to  
20        take the child not only out of the state but out of  
21        the country. Relocate -- I have relocation cases as  
22        we speak where parents unfortunately don't want to  
23        move just as far as North Carolina but as far as  
24        California, and how do you resolve those issues.  
25        I've also handled many divorce cases in the Low

1           Country where there are multi-million dollar estates  
2           that need to be -- marital estates that need to be  
3           resolved. People with their own businesses. I have  
4           a case right now with somebody that runs a concrete  
5           company that's a multi-million dollar business, and  
6           finding ways to resolve those cases, you know, the  
7           cost effective way for everybody is important. But  
8           certainly, I've relied on having experts, financial  
9           experts, to assist where, you know, just what's  
10           happening in the cases and valuing the businesses,  
11           valuing the property is outside of what I would do  
12           when, you know, the court requires an expert opinion  
13           on these things.

14           **Q.** Mr. LaMantia, the Commission received 86 ballot box  
15           surveys regarding you with 27 additional comments.  
16           The ballot box survey, for example, contain the  
17           following positive comments: Anthony is experienced  
18           and knowledgeable in family law. He is driven in his  
19           practice. Another stated: Tony is my friend. In my  
20           years knowing him, he is measured and unshakeable.  
21           He would be an excellent judge. But 19 of those 27  
22           written comments expressed concerns. Most of these  
23           comments expressed concerns about your temperament  
24           and demeanor, describing you as aggressive,  
25           uncooperative, condescending, and difficult to work

1           **with. What response would you offer to that concern?**

2       A. It's difficult to respond to anonymous, unverified  
3       claims where there's nothing in particular that I'm  
4       responding to. But I am a Christian, and I do  
5       believe in following the Golden Rule. I always treat  
6       people with respect, and I treat them in the way that  
7       I believe that I should be treated. So I'm not one  
8       who raises my voice to anybody. The person that you  
9       see in front of you today is the person I am every  
10       day. I am always professional. I honor our civility  
11       oath that we lawyers have to take. And I look to be  
12       a problem solver. So why somebody would say I'm  
13       difficult, I'm the person who's always calling to try  
14       to -- try to resolve cases amicably, try to find  
15       creative ways to solve cases amicably. I am the guy  
16       when there's lawyers in the hallway outside in the  
17       courtroom, so I walk up to them and ask how their  
18       families are, how their kids are, how was your  
19       vacation. That's the lawyer that I am. So it was a  
20       little surprising to hear that somebody would say  
21       something like that to me.

22       Q. **Additionally, several of the comments expressed**  
23       **concern with your reputation and professionalism,**  
24       **noting instances where you were perceived as**  
25       **unprepared and unresponsive to both attorneys and**

1           **clients. What response would you offer to those**  
2           **concerns?**

3       A. Again, I'm a little at a loss why that would be said.  
4           I am always prepared for my cases. And I can't even  
5           fathom why that would ever be said, and I've never  
6           been reprimanded by the Supreme Court or had a  
7           grievance for showing up unprepared or anything along  
8           those lines. I'm an AV rated attorney with  
9           Martindale-Hubbell, which is a peer reviewed rating  
10           of -- for having the highest -- not only ability, the  
11           highest ethical standards. And again, that's a peer  
12           review rating, not only by fellow attorneys but by  
13           judges as well. That's not something that they just  
14           hand out. I'm at a loss at why somebody would ever  
15           say that I was unprepared or unprofessional. Again,  
16           I try to be -- the person that is standing in front  
17           of you today is the person I am every day when I'm --  
18           and when I'm dealing with fellow attorneys.

19       Q. **Mr. LaMantia, your SLED report indicated that you**  
20           **have been involved in two lawsuits. The first**  
21           **lawsuit was filed in 2010 by Anesthesia Management**  
22           **Solutions, LLC involving medical debt. Please**  
23           **explain the nature and disposition of this lawsuit.**

24       A. Sure. I had surgery back in 2010. And there was a  
25           billing error, and we resolved that very quickly when

1 I pointed out how Anesthesia Associates made a  
2 mistake, and the case was dismissed. We resolved it  
3 amicably. They straightened out their billing, and I  
4 paid the bill.

5 Q. **The second lawsuit filed against you -- was filed**  
6 **against you and your law firm in 2010 by Phillip M.**  
7 **Hucks. Please explain the nature and disposition of**  
8 **this suit.**

9 A. I believe that was filed against -- I had another  
10 attorney that was working in the office. I wasn't  
11 involved in that. But ultimately, the case was  
12 dismissed. I don't even think that there was a  
13 resolution other than the complaining party realized  
14 that their case didn't have merit, and it was  
15 dismissed. So we didn't go to court. It wasn't  
16 settled. They just withdrew it.

17 MS. FOSTER: Mr. Chairman, I'd like to request that we  
18 now go into executive session to handle a  
19 matter.

20 CHAIRMAN CASKEY: Representative Jordan moves that we  
21 now go into executive session, seconded by  
22 Senator Rankin. All in favor, signify by saying  
23 aye.

24 THE BOARD: Ayes.

25 CHAIRMAN CASKEY: All opposed, nay. The ayes have

1                   it. We will now proceed into executive session,  
2                   and I would ask that all folks not authorized to  
3                   being here please step out.

4 (Executive session was held from 2:37 to 3:06)

5 CHAIRMAN CASKEY: All right. Ladies and gentlemen, we  
6 are now back on the record. We are out of  
7 executive session. For the record, while we  
8 were in executive session discussing  
9 confidential financial matters and others, no  
10 decisions were made, and no votes were taken.  
11 We will now resume with the screening of Mr.  
12 LaMantia. Any questions from members of the  
13 Commission? All right.

14 MS. FOSTER: Oh, well, yeah. I have the rest of my  
15 script.

16 CHAIRMAN CASKEY: Oh. I'm so sorry. Let me go back  
17 then to Ms. Foster. Apologies.

18 MS. FOSTER: I would note that the Low Country  
19 Citizens Committee found Mr. LaMantia qualified  
20 in the evaluative criteria of constitutional  
21 qualifications, physical health, mental  
22 stability, and experience. The Committee found  
23 him well qualified in the evaluative criteria of  
24 ethical fitness, professional, academic ability,  
25 character reputation, and judicial temperament.

1                   The Committee stated in summary as a single  
2                   father of four children, he brings an important  
3                   perspective to the family court, very good  
4                   experience, presents well, committed. And then  
5                   noted, some Committee members received comments  
6                   of concern, but nothing verified. I would also  
7                   note that the South Carolina Bar found Mr.  
8                   LaMantia unqualified overall. The South  
9                   Carolina Bar found him qualified in the  
10                   evaluative criteria of constitutional  
11                   qualifications, physical health, mental  
12                   stability, professional and academic ability,  
13                   experience in judicial temperament. The  
14                   Committee found him unqualified in the  
15                   evaluative criteria of ethical fitness,  
16                   character, and reputation.

17                   Continued by Ms. Foster:

18                   **Q.    Mr. LaMantia, do you have any response for being**  
19                   **found unqualified overall, and then if you could**  
20                   **address ethical fitness, character, and reputation.**

21                   A.    Certainly. Can I do both at the same time?

22                   **Q.    Yes.**

23                   A.    It was surprising to me. I ran for a seat in  
24                   Berkeley County two years ago where I was found  
25                   qualified by the bar. And I can tell everyone here,

1 if I'm not the same attorney, I'm probably a better  
2 attorney than I was two years ago. I'm more  
3 experienced than I was two years ago. I've not had  
4 any reprimands or any other accusation against my  
5 ethics or in any other way that I've had to defend.  
6 You know, again, no letters of reprimand or anything  
7 like that in over 15 years. So I have no good  
8 explanation as to why things would have changed from  
9 two years ago when I was found qualified. Truly, I  
10 believe I'm a better attorney than I was then, so.

11 Q. Some housekeeping issues. JMSC procedural Rule 17  
12 includes a prohibition of any candidate from  
13 attending or watching any portion of the live stream  
14 or recordings of the public hearings in this cycle  
15 until after all hearings are concluded. Have you  
16 watched or listened to any of these hearings before  
17 your appearance today?

18 A. I have not.

19 Q. Has any other person relayed any information about  
20 any of the proceedings before this Commission to you?

21 A. Not at all.

22 Q. Mr. LaMantia, are you aware that as a judicial  
23 candidate, you are bound by the Code of Judicial  
24 conduct as found in Rule 501 of the South Carolina  
25 Appellate Court rules?

1 A. I am.

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

5 A. Not in the least.

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

9 A. I am.

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

14 A. I have not.

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

19 A. I have not.

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

23 A. I have.

24 MS. FOSTER: I would just note for the record that  
25 any concerns raised during the investigation

1                   regarding the candidate were incorporated into  
2                   the questioning of the candidate today. And Mr.  
3                   Chairman, I have no further questions.

4 CHAIRMAN CASKEY: Thank you ma'am. Senator from  
5                   Horry.

6 SENATOR RANKIN: Thank you, Mr. Chairman. Mr.  
7                   LaMantia, good to see you again. We met two  
8                   years ago, I think, you mentioned earlier, I  
9                   believe. You last screened in 2023? Right?

10 MR. LAMANTIA: That's correct.

11 SENATOR RANKIN: And then you were here in 2012 or  
12                   2013?

13 MR. LAMANTIA: I believe it was 2012.

14 SENATOR RANKIN: Okay. And --

15 MR. LAMANTIA: But I never made it this far, so.

16 SENATOR RANKIN: Okay. Well, and so I want to ask  
17                   just a number of things. And number one, thank  
18                   you for your willingness to do this to put  
19                   yourself out there to, again, invite many  
20                   touches along the way by a citizens committee,  
21                   the bar, interviews there, the ballot box survey  
22                   responses. And so you were well familiar with  
23                   the touches along the way and how we as a  
24                   Commission under the law are charged to view  
25                   your candidacy. Right? You're very familiar

1           with this process.

2 MR. LAMANTIA: I'm familiar, yes.

3 SENATOR RANKIN: And again, this is your third time.

4           Right?

5 MR. LAMANTIA: I didn't make it this far the first  
6           time. But yes, it's --

7 SENATOR RANKIN: Okay.

8 MR. LAMANTIA: I certainly did it two years ago.

9 SENATOR RANKIN: Okay.

10 MR. LAMANTIA: I was here two years ago.

11 SENATOR RANKIN: Okay. And so is it of consequence to  
12           us should it be though before you were found  
13           qualified, should it be of any concern for us  
14           that the bar did not find you qualified?

15 MR. LAMANTIA: I don't have an explanation for that,  
16           and I'd love to give you one. It's concerning  
17           to me, certainly. So I would imagine that it  
18           might be concerning to you. And again, the only  
19           thing that I can tell you is that, again, I'm an  
20           AV rated attorney with Martindale-Hubbell, which  
21           is not a -- it's a peer reviewed rating. I have  
22           not lost that rating. I have not been --

23 SENATOR RANKIN: You've had that how long? If I can  
24           interrupt.

25 MR. LAMANTIA: I believe 12 years, but that would be

1           an estimate. I know at least 2015, so I can say  
2           it's certainly for more than 10 years.

3 SENATOR RANKIN: Try to get back in towards that mic  
4           if you will.

5 MR. LAMANTIA: Oh, I'm sorry. My fault.

6 SENATOR RANKIN: The --

7 MR. LAMANTIA: Did you hear me, sir.

8 SENATOR RANKIN: Okay. Yeah. But I don't know that  
9           anybody else can. And there are tens of people  
10          listening. Tens of people. So the question for  
11          you, I will admit to you that it is of a concern  
12          to me. I'm not with the bar. I don't  
13          participate in terms of their interview process.  
14          But that is where you go -- and tell us about  
15          that. How does that work?

16 MR. LAMANTIA: Well, there is a -- you go to a  
17          hearing room at the bar building on Park Street.  
18          And there are eight people from around the state  
19          who are there. Some of them I know that -- just  
20          professionally. There were a few that I did not  
21          know. And they go through, actually in less  
22          detail, than the Senate Committee did. But not  
23          only the people who said good things about you,  
24          but also raised some of those questions. Some  
25          of the questions that were brought up in

1           executive session did not come up at all at that

2           --

3 SENATOR RANKIN: And again, we're not talking about  
4           that, unless --

5 MR. LAMANTIA: No, sir. No, no, no. I'm just saying  
6           they didn't come up at the bar interview. But  
7           again, why I would have been found qualified two  
8           years ago and this time around with some of the  
9           same people I was found unqualified, again, I've  
10           not been confronted with anything that wasn't  
11           anonymous or vague. And -- but I can tell this  
12           committee that I've not been reprimanded,  
13           disciplined, etc., by any bar in any state that  
14           I'm licensed in. As I said, I'm probably a  
15           better attorney than I was two years ago.

16 SENATOR RANKIN: Okay.

17 MR. LAMANTIA: I hope so anyway. That's my goal.

18 SENATOR RANKIN: All right. And that process, that  
19           interview, took how long?

20 MR. LAMANTIA: I would say 45 minutes to an hour, if  
21           I had to estimate.

22 SENATOR RANKIN: Healthy, fair, give and take  
23           questions posed, opportunity to respond, expand?

24 MR. LAMANTIA: Yes, sir. I actually enjoyed it. It  
25           was not a bad experience at all.

1 SENATOR RANKIN: Novocaine given or no?

2 MR. LAMANTIA: No novocaine.

3 SENATOR RANKIN: Okay. All right. And in the  
4 citizens committee --

5 MR. LAMANTIA: Yes, sir.

6 SENATOR RANKIN: -- that you were found qualified, and  
7 note as I do as well, single father, yours with  
8 the tragic loss of your wife, your successful  
9 parenting of four children. God bless you. It  
10 looks like, sounds like that you've done a  
11 remarkable job. And so kudos to you.

12 MR. LAMANTIA: It's not --

13 SENATOR RANKIN: Which they note as well.

14 MR. LAMANTIA: It's not easy, but it's doable.

15 SENATOR RANKIN: Yeah. So they noted as well some  
16 committee members received comments of concern,  
17 but nothing verified. And in terms of that  
18 process, how long was that interview with them?

19 MR. LAMANTIA: Less than 45 minutes, but I would say  
20 more than a half hour. I mean, it was a fair  
21 amount of time, but it wasn't as exhaustive as  
22 this hearing, for example.

23 SENATOR RANKIN: This hearing today?

24 MR. LAMANTIA: Yes, sir.

25 SENATOR RANKIN: Okay. And do you need to take a

1           break? I'm not making light, but --

2 MR. LAMANTIA: Not at all. No, I'm -- no, I'm okay.

3           Thank you.

4 SENATOR RANKIN: Okay. And in terms of the questions  
5           so far, I hope we're being fair with you.

6 MR. LAMANTIA: No complaints.

7 SENATOR RANKIN: Okay.

8 MR. LAMANTIA: Thank you, sir.

9 SENATOR RANKIN: All right. In terms of the ballot  
10          box surveys. Again, I don't believe I was a  
11          part of this in 2011 or '12. Senator Campson  
12          may have been. I don't recall you being -- I do  
13          recall you from before. And the -- I will say  
14          to you that -- again, of concern to me are the  
15          both number of responses and concerns raised in  
16          these responses. And I look through other  
17          family court judge candidates, either running  
18          for the first time or for re-election. And in  
19          terms of the total number of responses and the  
20          percentages for each, and I'm talking probably  
21          15 so judges. Without a doubt, you received the  
22          highest number of negative comments by a  
23          percentage basis of your total responses. And  
24          effectively, almost 25 percent negative  
25          comments. And my question to you, how should I

1 scale or score that? Should that be a concern  
2 to me in viewing your ability to serve on the  
3 bench in a way that endears you to both friend  
4 and foe who all have the opportunity to write  
5 good or bad about you? How should I score that?

6 MR. LAMANTIA: Well, I would hope that you would take  
7 it into consideration with the positive things  
8 that were said about me, such as that I have a  
9 great demeanor and that I would have, in their  
10 opinion, a good judicial temperament, that I am  
11 hard-working, and that I am committed to serving  
12 the public. Those things were read aloud  
13 earlier. You know that I have been dedicated to  
14 the practice of law and to the betterment of  
15 society, because I'm standing before you telling  
16 you that those are things that I am interested  
17 in doing. That's why I'm here. Otherwise, I  
18 would just be back at my office working today.

19 SENATOR RANKIN: And I'm interrupting. I don't mean  
20 to. Without a doubt, you do have your applauds  
21 and endorsers that say the very things that  
22 you've said. But to the point of temperament,  
23 perhaps the highest rating of unqualified of any  
24 family court candidate or judge open for --  
25 offering for re-election. The highest

1 unqualified in terms of reputation. And so  
2 again, I don't want to sound like this is 75  
3 percent bad and 25 percent good. It is in fact  
4 the opposite. It is 75 good, I hope I've said  
5 this correctly, 25 percent of concern. But that  
6 25 percent is the outlier, without a doubt, of  
7 your peers and the other candidates. And so I'm  
8 curious again -- it could be a job being taken  
9 out on you. There could be an organized group  
10 that have said let's say things that aren't true  
11 about this candidate. And I don't know you, I  
12 don't practice in family law, so I apologize for  
13 this line of questioning. But if you're elected  
14 to the bench, if you're advanced here, what  
15 would your attitude be as to what you would do  
16 with your detractors?

17 MR. LAMANTIA: Well, happily I don't know who those  
18 people are. And I'm making light. But again, I  
19 think the world of Judge Wayne Creech. And I  
20 hope everyone here got a chance to know who he  
21 was and how he sat on the bench and handled  
22 cases. But as I was saying earlier, when I  
23 clerked for a family court judge, that person  
24 was a model on how to handle the hard work  
25 required of the job and how to handle it

1 honorably and responsibly for the community.  
2 And I think Wayne Creech was the same way where  
3 Judge Creech was the ultimate judge in my  
4 opinion. He was always a friend to the  
5 community and dedicated to serving the  
6 community. He was a friend to the lawyers. He  
7 was not there to embarrass anybody or be  
8 punitive to anybody. He was there to follow the  
9 law as written by this body, and to serve the  
10 community with kindness and compassion while  
11 sometimes making hard decisions. And that's  
12 exactly the type of judge that I'm -- I'm  
13 telling you under oath I would be if I were  
14 elected. That I'm there to do the hard work, to  
15 serve the community, serve the people of the  
16 entire state, and to bring honor to the position  
17 -- to bring honor to the position and not  
18 disrepute or disrespect. It's not my nature to  
19 disrespect other people, and I would never do  
20 it. I've been in front of judges that I thought  
21 were aggressive to not only litigates but  
22 attorneys that I've -- I'm telling this body  
23 right now, that's not who I would ever be. I am  
24 not here to be punitive to anybody. I'm here to  
25 do a job and do it well.

1 SENATOR RANKIN: So -- and again, I hear you. I'm  
2 taking you at face value.

3 MR. LAMANTIA: Yes, sir.

4 SENATOR RANKIN: And I don't -- can't cross-examine  
5 you, can't know without knowing who these folks  
6 are that perhaps you will never know. But two  
7 the point of that's not me, there are 25 percent  
8 of the folks and the comments of the 81  
9 responses -- Again, 25 percent all writing  
10 negative comments -- excuse me, 86 total. And  
11 so --

12 MR. LAMANTIA: Yes, sir.

13 SENATOR RANKIN: -- they say, one, perhaps they're all  
14 of one person, but they can't be. They can't  
15 game it. Mr. LaMantia, am I pronouncing it  
16 correctly?

17 MR. LAMANTIA: LaMantia, but it's okay.

18 SENATOR RANKIN: LaMantia, forgive me, is known to be  
19 unresponsive and difficult to deal with as an  
20 attorney. He is arrogant, condescending to  
21 female litigators. My experience with him was  
22 many years ago, but I've not heard -- I've heard  
23 he has not changed much. Does not have much  
24 experience. Non-responsive. Does not enjoy  
25 good reputation in the family court bar. The

1 last thing Charleston Berkeley Family Court bar  
2 needs is more animosity. Three separate  
3 inclusions. To the person who is either ganged  
4 up or the three people who have taken the time  
5 to share that who may be listening or reading  
6 this transcript later, what do you say to them?

7 MR. LAMANTIA: Well, I don't know how anybody could  
8 say I'm not experienced after literally being in  
9 the trenches 28 years practicing family law in  
10 all realms of family law and domestic  
11 litigation. Being non-responsive, I'm a solo  
12 practitioner. And I'm not making excuses, I'm  
13 giving a potential explanation. You know, our -  
14 -- I'm sure you know very well, our world has  
15 changed where, again, I've been practicing  
16 nearly 30 years. We used to pick up the phone  
17 with one another and call one another when we  
18 had a problem in our case to solve. And we used  
19 to say, hey Mary, you know, this is going on, my  
20 client says this, can we work together and  
21 collaborate about how to solve that problem.  
22 That shifted when e-mail became more prevalent,  
23 which wasn't so terribly prevalent when I first  
24 started practicing. And you would get an e-  
25 mail, sometimes a hot e-mail, but you would get

1 an e-mail laying out what's happening and please  
2 respond. Unfortunately in our world today, now  
3 instead of picking up the phone or even sending  
4 an e-mail, somebody will just send you a text.  
5 And there's no regard to, hey, I'm in a trial  
6 this week, I'm not going to be able to get back  
7 to you until after hours if I can do it at all  
8 this day or that day. There's no regard that I  
9 might be at a doctor's appointment with my  
10 daughter who just had surgery, for example. So  
11 I just think it's -- it's -- again, I'm on some  
12 levels speculating. But people expect and are  
13 insulted by the fact that if you don't respond  
14 to their text message within three hours that  
15 you're being unresponsive or you're being  
16 difficult or -- and I'm sure we've all  
17 experienced -- excuse me. We've all experienced  
18 that on some level. I'm certainly not  
19 paternalistic or anti-women. I would say at  
20 least 50 percent, if not more, of my clients are  
21 women. So -- and I think some of our best  
22 attorneys are women. So why that would be  
23 thrown out there is a mystery to me. I think  
24 our women members of the bar are fantastic.  
25 SENATOR RANKIN: Serious anger problems, aggressive

1                   towards women. One of the worst temperaments of

2                   --

3                   MR. LAMANTIA: I've never been arrested for anything  
4                   along those lines. I've never been complained  
5                   of in any way where I've even raised my voice to  
6                   anybody or again violated the civility oath that  
7                   we lawyers have. Interestingly enough,  
8                   something that did come up at the -- at the bar  
9                   interview a few weeks ago. Somebody had said  
10                   something along those lines and said he's a  
11                   former Marine. I wish I could tell this  
12                   committee that I had served our country in such  
13                   a way, but I've never served in the armed forces  
14                   in my life. And it was laughed about at the --  
15                   the bar interview about why somebody would say  
16                   that I had been a former Marine. And I'm sure  
17                   if you -- if you have those comments, is in  
18                   there. Because again, I was told, I've not read  
19                   it but I was told flat out, that somebody  
20                   claimed I had an anger problem and I was a  
21                   former Marine. Where that would have come from,  
22                   I don't have a clue. But it gives you a taste  
23                   of where some of these comments come from. I  
24                   mean, completely not me. Like literally, I've  
25                   never served in the armed forces. So.

1 CHAIRMAN CASKEY: Other members of the Commission have  
2 any questions? All right. Mr. LaMantia, thank  
3 you so much. That will conclude this portion of  
4 the screening process. Pardon me. I do want to  
5 take this opportunity though to remind you that  
6 pursuant to the Commission's evaluative  
7 criteria, the Commission expects candidates to  
8 follow the spirit as well as the letter of our  
9 ethics laws. And that we would view any  
10 violation or appearance of impropriety as very  
11 serious and potentially deserving of heavy  
12 weight during screening deliberations. On that  
13 note, and as you know, until the release of the  
14 formal -- excuse me, the formal release of the  
15 report of qualifications, we would have the  
16 ability to call you back in the event that some  
17 untoured event were to be alleged or come to our  
18 attention. Again, don't anticipate that. But  
19 you understand we would have that ability if  
20 that were to arise.

21 MR. LAMANTIA: Understood.

22 CHAIRMAN CASKEY: Okay. Again, that you for offering  
23 for service to the state of South Carolina.  
24 Thank you for being here today. I wish you all  
25 the best as you travel back home.

1 MR. LAMANTIA: Thank you, sir.

2 CHAIRMAN CASKEY: Thank you.

3 MR. LAMANTIA: Thank you, everyone.

4 CHAIRMAN CASKEY: All right. We will proceed then

5 with our next screening. All right. Good

6 afternoon. We will proceed now with screening

7 for the next seat, which is a family court 9th

8 Judicial Circuit Seat 7. And before us, we have

9 Ms. Kelly Pope-Black. Do I have all that

10 correct?

11 MS. POPE-BLACK: Yes, sir.

12 CHAIRMAN CASKEY: All right. If you would, please,

13 raise your right hand.

14 WHEREUPON:

15 KELLY POPE-BLACK, being duly sworn and

16 cautioned to speak the truth, the whole truth

17 and nothing but the truth, testifies as follows:

18 CHAIRMAN CASKEY: If you would, please, state your

19 full name for the record.

20 MS. POPE-BLACK: It's Kelly -- can y'all hear me okay?

21 Kelly Pope-Black.

22 CHAIRMAN CASKEY: All right. I can hear you just

23 fine.

24 MS. POPE-BLACK: Okay.

25 CHAIRMAN CASKEY: If you'll just be conscious of that.

1 We 've had --

2 MS. POPE-BLACK: I'll step up close.

3 CHAIRMAN CASKEY: -- a variety of heights in  
4 candidates today, so we've had to adjust that as  
5 the day has gone on.

6 MS. POPE-BLACK: I'll try not to get --

7 CHAIRMAN CASKEY: There should be some documents there  
8 in front of you. If you would, please take a  
9 moment to review those.

10 MS. POPE-BLACK: Yes, sir.

11 CHAIRMAN CASKEY: Are those the personal data  
12 questionnaire and the sworn statement that you  
13 have submitted to the Commission?

14 MS. POPE-BLACK: Yes, sir.

15 CHAIRMAN CASKEY: Are there any updates or changes  
16 that need to be made?

17 MS. POPE-BLACK: No, sir.

18 CHAIRMAN CASKEY: All right. Do you have any  
19 objection to our making those documents a part  
20 of the record?

21 MS. POPE-BLACK: No, sir.

(EXHIBIT NO. 21 MARKED FOR  
IDENTIFICATION PURPOSES (19  
pages) PDO)

(EXHIBIT NO. 22 MARKED FOR

1 IDENTIFICATION PURPOSES (1 pages)

2 Amendment)

3 (EXHIBIT NO. 23 MARKED FOR

4 IDENTIFICATION PURPOSES (9 pages)

5 Sworn Statement)

6 CHAIRMAN CASKEY: Let me give staff just a moment to  
7 do that. The Judicial Merit Selection  
8 Commission has thoroughly investigated your  
9 qualifications for the bench. Our inquiry has  
10 focused on the nine evaluative criteria and has  
11 included a thorough review of your application  
12 materials, a ballot box survey, verification of  
13 your compliance with state ethics laws, a search  
14 of newspaper articles in which your name  
15 appears, a study of any previous screenings, and  
16 a check for economic conflicts of interest. We  
17 have received no affidavits filed in opposition  
18 to your election and no witnesses are present to  
19 testify. Before recognizing staff counsel to  
20 begin with some questions, I noticed this  
21 gentleman has followed you into the room given  
22 the activities abounding today on the State  
23 House grounds. If you'd like to introduce us  
24 because he's a friend, you may do that. If he's  
25 a danger, just wink twice and we will have him

2 MS. POPE-BLACK: Fair enough. This is my husband,  
3 Jody Black.

4 CHAIRMAN CASKEY: Nice to have you, sir. Thank you  
5 for being here.

6 MS. POPE-BLACK: It is very active today. You're  
7 right.

8 CHAIRMAN CASKEY: It is active today. But glad to  
9 have you here. Ms. Pope-Black, I'd be happy to  
10 -- we'd be happy to hear any opening statement  
11 you might have, and if you'd like to waive it,  
12 we can just proceed with questions from counsel.

13 MS. POPE-BLACK: I'll waive the opening, and we can go  
14 straight to the questions.

15 CHAIRMAN CASKEY: Wonderful. Ms. Crater?

## EXAMINATION

17 | BY MS. CRATER:

18 Q. Hello, Ms. Pope-Black. Can you please state for the  
19 record the city and circuit in which you reside?

20 A. I reside in Berkeley County. And actually, that's on  
21 Daniel Island. And that's in the 9th Circuit

22 | Q. Thank you.

23 MS. CRATER: Mr. Chairman, I note for the record that  
24 based on the testimony contained in the  
25 candidates PDO, which has been included in the

1 record with the candidate's consent, that Ms.  
2 Pope-Black meets the statutory requirements for  
3 this position regarding age, residence, and  
4 years of practice.

5 **Q. Ms. Pope-Black, why do you want to serve as a family**  
6 **court judge, and why do you feel that your legal and**  
7 **professional experience qualify and will assist you**  
8 **to be an effective judge?**

9 A. As everyone knows, I was a family court judge once  
10 before. But before I even went to law school, I  
11 worked with abused children. I worked with sexually  
12 abused, physically abused, mentally abused children.  
13 So that has been a passion of mine in practicing and  
14 on the bench. When I left the bench, came off the  
15 bench, I started doing mediations full-time. And  
16 that has been very rewarding, but there is -- there's  
17 something missing. And it's the work that I did with  
18 abused children. I think that's coming back, and  
19 that's a passion of mine. And that's something that  
20 I would still like to fulfill and work on. I also  
21 like working with juveniles. Prior on the bench, I  
22 had a juvenile drug court. I'd like to do that  
23 again. I think it's very beneficial. I think it  
24 helps our youth change paths. And so that is  
25 something else that I would like to institute in

1                   Berkeley County.

2   **Q.**  **Ms. Pope-Black, are there any areas of the law for**  
3                   **which you would need additional preparation in order**  
4                   **to serve as a family court judge, and how would you**  
5                   **handle that additional preparation?**

6   **A.**  I think I'm in a unique position, because I have sat  
7                   on the bench before.  I've also worked at the  
8                   Solicitor's Office in juvenile matters.  However, I  
9                   will always be of the belief that you can always  
10                  learn and you can always grow.  So while I do have a  
11                  lot of experience -- I've been doing this almost 25  
12                  years.  Some of that was spent on the bench.  So  
13                  while I do think I do have a lot of experience in all  
14                  areas of the law, I will never say that there's not  
15                  room for me to grow, because if anything that this  
16                  has six and a half years has taught me, it's taught  
17                  me that you can grow.  And so I will never stop  
18                  learning, and I will never stop growing.

19   **Q.**  **Ms. Pope-Black, please briefly describe your**  
20                  **experience in handling complex contested family court**  
21                  **matters, and specifically discuss your experience**  
22                  **with the financial aspects of family court work.**

23   **A.**  So obviously time before.  I have experience handling  
24                  those cases, but I will tell you since I've been  
25                  mediating I have handled multiple financial, complex

1 financial, cases. Sometimes those cases take about  
2 two days to mediate. So multi-million dollar marital  
3 estates, complex cases where you have multiples -- I  
4 had one that had, like, 43 LLCs in it. So multiple,  
5 complex financial cases as of -- on the bench, but  
6 also as a mediator. I've seen a lot as a mediator.

7 **Q. Ms. Pope-Black, the Commission received 294 ballot**  
8 **box surveys regarding you with 79 additional**  
9 **comments. The ballot box surveys, for example,**  
10 **contained the following positive comments: The**  
11 **candidate is smart, fair, and cares about outcomes**  
12 **for children. And an incredible mediator. She is**  
13 **nuanced, understands complex legal issues, and**  
14 **focuses on the best interest of children. Twenty-six**  
15 **of the written comments expressed some concerns.**  
16 **Several comments indicated an issue with poor**  
17 **judicial temperament, citing issues with disrespect**  
18 **or lack of empathy. What response would you offer to**  
19 **these concerns?**

20 A. I would say having the time now to reflect on my time  
21 on the bench, mediating you have to be patient. You  
22 have to hear from both sides. And now looking back  
23 on things, I think -- and I've said this before. I  
24 got busy doing the job and forgot to do my job. And  
25 you're trying to work through dockets. And there

1                   were times when people just wanted to be heard, and I  
2                   should have done that. I regret that people felt  
3                   that way about being in front of me in the courtroom.  
4                   I will say having time to reflect, I don't want  
5                   anyone to feel that way. Lots of times when people  
6                   walk into a court room, they just want to be heard.  
7                   So you need to take the time to do that. And not be  
8                   so caught up in getting through the docket and  
9                   getting -- trying to get things done. They just want  
10                   to be heard, and I've learned that in mediation.  
11                   Just need to sit back, be patient. I will say that  
12                   has been a -- mediating has been a wonderful time for  
13                   me to reflect on things how I should have done things  
14                   differently, and puts you on the other side of things  
15                   to realize how much better and different you can be,  
16                   and more effective that you can be.

17                   **Q. The second concern raised in issue with residency**  
18                   **questioning your move to the Low Country. What**  
19                   **response would you offer to this concern regarding**  
20                   **your residency?**

21                   A. So I started mediating about six and a half years  
22                   ago, probably about four years ago started doing a  
23                   lot of work in the Low Country. I mediate all over  
24                   the state. I travel all over. So in January of this  
25                   year, I was mediating so much in the lower part of

1                   this state, in January of this year was when I got a  
2                   place on Daniel Island to have a place to stay when  
3                   I'm working there, because I truly am there pretty  
4                   much 50 percent of the time. I'm there all the time  
5                   there, all -- every month. So I got a place there to  
6                   stay there. And then that was in January of this  
7                   year, in May this year found out that this seat had  
8                   been funded. And so in June, I changed my residency  
9                   to Berkeley County when I decided to run for this  
10                   seat based upon where I live in Daniel Island. So  
11                   the residence has been changed, the voter  
12                   registration has been changed, because I feel like if  
13                   I'm going to do this and run for this seat, that I  
14                   needed to do it correctly had have the residency  
15                   changed, because I'm there all the time anyway, so.

16                   **Q.** I would note that the Low Country Citizens Committee  
17                   reported Ms. Pope-Black to be well-qualified as to  
18                   ethical fitness, professional and academic ability,  
19                   character, reputation, experience, and judicial  
20                   temperament, and qualified as to constitutional  
21                   qualifications, physical health, and mental  
22                   stability. The Committee stated in summary:  
23                   clarified past issues with attorney and mediation  
24                   practice has added tremendously to her temperament,  
25                   very good experience. I just had a few housekeeping

1                   issues.

2       A. Yes, ma'am.

3       Q. JMSC Procedural Rule 17 includes a prohibition of any  
4                   candidate from attending or watching any portion of  
5                   the live stream of the public hearings of this cycle  
6                   until after all hearings are concluded. Have you  
7                   watched or listened to any of these hearings before  
8                   your appearance today?

9       A. No, ma'am.

10      Q. Has any other person relayed information about any of  
11                   the proceedings before this Commission to you?

12      A. No, ma'am.

13      Q. Ms. Pope-Black, are you aware that as a judicial  
14                   candidate, you are bound by the Code of Judicial  
15                   Conduct as found in Rule 501 of the South Carolina  
16                   Appellate Court rules?

17      A. Yes, ma'am.

18      Q. Since submitting your letter of intent, have you  
19                   contacted any members of the Commission about your  
20                   candidacy?

21      A. No, ma'am.

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

25      A. Yes, ma'am.

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

5 A. No, ma'am.

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

10 A. No, ma'am.

11 Q. And have you reviewed and do you understand the  
12 Commission's guidelines on pledging and South  
13 Carolina Code section 2-19-70(e)?

14 A. Yes, ma'am.

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

20 CHAIRMAN CASKEY: Thank you, ma'am. Members of the  
21 Commission have questions? Senator Walker?

22 SENATOR WALKER: Thank you, Mr. Chair. Good afternoon  
23 to you, Ms. Pope-Black.

24 MS. POPE-BLACK: Good afternoon.

25 SENATOR WALKER: I am looking at the ballot box survey

1 and the comments. And the majority of the  
2 comments are, I would say, laudatory. Some  
3 folks -- many folks speak highly of you. And  
4 then there are some comments that are not so  
5 savory. And the unsavory comments, they go to  
6 temperament. And I'm probably one of two people  
7 on this Commission that have had the privilege  
8 of once serving as a judge. The other colleague  
9 on the Commission is Judge Strickland who is the  
10 Master of Equity in Richland County, I served as  
11 a municipal judge in summary court. And while  
12 to many, that role may not seem to be demanding,  
13 the reality is summary court dockets usually  
14 have some of the biggest dockets in the state.  
15 And a lot of that has to do with the fact that  
16 summary courts are at the bottom of the totem  
17 pole, if you will, when it comes to priority.  
18 There are other courts that just take priority  
19 over summary courts, and so cases get postponed  
20 and what have you. But I say all that to say  
21 that in doing the job myself once upon a time, I  
22 never found myself in the position of losing my  
23 cool, if you will, or losing patience with the  
24 litigants before me. Frankly, I found it to be  
25 an honor to serve as a judge. The position

1 usually pays pretty well. And I once heard an  
2 attorney say, you know, the judge's role is to  
3 put on that black robe, sit there, and watch the  
4 parties try their case. Now, that's a bit  
5 reductionist. There's more to being a judge  
6 than just that, but you get the gist. And so I  
7 am non-plussed when I hear about judges, you  
8 know, who have a difficult time holding it  
9 together in the courtroom. Granted you have to  
10 make sure that there's order in the court, no  
11 pun intended. You sort of run a tight ship,  
12 make sure that you call the balls and strikes.  
13 But litigants should never have reservations  
14 about appearing in a judge's courtroom. Now you  
15 say that you have learned quite a bit, you know,  
16 from your, I would sense, you know, being off  
17 the bench. So I guess my question for you is if  
18 you have the privilege and honor of serving  
19 again as a family court judge, what would you do  
20 differently this time around?

21 MS. POPE-BLACK: One of the first things that comes to  
22 mind is how I handle temporary hearings. And I  
23 think this is where a lot of the complaints came  
24 from. When I did temporary hearings, I did it  
25 strictly by the rules. You submitted your

1 packets, I read your packets, I gave you your --  
2 a decision. The attorneys didn't speak. I  
3 think that was a mistake. That is something I  
4 would definitely change and do differently.  
5 Because people that walk in, whether you have an  
6 attorney or not, people walk in, they want a  
7 chance to be heard. And the way I was  
8 conducting those hearings, that wasn't  
9 happening. So having the mediations and -- and  
10 I learned more about people when I'm mediating a  
11 case now would if I tried their case for five  
12 days. Because you're with them all day. You're  
13 hearing them. And it just -- I sat back and  
14 realized that they should be given an  
15 opportunity, or the attorney that they hire  
16 should be given an opportunity to speak. And  
17 that is one thing I would definitely do  
18 different is how I handle temporary hearings.  
19 There's been a rule in -- change in Rule 21 that  
20 is going to allow judges to read your temporary  
21 packets before you come in for a temporary  
22 hearing. And I think that's wonderful, because  
23 then that gives the litigants time to speak,  
24 gives them more time. So I think that's a  
25 wonderful change. And that is one thing I would

1           absolutely do differently from the bench.

2 SENATOR WALKER: Yesterday, our colleague, Mr.

3           Protopapas, he mentioned about the suicide rate  
4           among lawyers. And I didn't know that we had  
5           the second highest suicide rate of all the, I  
6           guess, white collar professions, if you will.

7           And I think we have judges, not saying all, but  
8           I know I've seen it in my 20 years practicing,  
9           who sometimes forget what it's like to be a

10           lawyer. It's stressful being an attorney. The  
11           pressure to get a case prepared for court,  
12           representing clients and, you know, their  
13           quirks. And when you are -- when you're in  
14           private practice, the stress of generating  
15           revenue, trying to keep the lights on, trying to  
16           pay staff. And of course they're worried about  
17           doing a good job, trying to get the best outcome  
18           for their client. And I think one of the last  
19           things a lawyer should have to worry about when  
20           they go into a courtroom is how they're going to  
21           be treated by the person who is the ultimate  
22           arbiter in a case where the stakes may be fairly  
23           high, you know, for their client. So I'm glad  
24           to hear that you've taken this time, you know,  
25           to reflect, you've been contemplative, and in

1                   the event you have another opportunity to serve,  
2                   I just -- I trust that you do exactly what you  
3                   just represented to this body.

4 MS. POPE-BLACK: Thank you.

5 SENATOR WALKER: Thank you.

6 CHAIRMAN CASKEY: Mr. Lambert?

7 MR. LAMBERT: Good afternoon.

8 MS. POPE-BLACK: Good afternoon.

9 MR. LAMBERT: I'd just like to reinforce that you  
10                  have said that you have learned a lot from  
11                  stepping away doing the mediations and what you  
12                  feel like you've learned. I do think there are  
13                  people out there coming from the ballot box that  
14                  have reinforced and seen the change in you. I  
15                  would like to share on with you to make you feel  
16                  good about what you're trying to do.

17 MS. POPE-BLACK: Thank you.

18 MR. LAMBERT: This person said, I've done numerous  
19                  mediations with her since she's left the bench,  
20                  and she seems more even-tempered, considerate,  
21                  and fair than she was when I appeared before her  
22                  as an attorney. She is the right person to get  
23                  Berkeley County in shape and back on track, and  
24                  I expect that she would be a completely  
25                  different judge than we saw weakness with. So

1           there are people out there working with you now  
2           that feel that way.

3 MS. POPE-BLACK: Thank you for sharing that.

4 MR. STEGMAIER: Ma'am, good afternoon.

5 MS. POPE-BLACK: Good afternoon.

6 MR. STEGMAIER: I know that you had related -- and I'm  
7           sorry if it's repetitive.

8 MS. POPE-BLACK: That's okay.

9 MR. STEGMAIER: But you have a home on Daniel Island.

10           Correct?

11 MS. POPE-BLACK: Yes. Well, I rent a place there on  
12           Daniel Island.

13 MR. STEGMAIER: Rent a place.

14 MS. POPE-BLACK: Yes, sir. I do not own a home there.

15 MR. STEGMAIER: Okay. Where -- as far as -- and I saw  
16           the financial declaration. With regard to your  
17           real property, where do you own that real  
18           property?

19 MS. POPE-BLACK: The real property is in Greenville  
20           County. Well, part of it is Greenville, part of  
21           it is Spartanburg County. It is across from  
22           where I grew up. It's across from my parents.  
23           So part of that is inherited land.

24 MR. STEGMAIER: Yes, ma'am.

25 MS. POPE-BLACK: And then we purchased another 20

1                   acres beside it to -- and my sister owns land  
2                   around it.

3    MR. STEGMAIER: Yes, ma'am.

4    MS. POPE-BLACK: So -- sorry I'm doing a little thing.  
5                   But my parents live here, and so we've kind of  
6                   created a bubble --

7    MR. STEGMAIER: Yes, ma'am.

8    MS. POPE-BLACK: -- around my parents. And so all of  
9                   that is family land. And -- and I'll continue  
10                  to have that property, because that's my  
11                  daughter's inheritance, so.

12   MR. STEGMAIER: Yes, ma'am. And as far as any other  
13                  home, do you -- do you still have a home in  
14                  Spartanburg County?

15   MS. POPE-BLACK: No. Our house is in Greenville  
16                  County.

17   MR. STEGMAIER: Okay.

18   MS. POPE-BLACK: But part of the property around it,  
19                  some is in Spartanburg and some is in  
20                  Greenville, if that makes sense.

21   MR. STEGMAIER: It does.

22   MS. POPE-BLACK: It's 40 acres there, so.

23   MR. STEGMAIER: Yes, ma'am. When you were on the  
24                  bench in the 7th Circuit, was that how you  
25                  established residency in Spartanburg County?

1 MS. POPE-BLACK: So I -- when I first went on to the -  
2 - it was an at-large seat, so way back when when  
3 they did all those at-large seats at one time,  
4 there were a lot of them.

5 MR. STEGMAIER: Yes, ma'am.

6 MS. POPE-BLACK: It was one of those. And so I lived  
7 in Spartanburg County at that time. Then  
8 inherited land from my father and built across  
9 from my parents. And then over time, purchased  
10 land from out there. Does that make sense?

11 MR. STEGMAIER: It does.

12 MS. POPE-BLACK: Okay.

13 MR. STEGMAIER: And I appreciate that. I guess my  
14 final question is as the rest of Berkeley County  
15 understanding that you rent property on Daniel  
16 Island, what other nexus do you have to Berkeley  
17 County?

18 MS. POPE-BLACK: To Berkeley County?

19 MR. STEGMAIER: Yes, ma'am.

20 MS. POPE-BLACK: I work there all the time.

21 MR. STEGMAIER: Okay.

22 MS. POPE-BLACK: There and in Charleston.

23 MR. STEGMAIER: Have you ever had an office there?

24 MS. POPE-BLACK: I don't have an office now.

25 MR. STEGMAIER: Well --

1 MS. POPE-BLACK: Yeah.

2 MR. STEGMAIER: The question is have you ever had an  
3 office there?

4 MS. POPE-BLACK: No, sir. No, sir. So what I do is I  
5 travel to the law firms to do my mediations, all  
6 -- wherever I go throughout the state.

7 MR. STEGMAIER: And do you have any people there? Any  
8 relations in Berkeley County?

9 MS. POPE-BLACK: Do I have any relatives there?

10 MR. STEGMAIER: Yes, ma'am.

11 MS. POPE-BLACK: No, sir.

12 MR. STEGMAIER: Thank you.

13 MS. POPE-BLACK: Thank you.

14 CHAIRMAN CASKEY: Representative Jordan?

15 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

16 Welcome, Ms. Pope-Black.

17 MS. POPE-BLACK: Thank you.

18 REPRESENTATIVE JORDAN: I want to go back and first  
19 acknowledge, you know, I think you've done a  
20 good job talking about how you've learned. But  
21 I want to kind of hear a little bit more about  
22 this -- the revelation, so to speak. Did it --  
23 was that over a period of time? Was that, you  
24 know, when you walked away from the unqualified  
25 situation previously? I mean, what was that

1 like to digest that? Was that an immediate  
2 thing or over time thing or how did that go  
3 through?

4 MS. POPE-BLACK: No. It was an immediate. I'll be  
5 honest with you, when it first happened, I was  
6 upset. I was defensive. I was scared as to  
7 what my future held in the legal world. When  
8 that happened, my daughter was in sixth grade,  
9 and I went to her to tell her, you know, what  
10 had happened. And she sat there for a minute,  
11 and the first thing out of her mouth was does  
12 that mean that you'll get to come to my things  
13 at school now. And that hit me, because I  
14 didn't realize how much I had missed. I didn't  
15 miss another thing that she did at school. I  
16 had that time to reflect on -- I started doing  
17 the mediations. And no, it wasn't like an  
18 immediate, hey, they very next day. I'm doing  
19 mediations, and it's like within that first  
20 year, I'm like, I was really missing things.  
21 Because it's true, you get on the bench,  
22 sometimes you can forget what it's like to  
23 practice. That happens. And I've been given  
24 that gift to step back. And at the time when it  
25 initially happened, did I see it as a gift? No.

1 Do I see it now as a gift? Absolutely. Even if  
2 I don't go back on the bench, I'm a better  
3 person for what happened to me before. I'm a  
4 better attorney for what happened to me before.  
5 And I think it's helped me be a better mediator  
6 and help people try to resolve issues  
7 themselves. I just think it's made me a better  
8 person overall. I learned to enjoy life, find  
9 something outside of the law. Which I think  
10 that helps with the stress. I didn't really  
11 have that before, but I found it. I found  
12 something for me to do. And I take the time to  
13 do that. And since these past six years, I've  
14 spoken to the family court judges. I've spoken  
15 to the bar and the family court section. And  
16 I've told all of them, please find something to  
17 do outside of the law. Please find something  
18 for yourself outside of being a judge or  
19 practicing. Because you've got to keep --  
20 you've got to keep your sanity and mental health  
21 through it all. And over time, I have learned  
22 that. And I think not only made me a better  
23 person legally, as that as an occupation, but I  
24 think it's made me a better person overall. I  
25 hope that answered your question. That was a

1 long answer too.

2 REPRESENTATIVE JORDAN: It does. And that's fine.

3 And that's why we have these -- the engagement  
4 opportunity to kind of walk through some of  
5 these tough issues.

6 MS. POPE-BLACK: Yeah.

7 REPRESENTATIVE JORDAN: You know, so as I look through  
8 the comments that I think some of them you've  
9 already been made aware of, and I looked through  
10 and I see number one -- well, let me back up so  
11 you understand. I look at it as this is  
12 anonymous. But when I do see a trend, it is a  
13 concern. So it's sort of a balancing test. Now  
14 sometimes we see them and there's just --  
15 there's one negative and a ton of them.

16 MS. POPE-BLACK: Right.

17 REPRESENTATIVE JORDAN: And then there's sometimes  
18 they are a little bit of a skewed situation.  
19 But in yours, it -- you know, it seems like  
20 they're going back in time and giving you a  
21 review, not necessarily with the benefit of  
22 understanding what you -- what's transpired in  
23 your life. But at the same time, I think it's  
24 incumbent upon us to go back and understand what  
25 was and what is. And, I mean, I will say this

1 and, you know, not trying to -- when I see one  
2 that talks about a personal firearm, you heard  
3 that by chance?

4 MS. POPE-BLACK: Yes. We addressed that. And, no.

5 REPRESENTATIVE JORDAN: Just that never happened?

6 MS. POPE-BLACK: Yeah, just -- I think the comment was  
7 that I slammed a firearm on the bench. No. I  
8 never slammed a firearm on the bench.

9 REPRESENTATIVE JORDAN: Again, you've heard that  
10 obviously prior --

11 MS. POPE-BLACK: Yes. When I met with my screening  
12 attorney, it was brought up.

13 REPRESENTATIVE JORDAN: Is that something you had  
14 heard before that even, or is that like an  
15 alleging kind of thing that just never happened?

16 MS. POPE-BLACK: It's kind of, like, alleging of there  
17 was also an issue that I got angry with an  
18 attorney for wearing clothes -- open-toed shoes  
19 in court. That came through last time. And  
20 that never happened either. So --

21 REPRESENTATIVE JORDAN: So totally --

22 MS. POPE-BLACK: No. I haven't slammed a firearm on  
23 the bench.

24 REPRESENTATIVE JORDAN: Let me totally change gears on  
25 you and go back to something Mr. Stegmaier was

1 asking about. Does geography matter this day in  
2 age?

3 MS. POPE-BLACK: Does geography matter? I would say  
4 in my position and experience that I've had  
5 mediating, I would say no because I can -- I  
6 mediate everywhere in the state. So from that  
7 standpoint, the same issues that you have in one  
8 county, you're going to have those in another  
9 county as well. I mean, it's also -- you know,  
10 you have judges that travel throughout the  
11 state. As far as do I think -- and I what I  
12 think you're doing is does it matter as far as  
13 the residency goes in running for that position.  
14 So yes. I think in that aspect it does, and  
15 that's why I changed my residency, and that's  
16 why I changed my voter registration, because I  
17 wanted the 9th circuit to know that I was  
18 committed to doing it and doing it the right  
19 way. And so that's why I personally did that.

20 REPRESENTATIVE JORDAN: I mean, let me ask you a  
21 question. I'm reminded of another person we  
22 screened. I think that's their second time.  
23 They were here a year or two ago. They were in  
24 the process, had moved to an area, were running,  
25 run is successful. One of the things we asked

1 him back then was what happens if it doesn't  
2 work out, are you going to move away and go to  
3 the next stop. And here we are a year or two  
4 later, and that individual stayed and cemented  
5 their life, and they're running again unopposed.  
6 If this doesn't work out, is home home or are  
7 you upstate bound or --

8 MS. POPE-BLACK: No. I'm -- I had a place on Daniel  
9 Island in January, before I even knew this seat  
10 existed. So no, that's not going to change.  
11 Our daughter is now a freshman in college. So  
12 we have flexibility, and it's nice. But yeah,  
13 I've been there since January. Before this.

14 REPRESENTATIVE JORDAN: Thank you.

15 CHAIRMAN CASKEY: Mr. Stavrinakis?

16 REPRESENTATIVE STAVRINAKIS: Judge, welcome.

17 MS. POPE-BLACK: Thank you.

18 REPRESENTATIVE STAVRINAKIS: I appreciate your  
19 previous service and your, you know, passion for  
20 being a judge and wanting to be a judge. I have  
21 to admit though, I find myself troubled on  
22 multiple fronts here. I noticed when you filed  
23 your SCI in August that you listed not a  
24 Charleston or Berkeley address.

25 MS. POPE-BLACK: Uh-huh.

TRANSCRIPT OF PUBLIC HEARINGS

Page 237

1 REPRESENTATIVE STAVRINAKIS: Explain that to me.

2 MS. POPE-BLACK: You're talking about the P.O. box?

3 REPRESENTATIVE STAVRINAKIS: Yeah.

4 MS. POPE-BLACK: Yeah. That post office box is -- I  
5 mean, that post office is about that big. My  
6 mother has a post office box there, and I will  
7 keep that post office box no matter --

8 REPRESENTATIVE STAVRINAKIS: That's not the issue.

9 The issue is --

10 MS. POPE-BLACK: No.

11 REPRESENTATIVE STAVRINAKIS: -- it's a pretty  
12 important filing -- this is in my mind. It's a  
13 pretty important filing, I would think that you  
14 would want to provide an address where you were  
15 most likely to be able to be contacted in  
16 response to that filing. Or since it's a public  
17 filing, if anybody were looking at it, you would  
18 want to provide an address that accurately  
19 reflected your actual residence. And I would  
20 assume, I don't know, would you have any other  
21 reason to file an SCI rather than being a  
22 candidate for the bench?

23 MS. POPE-BLACK: No.

24 REPRESENTATIVE STAVRINAKIS: So again, a third ground  
25 that causes me to pause -- and again, I say this

1 not because that might be statutorily  
2 disqualifying, but you know, I'm a 9th Circuit  
3 lawyer, a 9th Circuit resident, a 9th Circuit  
4 legislator. I have a responsibility to the 9th  
5 Judicial Circuit, excuse me, on multiple levels.  
6 And anyway, I don't want to pontificate. I do  
7 want to give you a chance to address it. But it  
8 did -- did cause me some concern, especially  
9 since you were a judge up there. You lived up  
10 there. Sounds like you grew up up there.  
11 Sounds like your family lives there.

12 MS. POPE-BLACK: They do.

13 REPRESENTATIVE STAVRINAKIS: Sounds like you still own  
14 property up there, and you don't own any in the  
15 9th Circuit. So help me.

16 MS. POPE-BLACK: So there is paperwork that when I did  
17 list an address, I did list my Daniel Island  
18 address. The mailing address still is the post  
19 office box, that's what's on the AIS with the  
20 bar system as well. So I -- and I don't know  
21 exactly which form is which, to be quite honest  
22 with you, but I did list the Daniel Island  
23 address. But I do understand your concerns.  
24 The one -- the thing I can just say to you is  
25 that yes, I am committed to the area. I work

1           there a lot. I'm there a lot. Do I still work  
2           in the Upstate? Yes. Do I still work in  
3           Lexington, Columbia? Yes. So I do work all  
4           over the state. I do work a lot in Berkeley and  
5           Charleston. I do understand your concerns and  
6           respect your concerns. I would just hope that  
7           people would know that I would want to do my  
8           best for that area.

9           REPRESENTATIVE STAVRINAKIS: I mean, you know, I  
10           understand that you would want to do your best  
11           for the area. But this is a resident seat. And  
12           I want a resident of the 9th Judicial Circuit,  
13           quite honestly --

14           MS. POPE-BLACK: Okay.

15           REPRESENTATIVE STAVRINAKIS: -- in that seat. I'm  
16           just being candid with you. Even your response  
17           to staff's question I found -- I don't know. If  
18           somebody asked me, you moved -- asked me a  
19           question about my history of residences --

20           MS. POPE-BLACK: Okay.

21           REPRESENTATIVE STAVRINAKIS: -- I would just say if I  
22           move somewhere at a certain time, I would just  
23           say I moved there a certain time. I wouldn't  
24           feel the need to go into an explanation about  
25           all the different work I do.

1 MS. POPE-BLACK: Okay.

2 REPRESENTATIVE STAVRINAKIS: So, you know, I just -- I  
3 don't feel satisfied on that front. I'm just  
4 going to be honest with you.

5 MS. POPE-BLACK: Okay.

6 REPRESENTATIVE STAVRINAKIS: The -- you know,  
7 obviously the other issue is -- is temperament.  
8 And I hear -- you know, I -- normally, I'm torn  
9 between trying to, you know -- look, we're all  
10 human. And trying to, you know, extend  
11 understanding and grace to folks who we all can  
12 learn and improve everyday and should strive to.  
13 We don't necessarily have to have some massive  
14 event in our lives, which I'm sure, you know,  
15 losing your position on the bench, you know,  
16 might have been. But I think sometimes it helps  
17 to, you know, turn the light on or whatever, you  
18 know, in your head for what. Have you done  
19 anything though, because the way I look at this  
20 is you probably -- I'm certain you didn't go to  
21 work thinking you wanted to be a jerk to people.  
22 Like stressors. It's a tough job. I mean, I  
23 really tough job. I tip my hat to family court  
24 lawyers, family court judges. I stay out of  
25 there, I'm just going to be honest with you. I

1 just think it's a really, really tough  
2 environment. But I imagine, hope for sure, that  
3 it was the stress of the job that brought out  
4 whatever these problematic episodes were. And I  
5 worry that it takes more than just, you know,  
6 some self-reflection. I'm just being honest  
7 with you. When stress happens, people react in  
8 certain ways. And if their natural reactions  
9 are not good ones, then they need some help in  
10 learning new responses to those situations. I'm  
11 not trying to get into your personal business,  
12 but. Is there anything like that you've done?  
13 Because so far what I've heard is, I've done a  
14 lot of mediation and I've, you know, done some  
15 reflection, and I've -- I look at things  
16 differently now. And that's great, but I'm just  
17 wondering, because anticipating if you were a  
18 judge again, surely those stressful situations  
19 will arise again. And I would imagine the  
20 pressure is different as a mediator versus as a  
21 family court judge. I would imagine it's very  
22 different.

23 MS. POPE-BLACK: It is different. It is. And I do  
24 want to say -- you mentioned episodes. And the  
25 understanding I had is kind of the way that I

1 ran the courtroom. Not outburst, episode  
2 outburst. And, like I've said, I've not seen  
3 everything in the ballot box. But I will say  
4 that I can tell you that the courtroom would be  
5 ran differently. There's opportunities to run  
6 it differently. I realize not letting people,  
7 like I said before, not speak on the temporary  
8 hearings. And that is a huge part of what  
9 family court judges do are hear temporary  
10 hearings. And sometimes you've got multiple  
11 ones a day. So I know what you're asking, if --  
12 I have I gone to any form of counseling or  
13 anything like that? No, sir. I haven't. I  
14 don't know if that's what you were asking, but -  
15 -

16 REPRESENTATIVE STAVRINAKIS: Kind of. I mean, it  
17 could be anything. I mean, I just -- but  
18 anyway, thank you for your response and your  
19 candor. But you know -- and again, I think  
20 someone said this earlier, you have plenty of  
21 positive. Right? But we have to ask about some  
22 of these other things. And just so you know, I  
23 haven't read that I didn't get a chance to be  
24 heard. Some of what I've read is very different  
25 than that.

1 MS. POPE-BLACK: Okay.

2 REPRESENTATIVE STAVRINAKIS: Things like arrogance,  
3 lack of empathy, disrespect, a few other things.  
4 Those strike me more as, you know, the kind of  
5 thing that I -- maybe I characterized it  
6 unfairly. If I did, I apologize. When I said -  
7 - what did I say, episode? I don't know. I  
8 wasn't trying to -- trying to imply that you --  
9 you transform into a monster or anything. And I  
10 apologize if I created that impression. But  
11 reactions is what I'm getting at. They seem to  
12 be -- and they seem to be -- at least from the  
13 folks -- a lot of the folks that commented,  
14 troubling reactions. And I would also note that  
15 there are at least a couple in here that note  
16 experience with you as a mediator and do not  
17 believe that you have changed. That also causes  
18 me some pause. Can you respond to that? I mean  
19 --

20 MS. POPE-BLACK: The only thing is that I'm sorry if  
21 those couple of people had not had a good  
22 experience with me on the bench or as a  
23 mediator. I don't -- obviously, I don't want  
24 people to have that experience with me. But all  
25 I can tell you is how I personally feel looking

1 back on things and realizing, hey, I can kind of  
2 see that. I can kind of see where they would  
3 say that. Having done the work that I've been  
4 doing and doing the mediation work, I can't  
5 answer to them specifically. I hate that they  
6 had that experience. I can just tell you how --  
7 REPRESENTATIVE STAVRINAKIS: Do you acknowledge that  
8 these experiences these people are reflecting in  
9 these comments are real, or are you saying as I  
10 heard you say a second ago, you're sorry they  
11 feel that way? Because that makes a difference  
12 to me. Another one said you were temperamental,  
13 vindictive, and hold grudges. Like, that's --  
14 those are very real --

15 MS. POPE-BLACK: Yes.

16 REPRESENTATIVE STAVRINAKIS: -- descriptions. They're  
17 not -- I didn't like my ruling, or I didn't get  
18 heard on my temporary hearing request. You  
19 know, I mean, that's kind of what I'm trying to  
20 --

21 MS. POPE-BLACK: I hate they had that experience with  
22 me. I mean, I would say I obviously did  
23 something for them to have that experience. And  
24 I hate that they had that. That's not how I  
25 want to be as a mediator, as a judge, or as a

1                   person in life. That is not how I want to be.  
2                   I can just explain to you how I feel -- how I  
3                   have changed over time. And looking back --  
4                   when I first came off the defensive person about  
5                   what happened is not the person that you have  
6                   today. And I know that you don't know me. So  
7                   you have to listen to what I'm saying, and take  
8                   it however you take it. But I was very  
9                   defensive about what happened. I was upset.  
10                  And then over time, I have been able to reflect  
11                  and say I can see how they probably got that. I  
12                  can see how they probably had that experience.  
13                  And I hate that they did that. Because like I  
14                  said, overall, I just don't want to be known as  
15                  a person like that. Personally or  
16                  professionally. So while I have had this time  
17                  to reflect, I would like to say given the  
18                  opportunity that I can show that.

19                  REPRESENTATIVE STAVRINAKIS: Well, thank you for that.  
20                  And let me just say this to you. Regardless of  
21                  what any of this says, don't think that that  
22                  defines you. You told a wonderful story about  
23                  your daughter a minute ago, and all of us have  
24                  these jobs to do. And sometimes, they are  
25                  difficult and sometimes we do a better job than

1           others. I'm the same as anybody else. But  
2           don't think that defines you as a person. I  
3           mean, you have a, I'm sure, many wonderful  
4           qualities and people who love you, and that  
5           matters more than anything else, right, in the  
6           world, so --

7    MS. POPE-BLACK: That's exactly right.

8    REPRESENTATIVE STAVRINAKIS: So please don't let that  
9           define you regardless of what this says or how  
10           it turns out or anything like that.

11   MS. POPE-BLACK: Thank you.

12   REPRESENTATIVE STAVRINAKIS: Thanks.

13   CHAIRMAN CASKEY: All right. Ms. Pope-Black, I wasn't  
14           a participant in the earlier screening. And let  
15           me just say, let me try and set out the things  
16           that I see here and I'm hearing here. And then  
17           hopefully, you can help me understand where to  
18           place them, because I have found in the time  
19           that I've been doing this that it's best,  
20           perhaps, to take a step back and try and figure  
21           out how the pieces fit together. And what I  
22           think I've heard you say, and I'm paraphrasing  
23           here, is that you have recognized in the time  
24           since you've left the bench that some of the  
25           things that you had done had caused feelings,

1 frustrations, that you regretted, or that you  
2 had looked back and identified that, perhaps,  
3 that there had been cause for some of those  
4 complaints that were the predicate for  
5 ultimately finding you unqualified. Do I have  
6 that much right?

7 MS. POPE-BLACK: Yes, sir.

8 CHAIRMAN CASKEY: And I thought I heard you say that  
9 you sort of arrived at that point of reflection  
10 or inflection through reflection very quickly  
11 after leaving. And that is grown, developed,  
12 solidified, hardened, become more clear in the  
13 time since because of your experiences as a  
14 mediator. And the inherent look back that kind  
15 of comes after a seminal moment in one's career.

16 MS. POPE-BLACK: Right.

17 CHAIRMAN CASKEY: Do I have that part right still?

18 MS. POPE-BLACK: Yes.

19 CHAIRMAN CASKEY: Okay. I will say that what I've  
20 heard you describe here and your reactions to  
21 all the things. That all makes sense to me.  
22 And if I'm being completely honest with you, it  
23 also makes sense given the incentives that exist  
24 for the application that you have. Right? Like  
25 -- a candidate should say those sorts of things.

1       It strikes me of the times that folks who don't  
2       say those things that would give reason for this  
3       Commission to ultimately arrive at a decision  
4       that they got it we should be more accommodating  
5       or we -- or forgiveness is not the right word,  
6       but that the Commission should appreciate the  
7       growth that has happened and feel assured that  
8       there is minimized or a diminished expectation  
9       that that would happen in the future. Sorry,  
10      that's a wordy way of trying to get to the point  
11      of -- I think you're saying the things, but I'm  
12      trying to understand how that reflection happens  
13      and whether or not you stand by the comments  
14      that you had made immediately after you were  
15      found unqualified as I see reported in Go  
16      Upstate, which is not a newspaper I subscribe  
17      to. And let me be first to say as an aside, I  
18      recognize that reporting is a perilous business.  
19      And relying on reports is even more perilous  
20      unless there are dedicated journalists who are  
21      there throughout an entire Commission screening  
22      in the room, who would never fail to report  
23      things accurately.

24      SENATOR RANKIN: Or not texting while --

25      CHAIRMAN CASKEY: Or not texting while doing this.

1           But that reports can also make mistakes for a  
2           myriad of reasons. But nonetheless, the  
3           headline, which was probably written by someone  
4           who has never set foot in this building, said  
5           Judge implies Commission blocked her election  
6           because of gender. The article goes on to quote  
7           from -- I take it as a written statement that  
8           you sent out that said, quote, "I do not run my  
9           courtroom any differently than a lot of my male  
10           colleagues." Close quote. She wrote, quote,  
11           "It appears there are members of the legal and  
12           political community as well as society who have  
13           a problem with it." There was another quote,  
14           which I didn't mark on this hard copy, that said  
15           in effect, didn't regret -- I'm paraphrasing now  
16           as I'm trying to talk and read at the same time.  
17           You run your court -- you would run your  
18           courtroom the same way. And perhaps I'm being  
19           unfair by not giving you the exact quote there.  
20           So give me one second. I may be mixing our --  
21           so let me just stay with the first quote.

22           MS. POPE-BLACK: Okay.

23           CHAIRMAN CASKEY: It says, "I don't run my courtroom  
24           any differently than my male colleagues, peers,  
25           or members of the legal and political community

1 as well as society who have a problem with it."

2 That, as I understand it, is not an implication,

3 an outright accusation, that the basis for the

4 decision was based on gender and not conduct

5 that you now acknowledge was the cause for those

6 complaints.

7 MS. POPE-BLACK: Yeah.

8 CHAIRMAN CASKEY: Did you mean it now or did you mean  
9 it then?

10 MS. POPE-BLACK: Yeah, and I said in the very  
11 beginning when I came in today that when that  
12 happened, I was upset. I was scared as to what  
13 the future held. But that I was upset and I was  
14 defensive. And I was. I'm not -- and I know  
15 we're staying with the first quote, but I will  
16 tell you this. The one thing that I will do the  
17 same is I think everyone should be treated  
18 fairly when they walk in the courtroom no matter  
19 your socioeconomic standing, your race, your  
20 political stance. When you walk through those  
21 doors, you should be treated fairly and  
22 everybody should be treated the same. I still  
23 do believe in that. When that article -- yes, I  
24 was upset. I was defensive. Absolutely. Was  
25 it -- was it right, no. Do I feel the same

1 today? No.

2 CHAIRMAN CASKEY: And maybe I should make clear that  
3 my concern is not -- I don't have any particular  
4 interest in trying to defend a Commission that I  
5 wasn't a part of. I didn't create the JMSC.  
6 I've got no pride of authorship. That sort of  
7 accusation is inconsistent with my experiences  
8 here. But particularly as a legislative member  
9 of the Commission, you know I exist in a  
10 political world where I see regularly  
11 disingenuous attacks from people who should know  
12 better about the process. And those attacks are  
13 advanced for their own narrow political  
14 ambitions. And that may be their prerogative.  
15 I think it ultimately dis-serves the public. I  
16 don't think that's what's on offer in this  
17 instance. I'm simply trying to arrive at an  
18 understanding of the sincerity of reflection  
19 that you've offered. And I think your  
20 explanation here is helpful in that regard. I  
21 certainly know what it's like to feel  
22 disappointed, and -- you know, I don't do --  
23 processing my anger as you did here, I'll be  
24 quite candid with you. I would have said many  
25 more bad words. So I commend you for that

1 professionalism. Here was what I was referring  
2 to. Thank you, dutiful helper, Counselor  
3 Extraordinare. In her statement, Pope-Black  
4 said she stands by her conduct on the bench. So  
5 that was not a direct quote. That was a  
6 summation from --

7 MS. POPE-BLACK: Oh, okay.

8 CHAIRMAN CASKEY: -- the erstwhile reporter, who I  
9 don't believe is with that newspaper anymore.  
10 So again, I offer that without judgement, but  
11 I'm trying to put together the pieces to arrive  
12 at the decisions that we're charged to arrive  
13 at.

14 MS. POPE-BLACK: I understand. And was -- was I  
15 taking accountability then? No. Am I taking  
16 accountability now having had the time? Yes.  
17 Yes. If I didn't think that I could do a  
18 different and better job and be an asset and a  
19 benefit to the bench having had the benefit of  
20 time to step off and see how I should be better  
21 and do better, I wouldn't be back before you  
22 today.

23 CHAIRMAN CASKEY: Thank you, ma'am. I appreciate  
24 that. Are there any other questions? I don't  
25 see any from any other Commissioners. This is

1 generally the part of the program where I try  
2 and recite some of the positive attributes that  
3 are shared through the ballot box. And I don't  
4 see any reason not to do that here. The, you  
5 know, not to diminish the conversation that we  
6 had, because I think it is important. And it's  
7 -- yours is a different kind of case in a lot of  
8 ways, as I think you would acknowledge. But I  
9 would just point out that there are positive  
10 comments that I think you should be proud of.  
11 Some folks are recognized, you know, the talents  
12 that you have, your dedication to purpose. And  
13 I think that's something that ought not be lost  
14 in the broader conversation about the issues  
15 before us. So I don't know if that matters at  
16 all, but I think that's not nothing at least.  
17 Ms. Pope-Black, that will conclude this portion  
18 of our screening process.

19 MS. POPE-BLACK: Okay.

20 CHAIRMAN CASKEY: I do need to take this opportunity  
21 to remind you that pursuant to the Commission's  
22 evaluative criteria, the Commission expects  
23 candidates to follow the letter as well as the  
24 spirit of our ethics laws, and we will view any  
25 violations or appearances of impropriety as very

1 serious and potentially deserving of heavyweight  
2 in our screening deliberations. And so on that  
3 note, as you know, if -- as the record will  
4 remain open until the formal release of the  
5 qualifications report if there were an event or  
6 reason to call you back, we could do that to  
7 have more dialogue about whatever that may be,  
8 again should that arise. So you understand all  
9 of that?

10 MS. POPE-BLACK: Yes, sir.

11 CHAIRMAN CASKEY: All right. Thank you for your  
12 service to the state of South Carolina. Thank  
13 you for offering judicial service. I certainly  
14 wish you well and hope you and Mr. Black travel  
15 safely back home safe today. Thank you.

16 MS. POPE-BLACK: Thank you.

17 CHAIRMAN CASKEY: Thank you for being here.

18 MS. POPE-BLACK: Thank you very much. Thank you.

19 CHAIRMAN CASKEY: Yes, ma'am. Let's stand at ease for  
20 about 10 minutes or so so we can get reset for  
21 our last hearing.

(Off the Record)

23 CHAIRMAN CASKEY: Let's go back on the record as we  
24 continue with screenings today. The next  
25 applicant that we have is Judge Tarita Dunbar.

1                   And this application is for Seat 5 in the 13th  
2                   Judicial Circuit for the family court. And  
3                   Judge Dunbar, if you would come to the -- the  
4                   podium there. And if you would help bring the  
5                   microphone down. Perfect. Judge Dunbar, did I  
6                   have all of that right about the application  
7                   position or the position being applied for?

8                   MS. DUNBAR: Yes, sir.

9                   CHAIRMAN CASKEY: All right. If you would, please  
10                   raise your right hand.

11                   WHEREUPON:

12                   TARITA DUNBAR, being duly sworn and  
13                   cautioned to speak the truth, the whole truth  
14                   and nothing but the truth, testifies as follows:

15                   CHAIRMAN CASKEY: And if you would, please state your  
16                   full name for the record.

17                   MS. DUNBAR: Tarita Andrea, A-N-D-R-E-A, Dunbar.

18                   CHAIRMAN CASKEY: Judge Dunbar, there should be some  
19                   documents in front of you. If you would take a  
20                   moment to review those.

21                   MS. DUNBAR: Okay. I see one amendment I think I need  
22                   to make on number 28, on my personal data  
23                   questionnaire.

24                   CHAIRMAN CASKEY: Okay.

25                   MS. DUNBAR: Is this an appropriate time to make that

1 request?

2 CHAIRMAN CASKEY: The amendment, is that a prepared  
3 amendment that you have, or you need to --

4 MS. DUNBAR: Well, I just -- I forgot to state -- on  
5 the question, it says list all the courts in  
6 which you've been admitted to practice, and give  
7 the dates and I didn't give the date.

8 CHAIRMAN CASKEY: Okay. We can accommodate that.

9 MS. DUNBAR: Okay.

10 CHAIRMAN CASKEY: But otherwise, with that exception  
11 being noted, are there any other updates or  
12 changes you need to make to that?

13 MS. DUNBAR: No, sir.

14 CHAIRMAN CASKEY: Okay. So we'll make an allowance to  
15 write that in.

16 MS. DUNBAR: Okay.

17 CHAIRMAN CASKEY: And with that being said, do you  
18 have any objection to our entering in that  
19 document into the record?

20 MS. DUNBAR: No, sir.

21 CHAIRMAN CASKEY: Okay. Let me give staff just a  
22 moment to do that.

23 MS. DUNBAR: Yes.

24 CHAIRMAN CASKEY: And again, note for the record that  
25 we will adjust the portions that you've just

1                   noted with respect to admission dates.

2 MS. DUNBAR: Okay. Thank you.

3                   (EXHIBIT NO. 24 MARKED FOR  
4                   IDENTIFICATION PURPOSES (12  
5                   pages) PDQ)

6                   (EXHIBIT NO. 25 MARKED FOR  
7                   IDENTIFICATION PURPOSES (5 pages)  
8                   Sworn Statement)

9                   (EXHIBIT NO. 26 MARKED FOR  
10                  IDENTIFICATION PURPOSES (111  
11                  pages) Ruzicka Complaint)

12 CHAIRMAN CASKEY: Okay. The Judicial Merit Selection  
13                  Commission has thoroughly investigated your  
14                  qualifications for the bench. Our inquiry has  
15                  focused on the nine evaluative criteria, and has  
16                  included a thorough study of your application  
17                  materials, a ballot box survey, verification of  
18                  your compliance with state ethics laws, a search  
19                  of newspaper articles in which your name  
20                  appears, a study of any previous screenings, and  
21                  a check for economic conflicts of interest. We  
22                  have received one affidavit filed in opposition  
23                  to your election and one witness is present to  
24                  testify. So at this point, I'm going to swear  
25                  in the witness. I'll ask you to take a seat,

1                   Judge, anywhere you like. And at this point,  
2                   I'll ask the witness -- sir, if you would,  
3                   please come to the microphone there. Candidly,  
4                   I'm not entirely sure how to pronounce your last  
5                   name. And rather than embarrass you -- I'm sure  
6                   this is not the first moment in your life that  
7                   someone has had some trepidation about  
8                   pronouncing it.

9                   MR. RUZICKA: Ruzicka.

10                  CHAIRMAN CASKEY: Ruzicka?

11                  MR. RUZICKA: Yeah.

12                  CHAIRMAN CASKEY: Okay. Mr. Ruzicka, if you would,  
13                   please raise your right hand.

14                  WHEREUPON:

15                  JUSTIN RUZICKA, being duly sworn and  
16                  cautioned to speak the truth, the whole truth  
17                  and nothing but the truth, testifies as follows:

18                  CHAIRMAN CASKEY: And if you would, please state your  
19                  full name for the record.

20                  MR. RUZICKA: Justin Ruzicka.

21                  CHAIRMAN CASKEY: All right. Mr. Ruzicka, a couple of  
22                  notes before we get cracking here. This -- this  
23                  body is charged with the evaluation of  
24                  candidates and the qualification, whether or not  
25                  they meet the statutory and constitutional

1                   qualifications as outlined in our evaluative  
2                   criteria, which you no doubt have seen. And the  
3                   consequence of that is that we cannot go into  
4                   any issues or matters that you experienced in  
5                   terms of re-litigating that. We can't change  
6                   any of those results. And we have in our  
7                   possession all of the materials that you have  
8                   submitted thus far. I'll just note and thank  
9                   you for the organization and presentation. I  
10                  think just as a preliminary note it's very  
11                  clear, and I appreciate that.

12                  MR. RUZICKA: You're welcome.

13                  CHAIRMAN CASKEY: Candidly, it's not always presented  
14                  that way. So I'm grateful to you for that. I  
15                  want to make sure that I give you a free, full  
16                  hearing on the concerns that you have with  
17                  respect to Judge Dunbar's qualification. But as  
18                  you know, we don't have an unlimited amount of  
19                  time to do that. And I thought I might just  
20                  simply ask you how much time do you think you  
21                  need to give us, again, new material here today?

22                  MR. RUZICKA: No new material. Maybe 15 minutes of  
23                  voicing -- to cover the material I've got.

24                  CHAIRMAN CASKEY: Okay.

25                  MR. RUZICKA: You've got it in front of you.

1 CHAIRMAN CASKEY: Ordinarily, our rules confine us to  
2 only new material. So I want to make sure you  
3 have a chance to be heard though.

4 MR. RUZICKA: Okay.

5 CHAIRMAN CASKEY: So I'm not going to hold you to the  
6 letter of that. But I'm going to ask you maybe  
7 could we say seven minutes is a good way to get  
8 there?

9 MR. RUZICKA: Sure. Easily.

10 CHAIRMAN CASKEY: All right. I'm going to turn it  
11 over to Mr. Hinson, and he's going to direct  
12 some questions to you about the complaint that  
13 you've brought forward. And you'll see  
14 afterwards, if you choose to stay, he also  
15 directs questions to the Judge at the outset of  
16 things. So this is kind of how things run here.  
17 I hope to not have to interrupt the colloquy  
18 between the two of you. And it's easiest for me  
19 to not get involved. If we all remember that  
20 the lady to your left, the court reporter, can  
21 only write down one voice at a time. And when  
22 people talk over each other, I have to then  
23 interrupt. And nobody wants me to do that. So  
24 that all having been said, let's put seven  
25 minutes on the clock and recognize Mr. Hinson.

1                   Thank you, Mr. Ruzicka.

2                   EXAMINATION

3                   BY MR. HINSON:

4           Q.    Good afternoon, Mr. Ruzicka. How are you doing?

5           A.    Good. Thank you.

6           Q.    We've spoken on the phone a couple times, but my name  
7                   is Jimmy Hinson. I'm the screening attorney for Ms.  
8                   Dunbar. My understanding, we have provided you with  
9                   a copy of your complaint.

10          A.    Yes.

11          Q.    And that is in front of you.

12          A.    Yes.

13          Q.    And that appears to be accurate as to what you  
14                   submitted?

15          A.    Absolutely.

16          Q.    Okay. As Chairman Caskey stated, we're not, you  
17                   know, looking for any new material or anything beyond  
18                   what you've submitted. That's been reviewed by the  
19                   Commission. My questions are more to clarify what  
20                   you submitted. And I just want to make sure the  
21                   Commission has a full understanding of what's in the  
22                   documents.

23          A.    Sure.

24          Q.    And so if it's okay with you, I'm just going to start  
25                   from your first -- your Roman numeral one, and your

1 first allegation. And it involves the counterclaim  
2 that you filed in response to the complaint, or your  
3 ex-wife's complaint, and seeking to hold you in  
4 willful contempt. As I read it, it appears that you  
5 believe that counterclaim was dismissed for failure  
6 to provide proper service, that Ms. Dunbar dismissed  
7 your counterclaim for improper service. What I want  
8 to clarify is your Exhibit E, which you submitted.  
9 That is the -- that is the final order signed by  
10 Judge Dunbar. And it does not address the  
11 counterclaim at all, it doesn't dismiss it at all.  
12 And I'll also -- and when I reviewed your Exhibit H,  
13 which would be the transcript, on page 59 and page  
14 60, it appears that she -- she finds that the  
15 counterclaim is not properly before her, because a  
16 rule to show cause had not been issued against your  
17 ex-wife. And so I'm trying to clarify your  
18 complaint, your allegation, which suggests she  
19 dismissed your counterclaim for improper service when  
20 it appears to me, she did not rule that it was  
21 improper service. That it seems that it just was not  
22 properly before her. And I wanted to give you a  
23 chance to clarify that.

24 A. It appears that the conversation during the court --  
25 while we were at court, is -- was pre-transcript.

1           And apparently not on the record. Because there was  
2           a back and forth between myself and the opposing  
3           counsel. And opposing counsel said I had -- I had  
4           not properly served the plaintiff, my ex-wife, the  
5           counterclaim. And so I don't see that in the  
6           transcript. And I see the very beginning. None of  
7           that conversation that happened. So it's not --  
8           unfortunately, it's not on the record. But that --  
9           that's -- and so at the end, it seems like to cover  
10           herself, she said that it wasn't before her, to  
11           answer your question.

12           **Q. So just to clarify that conversation, you said that  
13           was between you and opposing counsel?**

14           A. During -- during -- we're standing in front of the  
15           judge. We're -- and there was -- I thought we were  
16           under -- under, you know -- but it's not -- it's not  
17           here.

18           **Q. Okay. Fair enough.**

19           A. Yeah.

20           **Q. Thank you. And I'm -- I'm going to -- I'm going to  
21           kind of lump in a few of these.**

22           A. Sure.

23           **Q. Because as I look at your Roman numeral two, I  
24           believe it's three, four, and six, those all go to  
25           paragraph five.**

1 A. That's really the paragraph that's -- yes, sir.

2 Q. Yes, sir. Okay. So I'm going to lump those together

3 in the next set of questions. But it appears that

4 you alleged that Judge Dunbar basically rubber

5 stamped the proposed order submitted by your ex-

6 wife's attorney. That that was bias towards you as a

7 pro se litigant. That that proposed order called for

8 your immediate arrest for failure to comply, that

9 that denied you due process for -- you call it self-

10 executing, a self-executing clause in the order. And

11 essentially some failure on your part to act in the

12 future would result in an arrest and you would not

13 have an opportunity to be heard before court. And it

14 goes back to where I started, Judge Dunbar basically

15 rubber stamped what the -- your ex-wife's attorney

16 proposed. Going back to your exhibits, I'm looking

17 at Exhibit E, again, the final order. Exhibit F,

18 I've been operating under the assumption that that is

19 the proposed order, because it is different than your

20 E, which is the final order. But as I read the final

21 order, Judge Dunbar handwrites in paragraph five that

22 failure to comply would result not in a custodial

23 arrest, but it would result in a bench warrant.

24 Which would allow you to be brought before the court

25 to explain why you have not fulfilled the terms of

1 the order, which was final payment of outstanding  
2 attorneys fees. So again, I'm just trying for the  
3 Commission's sake trying to bridge some gaps between  
4 what I'm reading in the complaint and what I'm  
5 reading in your exhibits. And so if you could  
6 clarify that for me as well.

7 A. Yeah. Well, issuing a bench warrant for a  
8 hypothetical future event is not following the due  
9 process protected under the Constitution and under  
10 the Articles, you know, of South Carolina 1 and  
11 Section 3. So there is no due process there. It's  
12 denied.

13 Q. Okay.

14 A. For future, hypothetical event.

15 Q. Okay. And like I said, I just lumped in what I think  
16 were about four of your six. So I do want to give  
17 you just a second to expound on that if you want.  
18 Otherwise, I just have one other area of your  
19 complaint that I would like to address before I turn  
20 it back over to Chairman Caskey. If you have  
21 anything else on those four. Because again, I kind  
22 of -- did kind of lump them together. I just want to  
23 make sure you have an opportunity.

24 A. I mean, paragraph five, you know, you're -- the  
25 Commission's concerns are for nine criteria. You

1 know, Constitutional qualifications being one of  
2 them. And if a judge disregards Constitutional  
3 mandates in practice, it would suggest that it  
4 disqualifies her fitness to uphold them. And again,  
5 in my order, she bypassed article one, section three,  
6 due process clause, but pre-judging future contempt  
7 without any hearing, without -- rubber stamping, as  
8 you said, one side, the proposed order from one side.  
9 And I don't believe this is a mere error. I believe  
10 it's a systematic failure to -- failure of honor of  
11 the qualifications that she swore to defend. I also  
12 think it speaks boldly regards to her ethical fitness  
13 without being neutral. You know, Canon 3(b),  
14 paragraph seven, specifically is against ex parte  
15 influences, and effectively by endorsing one party's  
16 draft without neutral revision, moreover pre-imposing  
17 contempt for future actions flouts Canon 1's  
18 commitment to justice without improprietary, eroding  
19 the public confidence. And my affidavit does cite a  
20 few other instances in this case where similarly one  
21 sided rulings were ignored. Pro se evidence was not  
22 taken into consideration. Again, this just amplifies  
23 the ethical lapse in Judge Dunbar. And I guess one  
24 thing that I didn't include in my draft to you guys,  
25 and I apologize for that, was an e-mail that I had

1 received from the attorney, Vanessa Kormylo's  
2 assistant, where she had stated she would be hand-  
3 delivering the proposed order to the judge that day.  
4 So that's -- that's where I'm saying that it was ex  
5 parte communication that that might not have been  
6 known or in my prior stuff. Again, also --

7 Q. Okay. I'm getting --

8 A. Go ahead.

9 Q. Just -- yeah. Just to -- I want to make sure we -- I  
10 want to give you an opportunity to address anything  
11 the chairman has after my questions and --

12 A. Sure.

13 Q. -- I want to abide by his seven and a half minute  
14 rule here. But the last thing that I want to ask  
15 before I, again, turn it back over to Chairman Caskey  
16 is, it's your -- I believe it's your Roman numeral  
17 five. And in the order, there's a mention of the  
18 property you own in Florida, or at least you owned at  
19 that time. And you state in the complaint that she  
20 pre-judged the liquidity of that Florida asset  
21 without evidence or cross-examination. And I want to  
22 point you to, again, your -- your own Exhibit H,  
23 which is the transcript. And I'm looking at page 70.  
24 And -- I'm sorry, page 71, line 24 in response to  
25 question -- questioning about that Florida property.

1           You state that you could have done that. And I'm  
2           just looking again, that's line 24 in response to  
3           questions from your ex-wife's attorney. And then I'm  
4           also looking at the top of page 72, line 3, where  
5           you're asked if there's \$114,000 of equity in that  
6           property. And you answer, It does, I believe. And  
7           so I'm, again, just to clarify some -- trying to  
8           bridge a gap again that in your complaint, you're ask  
9           -- you're saying that she's pre-judging it without  
10           evidence, but you're on the record saying you could  
11           have sold it, and there is equity in that property.  
12           And I just want to give you a chance to clarify that  
13           for the Commission's sake.

14           A. Yeah. That's a Florida property. The state of South  
15           Carolina has no jurisdiction outside of the South  
16           Carolina border. So having any ruling that would  
17           reflect a -- something that doesn't have  
18           jurisdiction, it's a moot point how much equity is in  
19           the property. And in my mere belief of equity,  
20           again, is not evidence as it were to show I'm not a -  
21           - I'm not a appraiser, you know, so I'm not an expert  
22           in this -- you know, so that's the -- that's the  
23           level of which I was communicating.

24           Q. Okay.

25           A. And where are you seeing this is paragraph -- in

1                   Roman numeral five? What paragraph, subparagraph?

2   **Q.**    **G. I'm sorry, G. I'm sorry, F.** Judge Dunbar is  
3                   pre-judging the liquidity of the Florida asset  
4                   without evidence or cross-examination. The judge  
5                   denied due process and manifested bias towards the  
6                   plaintiff's narrative. So in pre-judging the  
7                   liquidity without evidence, I'm just looking at the  
8                   transcript where she heard testimony from you that it  
9                   could have been sold, and there was equity.

10   **A.**    Again, that's not -- that's not evidence. That's not  
11                   evidence. It's -- I'm not a -- and when we're at our  
12                   original, you know, court hearing in the 2023, this  
13                   standard of evidence provided by an expert witness  
14                   was that they had to, you know, be specified in the  
15                   field, they had to have many years, they had to have  
16                   training and school and knowledge. And so evidence,  
17                   again, was not just the testimony of a layperson in  
18                   America.

19   **Q.**    **Okay. Thank you.**

20                   MR. HINSON: Mr. Chairman, that's all the questions I  
21                   have about the complaint.

22                   CHAIRMAN CASKEY: All right. Thank you, Mr. Hinson.  
23                   Mr. Ruzicka, I want to give you a chance -- you  
24                   know, we went through the questioning. And I  
25                   recognize that our time there was broken up.

1           And you may have come with an idea of what you  
2           really wanted to say. And we've gone about 14  
3           minutes or so on it. I want to extend to you  
4           though, let's call it around five minutes. And  
5           you -- if you want to take it. And if not,  
6           certainly understand. So you know, procedurally  
7           where this is headed is we'll have taken your  
8           testimony. We'll invite the judge back up to  
9           make any comments in response that she wants or  
10           not. And then we will proceed with the other  
11           screening questions that are a part of this  
12           process. Then the Commission will have a -- at  
13           some point, we will enter into an executive  
14           session. And enter into deliberation. So there  
15           won't be any resolution tonight for you to walk  
16           away with. But I just want to make sure you  
17           understood where we were headed. And so having  
18           said all of that, if you'd like to share with us  
19           any thoughts.

20           MR. RUZICKA: I prepared something. I would  
21           appreciate it.

22           CHAIRMAN CASKEY: Yes, sir. I'd be happy to hear  
23           from you.

24           MR. RUZICKA: Okay. Thank you. Good afternoon. I  
25           appreciate your guys' time and effort in this.

1 And I'll try to be as brief as I can. I'm a  
2 resident of South Carolina. I've witnessed, you  
3 know, the actions of the Honorable Tarita A.  
4 Dunbar in the 13th Judicial Court both with  
5 legal counsel and both without legal counsel as  
6 a pro se defendant in the family court. Either  
7 way, injustices are drafted in orders every  
8 time. And I come here not out of personal  
9 animus, but as a concerned citizens who believes  
10 in the integrity of the judiciary. And I know  
11 according to your procedural rules, and you  
12 know, that your Commission's sacred duty is to  
13 rigorously screen candidates on the nine core  
14 criteria that was thankfully e-mailed, and I  
15 appreciate it, and hold that only the highest  
16 caliber serve on our bench. These criteria, I  
17 think, safeguard public trust, they uphold due  
18 process, and they protect the Constitutional  
19 rights of all South Carolinians. Especially the  
20 vulnerable parties of the family court where  
21 lives and families hang in the balance. In my  
22 case, spanning over five years, Judge Dunbar  
23 presided with the pattern of conduct that I  
24 respectfully submit falls short of these  
25 standards. My affidavit details multiple

1 instances, but I will focus on the most  
2 egregious, the Rule to Show Cause, paragraph  
3 five, that drafted verbatim the plaintiff's  
4 proposed version despite my objections, and  
5 opposed an automatic willful contempt sanctions  
6 for hypothetical future, non-payment of attorney  
7 fees. This is without prejudice, without  
8 hearing, or an opportunity to be heard. This is  
9 not justice. This is judicial sabotage of the  
10 highest degree. It violates the core principles  
11 that the Constitution, 14th Amendment, and the  
12 very fabric that our country was founded upon,  
13 that all are innocent until proven guilty. This  
14 screams from the rooftops injustice shown by a  
15 tyrant dictator. And it also violates South  
16 Carolina Article 1, Section 3, SCRP Rule 40,  
17 paragraph C, which requires contempt proceedings  
18 to follow specific procedural safeguards,  
19 including a rule to show cause before sanctions.  
20 As a pro se litigant, I was denied a level  
21 playing field as Vanessa Kormylo submitted her  
22 proposal on July 17th. I reviewed it,  
23 responded. She ignored those responses. And  
24 hand-delivered it to the judge where Judge  
25 Dunbar signed the version ignoring my

1 adaptations, and accepting the plaintiff's  
2 language wholesome. This bias arose the due  
3 process rights and exemplifies a broader  
4 detriment to South Carolina citizens under her  
5 tenure. Let me tie these facts directly to your  
6 nine criteria. Again, the qualifications, you  
7 know, I already said constitutionally, that yes,  
8 she is -- does meet the baseline. She's a  
9 citizen, she's of age, she's been an attorney  
10 eight plus years, five years of residency. But  
11 I would strongly urge that her disregard for  
12 constitutional mandates in practice disqualifies  
13 her fitness to uphold them. I would also say, I  
14 -- professional and academic ability, a  
15 qualified judge must be, quote, well-versed and  
16 fundamental legal principles and procedural  
17 rules, end quote, per your checklist. Judge  
18 Dunbar's order misapplies SCRCP Rule 40,  
19 paragraph C, which mandates a hearing and  
20 findings on contempt, not automatic future  
21 penalties. She overlooked South Carolina Code  
22 15-35-30's requirement for clear, specific  
23 orders, enforceable only post-violation. In  
24 paragraph three, she acknowledge my improved  
25 finances, increased rental income, and cleared

1 debts, yet arbitrarily found me in willful  
2 contempt and ignoring the evidentiary standards  
3 under Rule 43. This isn't scholarly application  
4 of the law, it's a root of favoritism as if  
5 academic rigor was abandoned for expediency. My  
6 submitted financial declaration was uncontested  
7 and proved my ability to make payments,  
8 installments. Yet she imposed a \$5,000 purge  
9 without considering alternatives. There are  
10 affordable in South Carolina Code 20-3-130. You  
11 know, the fourth quality for a good -- for a  
12 quality judge that you guys judge on is  
13 character. Character demands, quote, ethical  
14 standards and work habits, end quote. Be above  
15 reproach. With financial responsibility as a  
16 proxy for self-discipline. As Judge Dunbar's  
17 hasty signing of biased orders rushing past my  
18 June 18th response reflects poor work habits and  
19 ethical shortcuts. Her pattern detailed in my  
20 affidavit of dismissing motions without hearings  
21 suggests intolerance for pro se voices,  
22 compromising the impartiality that defines  
23 judicial character. Character is revealed in  
24 how a judge treats the unrepresented. Jailing a  
25 father for 90 days over a \$10,000 balance when

1 he had already paid \$42,000 over the course of  
2 two years to the plaintiff who then waived  
3 strict compliance for two years demonstrates  
4 punitive bias and impartial character. South  
5 Carolinians deserves judges whose deeds, not  
6 just words, exhibit unwavering integrity.  
7 Reputation, the fifth category. Your Commission  
8 wisely solicits a bar and clerk to input -- to  
9 gauge reputation. As practicing lawyers and  
10 those exposed to the court system must have  
11 confidence in the judiciary. Yet in  
12 Greenville's 13th Court, 13th Circuit, the  
13 whispers of Judge Dunbar's detriment to families  
14 grows louder. In cases one of many her public  
15 dockets showing repeated appeals and complaints  
16 by inking orders that deny basic fairness, she  
17 tarnishes not just her own reputation, but South  
18 Carolina's bench as well. Anonymous surveys  
19 under your Rule 10 would likely reveal this  
20 erosion. And I encourage deeper inquiry beyond  
21 just the bench and bar poll.

22 CHAIRMAN CASKEY: Mr. Ruzicka?

23 MR. RUZICKA: Yep.

24 CHAIRMAN CASKEY: You've done about seven minutes now.

25 MR. RUZICKA: I have one more paragraph.

1 CHAIRMAN CASKEY: All right. I was just going to  
2 extend to you about three minutes or so to land  
3 the plane.

4 MR. RUZICKA: Awesome.

5 CHAIRMAN CASKEY: Because I think you've done a  
6 masterful job in presenting your perspective  
7 with us, so with that --

8 MR. RUZICKA: I appreciate your patience.

9 CHAIRMAN CASKEY: Yes, sir.

10 MR. RUZICKA: And thank you for your grace.

11 CHAIRMAN CASKEY: I want you to feel heard.

12 MR. RUZICKA: Your eight category is judicial  
13 temperament. A strong emphasis here. Judges  
14 must avoid arrogant, impatient, arbitrary  
15 conduct. Judge Dunbar's order exemplifies  
16 arbitrariness. Sentencing me to 90 days in jail  
17 for past fees while preemptively threatening  
18 warrants for future lapses without Rule 40's  
19 process, 90 days in jail was a sentence Judge  
20 Dunbar ordered for me owing \$10,000 of an  
21 original \$52,000 expense, attorneys fees that I  
22 was ordered to pay. I had paid \$42,000 over the  
23 course of two years, an average of \$20,000 a  
24 year. The plaintiff accepted every one of those  
25 payments without objection, without filing a

1 contempt, and without demanding the balance  
2 within the originally 200 day window. A long  
3 standing South Carolina law that conducts --  
4 that conduct constitutes acquiescence and waiver  
5 of strict deadlines. Equitable estoppel against  
6 later claiming willful contempt and the  
7 modifications of the party's courses of conduct.  
8 The plaintiff can't sleep on her rights for two  
9 years and accept substantial 80 percent payment,  
10 and then suddenly demand jail time for unpaid  
11 remainder. Yet Judge Dunbar ignored all these  
12 uncontradicted evidence and testimony. Evidence  
13 that the plaintiff provided, Judge Dunbar made  
14 no findings whatsoever as to the waiver or  
15 estoppel and posted a draconian 90 days jail  
16 sentence that was impartial. This is not  
17 impartial justice. It's punitive, overbearing,  
18 and the bias shocks one's conscious.  
19 Furthermore, the plaintiff admits in her own  
20 writing that she sustains strenuous objections  
21 from the defendant but curtailed my responses  
22 per the orders on recital. A temperate judge  
23 does not award a party's two year acquiescence  
24 with sudden jail time while simultaneously  
25 giving the same party's hand-delivered order

1 preferential treatment. This isn't arbitrary.  
2 It's overbearing, it's hostile to pro se  
3 litigants. This impatient towards pro se  
4 parties fosters an adversarial not equitable  
5 temperament. Impeding justice is your own  
6 criteria warned.

7 CHAIRMAN CASKEY: Thank you, Mr. Ruzicka.

8 MR. RUZICKA: Thank you.

9 CHAIRMAN CASKEY: I appreciate you being here. You've  
10 given us a lot to think about. Again, I  
11 appreciate your time.

12 MR. RUZICKA: Thank you.

13 CHAIRMAN CASKEY: Thank you, sir. Judge Dunbar, if  
14 you will. Yeah, I'm going to recognize Mr.  
15 Hinson.

16 RE-EXAMINATION

17 BY MR. HINSON:

18 Q. **Judge Dunbar?**

19 A. Yes. Well first, I just want to say good afternoon  
20 to Mr. Chairman and Mr. Vice Chairman and to these  
21 honorable committee members. Thank you for your time  
22 and it's an honor for me to be here before you today.

23 Q. **Judge, you've received the complaint. You've had a**  
24 **chance to review it. And you've heard his testimony**  
25 **today. Would you like to offer any response to that?**

1 A. Well, just that -- to respect y'all's time, I deny  
2 everything that Mr. Ruzicka has said and I deny  
3 everything that he's indicated in his complaint  
4 against me. And --

5 CHAIRMAN CASKEY: Judge, will you pull the microphone  
6 a bit closer.

7 MS. DUNBAR: Oh, I'm sorry.

8 A. I deny specifically everything that Mr. Ruzicka said  
9 here today. I deny everything that he's complained  
10 about me in the record. And I will let the record  
11 speak for itself, but I could not help but indicate  
12 that there's a misunderstanding about the -- from Mr.  
13 Ruzicka regarding him being punished for future  
14 violations. That order, the bench warrant, was  
15 issued if he does not comply with the purge. I held  
16 him in contempt. He had opportunity to purge. If he  
17 does not do the purge, then the 90 days would kick  
18 in. So it's not for future violations. Just to  
19 clarify that. Does that make sense? And so I'll let  
20 the remainder of the record speak for itself.

21 Q. All right. Thank you for that, Judge Dunbar. Judge  
22 Dunbar, after serving 11 years on the family court,  
23 why do you want to continue serving as a family court  
24 judge?

25 A. I love being a family court judge, and most

1 importantly, I love the state of South Carolina. And  
2 I care about families. And I want to continue on my  
3 work in this pursuit.

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

6 A. Well, unfortunately, we don't get any feedback,  
7 because naturally they are more likely afraid to say  
8 if they have a complaint against you. You only get  
9 the complaints when it's time for re-election. I do  
10 wish there was an opportunity that I could get  
11 feedback, because I take this feedback and these  
12 complaints or negative comments or any comments  
13 seriously. And I want to improve and be a better  
14 judge. But I believe that I'm known as a caring  
15 judge. I brought some letters here that I have from  
16 different lawyers that indicate that it's a pleasure  
17 to practice in your court, and I have one from an  
18 attorney that indicated that she -- if I can have a  
19 moment to read that.

20 CHAIRMAN CASKEY: Judge, I'm afraid --

21 A. They tell me how kind I am and --

22 CHAIRMAN CASKEY: Judge, I'm afraid the -- if I can  
23 interrupt just briefly. I'm afraid our rules  
24 preclude us from accepting anything at this  
25 stage in the proceedings.

1 MS. DUNBAR: Okay. So I couldn't read anything?

2 CHAIRMAN CASKEY: No, ma'am.

3 MS. DUNBAR: Okay.

4 CHAIRMAN CASKEY: Thank you.

5 A. Well, anyway, I've gotten letters and people  
6 complimenting me and thanking me for listening and I  
7 believe I have a great reputation.

8 Q. Thank you, Judge. Judge, what is your view on if and  
9 when ex parte communications are allowed?

10 A. I never engage in ex parte communications, ever. I  
11 make sure to copy every person, just to be careful,  
12 just to be safe.

13 Q. Thank you. Judge Dunbar, in your PDQ you disclosed  
14 three separate political donations to members of the  
15 House and the Senate. Did you make those donations,  
16 or did a member of your family make those donations?

17 A. A member of my family. I did not.

18 Q. Thank you. Judge Dunbar, the Commission received 437  
19 ballot box surveys regarding you with 58 additional  
20 comments. The ballot box survey, for example,  
21 contained the following positive comments. One  
22 comment stated you have excellent demeanor and  
23 competency. Another described you as knowledgeable,  
24 patient, courteous, objective, pragmatic, and fair.  
25 Some of the comments express concerns, and while many

1 of the comments were positive in describing your  
2 knowledge of the law, some raised concerns about your  
3 academic ability that you sometimes issued  
4 inconsistent ruling, and that perhaps you lack  
5 confidence to make difficult decisions. What  
6 response would you offer and -- what response would  
7 you offer to those concerns.

8 A. Okay. I first want to say that I'm a judge that I  
9 don't think that I'm omnipotent or that I have all  
10 knowledge knowing everything. If I'm not too proud,  
11 that an error is pointed out to me that I've made in  
12 my ruling or any decisions that I've made, I'm happy  
13 to change those decisions. I work hard. I take my  
14 time and deliberate. I use the advice of the  
15 Honorable Joseph McGowan that told me, Tarita, in  
16 particular on temporary hearings, because that's  
17 where most of the cases come in on, is that take it  
18 under advisement, but make sure that you give the  
19 ruling before the end of the week, and that's what I  
20 do. And I realize the importance of my decisions,  
21 how they affect and change the trajectory of people's  
22 lives. So I take my time and I deliberate. And as  
23 far as inconsistent rulings without any specificity,  
24 I -- this -- the first time I came up for re-  
25 election, there was never a complaint on that. But I

1 have in mind one person or one attorney that might  
2 feel that way in regards to attorneys fees where this  
3 lawyer came in the court on a temporary hearing, and  
4 I submitted my ruling by a memo by e-mail, and I  
5 indicated in there my reasons for denying temporary,  
6 but holding her temporary attorney's fees in  
7 abeyance, because she did not submit itemized  
8 statement of those fees. The attorney was very angry  
9 about it. And at the next hearing, she came -- that  
10 attorney came in in regards to a modification of a  
11 financial matter in a divorce decree. And the order  
12 specifically stated in the divorce decree that the  
13 financial burden could not be modified. And the  
14 attorney on the opposite side was requesting  
15 attorney's fees. And it was my fault that they left  
16 the courtroom without me getting the attorney's fees.  
17 So I e-mailed the attorneys to ask them to submit the  
18 attorney's fees, and I would consider giving her some  
19 attorney's fees, because I think it was just clear to  
20 me that the litigant on the opposite side, the  
21 defendant had to come into court on something that  
22 was obvious in the order that that financial  
23 situation could not be modified. And I gave her some  
24 of her attorney's fees, and the attorney of course --  
25 and I understand where the anger came from. So

1                   that's the only thing I can think of that could be  
2                   considered an inconsistent ruling.

3   **Q.**    Thank you, Judge. Another concern was that you  
4                   sometimes make comments that can be perceived as  
5                   personal in nature and can perhaps show bias. How  
6                   would you respond to those concerns?

7   **A.**    Well, let me just say this, any comment that I make  
8                   comes from a heart of caring. I make sure that I --  
9                   that every litigant feels utterly respected and  
10                  they're -- and respected, and I respect them, and I'm  
11                  never rude on any comments that I say. I just feel  
12                  the room. And I don't make anything any comments --  
13                  I've been complimented actually from litigants and  
14                  from attorneys. But thank you for saying that. And  
15                  so, I -- like on one comment I had recently with one  
16                  father, he came in for a second temporary hearing.  
17                  And this particular parent had an issue with  
18                  drinking. And I saw in the affidavits where he loves  
19                  cycling and he loves pickleball. And I told him, I  
20                  said, I don't know why you're drinking. There's --  
21                  it's a concern, but the mother was pointing that out.  
22                  And I said that why don't you pick up cycling? You  
23                  love cycling and pickleball. I said, cycling could  
24                  become a very addictive, and that could be something  
25                  you could do instead of turning to the bottle. So

1                   whatever I offer is out of concern and care, and I'm  
2                   careful what I say to not be condescending or rude or  
3                   disrespectful in any way.

4                   Q. Thank you, Judge Dunbar. I would note that the  
5                   Upstate Citizens Committee found Judge Dunbar  
6                   qualified in the evaluative criteria of  
7                   constitutional qualifications, physical health, and  
8                   mental stability. The Committee found her well-  
9                   qualified in the evaluative criteria of ethical  
10                   fitness, professional and academic ability,  
11                   character, reputation, experience, and judicial  
12                   temperament. The Committee stated in summary: Judge  
13                   Dunbar's poise and graciousness is always well-  
14                   received, and it is reflected in her courtroom as our  
15                   investigation revealed. Lawyers and litigants alike  
16                   are treated fairly with dignity and respect, and she  
17                   is a credit to the family court bench. And Judge, I  
18                   just have some housekeeping questions for you.

19                   A. Okay.

20                   Q. JMSC procedural Rule 17 includes a prohibition of any  
21                   candidate from attending or watching any portion of  
22                   the live stream or recordings of the public hearings  
23                   of this cycle until after all hearings are concluded.  
24                   Have you watched or listened to any of these hearings  
25                   before your appearance today?

1 A. No.

2 Q. Has any other person relayed any information about

3 any of the proceedings before the Commission to you?

4 A. No.

5 Q. Since submitting your letter of intent, have you

6 contacted any members of the Commission about your

7 candidacy?

8 A. No.

9 Q. Are you familiar with Section 2-19-70, including the

10 limitations on contacting members of the General

11 Assembly regarding your screening?

12 A. Yes.

13 Q. Since submitting your letter of intent, have you

14 sought or received a pledge of any legislator either

15 prior to this date or pending the outcome of your

16 screen?

17 A. No.

18 Q. Have you asked any third parties to contact members

19 of the General Assembly on your behalf --

20 A. No.

21 Q. -- or are you aware of anyone attempting to intervene

22 in this process on your behalf?

23 A. Absolutely not.

24 Q. Have you reviewed and do you understand the

25 Commission's guidelines on pledging and South

1                   **Carolina Code 2-19-70(e)?**

2           A.    Yes.

3           Q.    **Okay.**

4           MR. HINSON: And I would just note for the record  
5                    that any concerns raised during the  
6                    investigation regarding the candidate were  
7                    incorporated into the question and the candidate  
8                    today. And with that, Mr. Chairman, I don't  
9                    have any further questions.

10           CHAIRMAN CASKEY: Thank you, sir. Members of the  
11                    Commission have questions for Judge Dunbar?  
12                   Representative Stavrinakis?

13           REPRESENTATIVE STAVRINAKIS: Judge, how are you?

14           JUDGE DUNBAR: I'm doing well, thank you.

15           REPRESENTATIVE STAVRINAKIS: Good to see you.

16           JUDGE DUNBAR: Good to see you too.

17           REPRESENTATIVE STAVRINAKIS: Thank you for your  
18                    service.

19           JUDGE DUNBAR: Thank you.

20           REPRESENTATIVE STAVRINAKIS: And for wanting to  
21                    continue to serve. Overall, your -- your ballot  
22                    box comments are very positive, and I -- you  
23                    know, I think all of us try to temper our  
24                    questions at the beginning with that. But I do  
25                    want to ask you, there are a couple that were

1 pretty specific about instances where they claim  
2 that you made comments that suggested that in  
3 cases where there's allegations of domestic  
4 violence, that the females need to get married  
5 and stay married in those relationships.

6 JUDGE DUNBAR: No.

7 REPRESENTATIVE STAVRINAKIS: Okay.

8 JUDGE DUNBAR: I would never say anything like that.

9 REPRESENTATIVE STAVRINAKIS: All right. I mean, can  
10 you help us explain where that may be coming  
11 from then? I mean, these are two different --  
12 it looks like two different, am I right, it  
13 looks like two different ones. Yeah. It looks  
14 like there are two different ones, and they're  
15 somewhat similar but a little bit different in  
16 these -- these allegations of -- well, it's a  
17 similar allegation.

18 JUDGE DUNBAR: Right.

19 REPRESENTATIVE STAVRINAKIS: But they're different.  
20 It looks like they're different. You can't -- I  
21 don't think it's possible for a person to submit  
22 twice. So --

23 JUDGE DUNBAR: Right. I cannot fathom that I would  
24 say stay married to someone that committed  
25 domestic violence.

1 REPRESENTATIVE STAVRINAKIS: Okay. So --

2 JUDGE DUNBAR: I mean, maybe they -- I've said to stay  
3 married, but maybe it was -- I didn't see any  
4 evidence of domestic violence. I -- I have  
5 orders of protection, and I never -- most of  
6 those people aren't married, so I'm just  
7 confused.

8 REPRESENTATIVE STAVRINAKIS: Well, one of them I think  
9 it's get married and stay married.

10 JUDGE DUNBAR: Not with --

11 REPRESENTATIVE STAVRINAKIS: And the other, it is get  
12 married and stay married no matter what.

13 JUDGE DUNBAR: No. I don't say it in those terms, no.  
14 And what I'll say is that I have to -- I have to  
15 make an attempt to reconcile people's marriages,  
16 but not in any way do I say that about stay  
17 married forever or under any circumstance. No.

18 REPRESENTATIVE STAVRINAKIS: Judge, I don't practice  
19 in family court, so I -- honestly, I don't know  
20 how these things are handled. But in terms of  
21 reconciling or attempting to reconcile.

22 JUDGE DUNBAR: We have to do a reconciliation  
23 conference. That's part of the statute.

24 REPRESENTATIVE STAVRINAKIS: Okay. But does that  
25 typically involve, you know, a declaration from

1                   the bench that people should stay married? I  
2                   mean --

3 JUDGE DUNBAR: I never say stay married, but what --  
4                   what I can tell you --

5 REPRESENTATIVE STAVRINAKIS: Okay. Just -- just --

6 JUDGE DUNBAR: Okay.

7 REPRESENTATIVE STAVRINAKIS: Let me --

8 JUDGE DUNBAR: Okay.

9 REPRESENTATIVE STAVRINAKIS: I would -- I would, you  
10                  know -- look, again, I don't do this work. I'm  
11                  just trying to ask. I would be surprised though  
12                  if that's the way that the court should --  
13                  should be proceeding. I'm not saying you are.  
14                  I'm just saying that's what's being said here.  
15                  And I would like, you know, if you could educate  
16                  me on how that works in general, and then  
17                  respond to these specific allegations.

18 JUDGE DUNBAR: Okay. Now I do -- I remember one case  
19                  where I had a DSS parent. They completed their  
20                  treatment plan. They had two children, and I  
21                  congratulated them. And I said, what are you  
22                  going to do next. And I -- and they didn't -- I  
23                  said, you're going to get married. And they got  
24                  married, and they invited me to the wedding. So  
25                  I can't think of anything that I've said to

1           anybody about stay married under any  
2           circumstances.

3 REPRESENTATIVE STAVRINAKIS: Okay.

4 JUDGE DUNBAR: Now, I do say it to the individuals  
5           that leave from separate support and maintenance  
6           agreement when someone is very emotional, I say  
7           you're not divorced yet, you can still get back  
8           together if that's what you wish.

9 REPRESENTATIVE STAVRINAKIS: Sure.

10 JUDGE DUNBAR: Yeah.

11 REPRESENTATIVE STAVRINAKIS: Okay. Well, you know,  
12           kind of the way I've approached this is -- with  
13           everybody is I think it's hard for us to, you  
14           know, sometimes to figure out exactly what went  
15           on.

16 JUDGE DUNBAR: Yeah.

17 REPRESENTATIVE STAVRINAKIS: We don't have the context  
18           of a case --

19 JUDGE DUNBAR: Yeah.

20 REPRESENTATIVE STAVRINAKIS: -- Of a hearing. But,  
21           you know, the way I feel personally about doing  
22           this is, you know, what I would like to see our  
23           judges do is when they hear these kinds of  
24           things to take them to heart, certainly.

25 JUDGE DUNBAR: Of course.

1 REPRESENTATIVE STAVRINAKIS: Rather than just  
2       blanketly say I don't do that. Like somebody  
3       has a strong perception and memory of an issue.  
4       And what I would like to hear from you and --  
5       you know, I've kind of done this with everybody,  
6       is an acknowledgment that people had a certain  
7       experience that they've shared, and that we can  
8       do better. And so hopefully, you will do that.  
9       And I thank you for indulging me with those  
10      questions --

11 JUDGE DUNBAR: Well, I'm glad you did.

12 REPRESENTATIVE STAVRINAKIS: -- and for your  
13      responses. Yes, ma'am.

14 JUDGE DUNBAR: And, of course, I will make sure that I  
15      just don't say anything.

16 REPRESENTATIVE STAVRINAKIS: Well, I want you to do  
17      your job.

18 JUDGE DUNBAR: Yeah.

19 REPRESENTATIVE STAVRINAKIS: Okay? We all do.

20 JUDGE DUNBAR: Right. But I speak from -- I never  
21      disrespect anyone. I don't. I try my hardest  
22      to make every individual think that I care.

23 REPRESENTATIVE STAVRINAKIS: Okay. And -- and that's  
24      great that you go and do it with that. But  
25      again, I just want to say again, that some folks

1 have presented some specific responses here.

2 And again --

3 JUDGE DUNBAR: Okay.

4 REPRESENTATIVE STAVRINAKIS: -- I would like you to --

5 this is me talking -- Take those to heart.

6 JUDGE DUNBAR: Oh, I will.

7 REPRESENTATIVE STAVRINAKIS: Do some self-evaluation,  
8 some reflection on things that we can all always  
9 do better. Right?

10 JUDGE DUNBAR: Of course.

11 REPRESENTATIVE STAVRINAKIS: And criticism is not the  
12 end of the world.

13 JUDGE DUNBAR: No.

14 REPRESENTATIVE STAVRINAKIS: It's not. It's not a  
15 total, you know, catastrophe. Again, we can  
16 always do better.

17 JUDGE DUNBAR: Of course. I want to do better.

18 REPRESENTATIVE STAVRINAKIS: That goes for me first of  
19 all though. Okay? Thank you.

20 JUDGE DUNBAR: Thank you.

21 REPRESENTATIVE STAVRINAKIS: Yes, ma'am.

22 JUDGE DUNBAR: Thank you, sir.

23 CHAIRMAN CASKEY: Other members of the Commission with  
24 questions? Senator Rankin?

25 SENATOR RANKIN: Judge Dunbar?

1 JUDGE DUNBAR: Yes.

2 SENATOR RANKIN: Luke Rankin. I have been listening.

3 I have not been sitting watching, but I've been  
4 listening to the complaint, listening to the  
5 exchange. And I am -- I remember our time  
6 together. I'm reminded of our time together by  
7 the gentleman sitting behind you over your left  
8 shoulder.

9 JUDGE DUNBAR: Oh, yeah.

10 SENATOR RANKIN: Senator Robbie Sabb. Who was on this  
11 Commission before when we visited with you. And  
12 I remember there was a challenge and not  
13 complaint, but a challenge with your reception  
14 and I guess perception within the bar in the  
15 Upstate. And I want you to know, obviously  
16 giving credence to and hearing the complaint,  
17 but also recognizing your response and denial in  
18 the record, which we have to judge that this is  
19 not an easy job. It is a thankless job, and the  
20 prospect of somebody being put in jail for a  
21 \$10,000 payment towards a \$50,000 fine or fee or  
22 whatever that was, or the decision with other  
23 cases that have resulted in families being put  
24 back together or children being adopted by  
25 folks. The good and the bad and the difficult,

1           it is not an easy role. And so I commend you  
2           for wanting to continue to do it. But I also  
3           want to charge you lovingly, respectfully, and  
4           to the degree that we can to strive to continue  
5           to do better and to learn and to be a person in  
6           the -- in the gap having to define between right  
7           and wrong, not making friends, but trying to do  
8           the right thing that the law requires you to do.  
9           And so I just want to commend you for that. Not  
10           pat you on the back solely.

11           JUDGE DUNBAR: I understand.

12           SENATOR RANKIN: But also try to help lift you up so  
13           that you'll be exactly what you want to be when  
14           you come back.

15           JUDGE DUNBAR: I appreciate that so much. I really  
16           try, and I want to be a good judge. I really  
17           do. I care. I honestly do. About every  
18           individual that comes in this courtroom.

19           CHAIRMAN CASKEY: Other members of the Commission?  
20           Judge, I'll just echo what Senator Rankin has  
21           said. And, you know, I think the points that  
22           Representative Stavrinakis raised with you are  
23           important ones to take on.

24           JUDGE DUNBAR: Yes, of course.

25           CHAIRMAN CASKEY: I would be remiss if I didn't also

1 point out that some of the feedback in the  
2 ballot box survey points towards what is  
3 perceived as unpredictability. I raise it with  
4 you not because there's a way to provide a real  
5 direct answer and response to a generic  
6 observation in the ballot box. But something to  
7 be mindful of, because as lawyers, one of the  
8 things, at least from my perspective, that I  
9 value a lot from judges, and this is not to  
10 diminish the other qualities that I appreciate  
11 in judges, but predictability. If something --  
12 if a judge wants to conduct business one way you  
13 would expect the same judge to conduct the same  
14 business in a similar way going forward. And  
15 when that doesn't exist, it needlessly creates  
16 stress, frustration, and other things that I  
17 think degrade the most efficient operation of  
18 the court system. And so I just raise it here  
19 with you because we have an opportunity. And  
20 again, I feel like I would be remiss if I didn't  
21 share that with you as an area of concern as you  
22 go forward.

23 JUDGE DUNBAR: Yes, for sure. Thank you. And I will  
24 take all these comments and try to work harder.

25 CHAIRMAN CASKEY: And we're at -- let me just say, if

1                   we were earlier in the day. I perhaps would  
2                   have used even more words to arrive at that  
3                   point, but being mindful of the darkened skies,  
4                   I don't want to keep you here any longer than it  
5                   is necessary. So that's perhaps my excuse for  
6                   directness at this point. All right. Let me  
7                   look around. And I don't see anyone else  
8                   indicating the desire to pose additional  
9                   questions to you. So that will conclude this  
10                  portion of the screening process. I do need to  
11                  take this opportunity to remind you that  
12                  pursuant to the Commission's evaluative  
13                  criteria, the Commission expects candidates to  
14                  follow the letter as well as the spirit of our  
15                  ethics laws and that we would view any  
16                  impropriety or -- appearance of impropriety or  
17                  violation as very serious and deserving  
18                  potentially of heavy weight in our screening  
19                  deliberations. On that note, as you know, the  
20                  record will remain open until the formal release  
21                  of the qualifications report and should the need  
22                  arise, we would have the ability to call you  
23                  back for further discussions if that need were  
24                  to arise.

25                  MS. DUNBAR: Okay.

1 CHAIRMAN CASKEY: Do you understand all of that?

2 MS. DUNBAR: Yes, sir.

3 CHAIRMAN CASKEY: All right. Wonderful. Thank you

4 for your service to the state of South Carolina.

5 Thank you for offering your continued judicial

6 service. And I wish you best -- wish you all

7 the best as you leave out of here this evening.

8 MS. DUNBAR: Well, thank you. And I thank you for the

9 comments and your questions. And I take them

10 seriously. And try to do better, I promise.

11 CHAIRMAN CASKEY: All right.

12 MS. DUNBAR: All right. Thank y'all.

13 CHAIRMAN CASKEY: Thank you. That will conclude this

14 hearing. With no further business on our agenda

15 for today Senator Rankin moves that the body do

16 now recede until 9:00 A.M. tomorrow morning.

17 Does that sound right?

18 MS. CRAWFORD: Correct.

19 CHAIRMAN CASKEY: 9:00 A.M. tomorrow morning. That

20 motion being seconded by Representative

21 Stavrinakis. All in favor indicate by saying

22 aye.

23 MEMBERS: Aye

24 CHAIRMAN CASKEY: All opposed, nay? The ayes have it.

25 And the Commission will recede until 9:00 A.M.

TRANSCRIPT OF PUBLIC HEARINGS

Page 299

1 tomorrow whereupon we will resume our screening  
2 hearings. Thank you all for being here.

3 (Off the Record)

4 (There being no further questions, the hearings  
5 concluded at 5:30 p.m.)

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1 CERTIFICATE OF REPORTER  
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11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE  
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13 INTERESTED IN SAID CAUSE.14 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID  
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## TRANSCRIPT OF PUBLIC HEARINGS

301

\$	<b>10th</b> 41:15 <b>11</b> 8:10 93:8 274:25 276:20 294:21 <b>\$114,000</b> 268:5 <b>\$20,000</b> 276:23 <b>\$42,000</b> 275:1 276:22 <b>\$5,000</b> 274:8 <b>\$50,000</b> 294:21 <b>\$52,000</b> 276:21  <b>0</b>  <b>1</b>  <b>1</b> 13:1,2,5 57:13, 22 74:1,4 93:12 183:10 213:1 265:10 272:16 <b>1's</b> 266:17 <b>10</b> 74:3 98:9 159:25 167:1,18 175:19 185:5,6 199:2 254:20 275:19 <b>100</b> 87:25 116:19	<b>15th</b> 41:17 <b>16</b> 93:9 155:1,2 <b>16th</b> 72:25 77:2 92:6 257:10 <b>11th</b> 11:11 106:24 <b>12</b> 8:16 10:1,13,20 11:6,7,18 84:18 93:11 129:25 168:1,2 173:6 198:25 202:11 257:4 <b>128</b> 96:21 <b>12:23</b> 153:17 <b>12th</b> 56:8 <b>13</b> 93:14 98:9 <b>13th</b> 255:1 271:4 275:12 <b>14</b> 137:12 183:7 270:2 <b>146</b> 142:17 <b>14th</b> 272:11 <b>15</b> 63:12 108:10 137:15 195:7 202:21 259:22 <b>15-35-30's</b> 273:22 <b>152</b> 159:1	<b>2</b> 13:4 31:20 57:16 72:24 <b>2-19-70</b> 20:19 38:20 62:8 81:3 101:17 146:4 162:5 196:6 220:22 286:9 <b>2-19-70(e)</b> 21:9 39:5 62:24 81:14 102:3 146:20 162:21 196:22 221:13 287:1 <b>20</b> 82:8 84:5 95:20 105:18 108:9 109:10 114:9 115:20 127:13 <b>19</b> 49:21 137:13 183:9 189:21 212:23 <b>1900s</b> 135:2 <b>1960s</b> 27:14 <b>198</b> 77:9 <b>1997</b> 184:10,25 <b>1999</b> 34:16 <b>1:51</b> 153:17 <b>2007</b> 43:16 <b>2010</b> 191:21,24 192:6 <b>2011</b> 119:19 202:11	<b>2012</b> 197:11,13 <b>2013</b> 197:12 <b>2015</b> 199:1 <b>2020</b> 77:1 <b>2023</b> 197:9 269:12 <b>2024</b> 125:2,7,23 143:17 144:5 <b>2025</b> 41:11,12 <b>2026</b> 168:5 <b>21</b> 212:22 224:19 <b>22</b> 105:16 212:25 <b>23</b> 82:8 213:3 <b>24</b> 124:22 179:4 257:3 267:24 268:2 <b>25</b> 103:15 202:24 204:3,5,6 206:7, 9 216:11 257:6 <b>26</b> 257:9 <b>27</b> 189:15,21 <b>28</b> 186:18 207:9 255:22 <b>29</b> 184:25 <b>294</b>
----	---	--	---	--

## TRANSCRIPT OF PUBLIC HEARINGS

302

217:7	<b>437</b>	57:18,19 137:16	279:17	219:18 273:14
<b>2:37</b>	281:18	153:25 155:5	<b>98</b>	274:7 282:3
193:4	<b>45</b>	182:3 211:8	124:16	285:10 297:22
	200:20 201:19	<b>70</b>	<b>9:00</b>	<b>abounding</b>
<b>3</b>	<b>45-day</b>	267:23	298:16,19,25	213:22
	114:5	<b>71</b>	<b>9:16</b>	<b>abreast</b>
<b>3</b>		267:24	6:16	141:15
11:12 32:23	<b>5</b>	<b>72</b>	<b>9:23</b>	<b>absolute</b>
56:8 265:11		15:17 268:4	6:16	69:13
268:4 272:16	<b>5</b>	<b>75</b>	<b>9th</b>	<b>absolutely</b>
<b>3(b)</b>	33:2 57:12	204:2,4	153:25 170:15	115:18 127:12
266:13	183:13 255:1	<b>79</b>	182:3 186:4	164:18 165:13
<b>30</b>	257:7	217:8	211:7 214:21	166:2 168:17
17:6 22:25	<b>50</b>	<b>7th</b>	235:17 238:2,3,	172:8 225:1
51:16 103:15	208:20 219:4	228:24	4,15 239:12	232:1 250:24
123:23 142:18	<b>501</b>			261:15 286:23
167:20,23	38:8 80:16			<b>abstaining</b>
207:16	101:5 145:22	<b>8</b>	<b>A</b>	8:3 14:11
<b>34</b>	161:23 195:24	<b>8</b>	<b>A-N-D-R-E-A</b>	<b>abstention</b>
59:19	220:15	57:21	255:17	7:25
<b>365</b>	<b>58</b>	<b>80</b>	<b>A.M.</b>	<b>abuse</b>
175:3	281:19	277:9	298:16,19,25	140:15 157:24
<b>377</b>	<b>59</b>	<b>80s</b>	<b>abandoned</b>	<b>abused</b>
35:24	77:10 262:13	26:9	274:5	215:11,12,18
<b>3:06</b>	<b>5:30</b>	<b>81</b>	<b>abeyance</b>	<b>academic</b>
193:4	299:5	206:8	283:7	19:21 37:16
		<b>82</b>	<b>abide</b>	61:12 79:17
<b>4</b>	<b>6</b>	129:24	37:11 267:13	100:4 145:6
	<b>6</b>	<b>83</b>	<b>ability</b>	161:5 193:24
33:1	57:15 93:15	132:17	19:21 37:16	194:12 219:18
<b>40</b>	<b>60</b>	<b>85</b>	40:16 43:23	273:14 274:5
59:18 167:6,19	167:13,16	30:6	48:15 59:24	282:3 285:10
228:22 272:16	262:14	<b>86</b>	60:16 61:12	<b>accept</b>
273:18	<b>60s</b>	189:14 206:10	70:16 72:7	133:20,21,22
<b>40's</b>	27:8		77:18 79:17,25	134:4 144:3,15
276:18	<b>614</b>	<b>9</b>	85:2 98:5 99:11,	277:9
<b>41</b>	15:16	<b>9</b>	12 100:4,14	<b>accepted</b>
35:24 96:22		73:25 213:4	145:6 158:7	276:24
159:2		<b>90</b>	161:5 181:8	<b>accepting</b>
<b>43</b>	<b>7</b>	274:25 276:16,	188:19 191:10	273:1 280:24
217:4 274:3	<b>7</b>	19 277:15	193:24 194:12	<b>access</b>
			203:2 210:16,19	42:14 83:3

<b>accessible</b> 59:5	80:1 100:15	<b>addition</b> 78:24 96:1 142:22 159:13	<b>admirable</b> 47:5	<b>advocacy</b> 83:25
<b>accident</b> 143:18 144:6	150:13 228:1,22	<b>additional</b> 15:17 17:1 22:10 35:25	<b>admission</b> 34:15 257:1	<b>advocate</b> 60:10 85:14 99:20 176:20
<b>acclimated</b> 149:23	26:3 47:9 52:19 78:3 160:12	40:12 59:19 61:17 77:10	<b>admit</b> 199:11 236:21	<b>affable</b> 161:9
<b>accolades</b> 48:1	166:10 264:11	89:4 93:4 96:22 141:4,5 142:18	<b>admits</b> 277:19	<b>affect</b> 282:21
<b>accommodate</b> 256:8	<b>acting</b> 36:14	145:8 157:4,6,7 159:2 187:13,15	<b>admitted</b> 128:14,16 256:6	<b>affecting</b> 163:21
<b>accommodating</b> 248:4	36:16,21 45:4 150:17 180:7	189:15 216:3,5 217:8 281:19	<b>adopted</b> 294:24	<b>affidavit</b> 257:22 266:19 271:25 274:20
<b>accordance</b> 144:25	<b>actions</b> 35:19 157:23	297:8	<b>adoption</b> 176:3	<b>affidavits</b> 13:24 33:14
<b>accountability</b> 252:15,16	266:17 271:3	<b>Additionally</b> 77:1 122:8 190:22	<b>adoptions</b> 157:25	58:9 74:18 94:4
<b>accountant</b> 168:18	<b>active</b> 214:6,8	<b>address</b> 7:4,5 18:3,11	<b>adults</b> 157:22	138:4 155:19
<b>accurate</b> 261:13	<b>actively</b> 34:15	65:2 104:20	<b>advance</b> 22:1 97:11	184:1 213:17
<b>accurately</b> 237:18 248:23	<b>activities</b> 48:25 49:1 54:14 213:22	186:1 188:14 194:20 236:24	<b>advanced</b> 99:23 111:10	284:18
<b>accusation</b> 195:4 250:3 251:7	<b>activity</b> 23:21 49:5,6	237:14,18 238:7,17,18,23	<b>advancing</b> 204:14 251:13	<b>affirmation</b> 174:22
<b>accused</b> 116:2	<b>actual</b> 25:1 114:21 237:19	262:10 265:19 267:10	<b>advantage</b> 99:21	<b>afford</b> 83:5
<b>accustomed</b> 85:8	<b>acumen</b> 27:15 64:2	<b>addressed</b> 97:7 234:4	<b>advent</b> 136:4	<b>affordable</b> 274:10
<b>acknowledge</b> 82:5 99:15 105:15 109:25 230:19 244:7 250:5 253:8 273:24	<b>ad</b> 106:5 140:9 142:1 157:20 167:10,20 180:1	<b>adjoining</b> 173:1	<b>adversarial</b> 171:24	<b>afraid</b> 280:7,20,22,23
<b>acknowledgment</b> 292:6	<b>adaptations</b> 273:1	<b>adjust</b> 212:4 256:25	<b>adjust</b> 278:4	<b>afternoon</b> 31:12 136:8
<b>acquiescence</b> 277:4,23	<b>added</b> 219:24	<b>admin</b> 25:9 103:2	<b>advice</b> 22:10 98:3 104:3 282:14	138:19 139:6,7 147:4,5 153:10, 18 177:15,16 181:22 211:6 221:22,24
<b>acquire</b>	<b>addictive</b> 284:24	<b>administration</b> 17:5	<b>advised</b> 104:7	226:7,8 227:4,5 261:4 270:24 278:19
	<b>adding</b> 168:12	<b>administrative</b> 18:8,23 77:2,6	<b>advisement</b> 17:4,8,11 160:12 282:18	<b>age</b> 14:16 26:8 34:8 75:24 95:6 116:6,15,24
		<b>administrator</b> 143:19,24 144:3,8,15	<b>advising</b> 85:4,6	

127:15,16	<b>allay</b>	190:14,15 192:3	<b>Anthony</b>	161:16 181:2
139:16 156:15	48:24	<b>amount</b>	182:9,14 184:8	195:17 210:10
186:10 215:3	<b>allaying</b>	42:13 66:1	189:17	220:8 285:25
235:2 273:9	105:4	112:16 201:21	<b>anti-women</b>	297:16
<b>agenda</b>	<b>allegation</b>	259:18	208:19	<b>appearances</b>
11:24 72:18	262:1,18 288:17	<b>amplifies</b>	210:18	114:11 253:25
298:14	<b>allegations</b>	266:22	<b>anticipated</b>	<b>appeared</b>
<b>aggressive</b>	288:3,16 290:17	<b>analyses</b>	59:2	29:4 226:21
189:24 205:21	<b>alleged</b>	158:23	<b>anticipating</b>	<b>appearing</b>
208:25	210:17 264:4	<b>and/or</b>	241:17	69:25 123:9
<b>agree</b>	<b>alleging</b>	164:24 165:16	<b>anticipation</b>	169:24 223:14
24:24 28:23	119:23 234:15,	<b>Anderson</b>	<b>appears</b>	
45:7 47:18	16	8:2,6	13:21 33:11	
53:22 84:19	<b>allowance</b>	<b>Andrea</b>	58:7 74:14	
148:7 164:8	256:14	255:17	93:24 138:2	
<b>agreement</b>	<b>allowed</b>	<b>Anesthesia</b>	155:16 160:16	
172:13 180:9	147:23,25 281:9	191:21 192:1	165:9 178:22	
291:6	<b>allowing</b>	<b>anger</b>	183:24 213:15	
<b>agrees</b>	143:20	208:25 209:20	249:11 257:20	
149:2,4	<b>alluded</b>	251:23 283:25	261:13 262:4,	
<b>ahead</b>	54:21	<b>angry</b>	14,20,24 264:3	
91:24 104:4	<b>aloud</b>	131:16,17	<b>appellate</b>	
134:17 147:6	203:12	234:17 283:8	29:24 38:8	
267:8	<b>alternatives</b>	<b>animosity</b>	80:17 101:6	
<b>aided</b>	274:9	68:7 207:2	145:23 161:24	
87:13	<b>amazing</b>	<b>animus</b>	195:25 220:16	
<b>Air</b>	84:15,24	<b>Ann</b>	<b>applaud</b>	
142:7	<b>ambitions</b>	73:6,11	90:12,19 170:8	
<b>AIS</b>	251:14	<b>Anne</b>	<b>applauds</b>	
238:19	<b>amended</b>	169:23	203:20	
<b>akin</b>	182:22	<b>anonymous</b>	<b>applicant</b>	
43:20	<b>amendment</b>	28:19 190:2	92:5 164:19	
<b>Alice</b>	57:17,23 93:13	200:11 233:12	184:17,19	
169:23	183:11 213:2	275:18	254:25	
<b>alienation</b>	255:21 256:2,3	<b>anonymously</b>	<b>application</b>	
158:18	272:11	132:1	13:19 33:10	
<b>aligned</b>	<b>amendments</b>	<b>answering</b>	58:4 74:13	
165:9	182:25	109:13	93:22 103:12	
<b>alike</b>	<b>America</b>	38:1 55:10	137:24 155:13	
285:15	269:18	61:24 72:2 80:9	183:21 213:11	
<b>alimony</b>	<b>amicably</b>	<b>answers</b>	247:24 255:1,6	
158:20		40:23 45:12	257:16 274:3	

<b>applied</b> 97:8 255:7	187:17 235:24 238:25 239:8,11	<b>arrived</b> 247:9	220:24 221:7 286:11,19	48:11 77:23 <b>assured</b> 248:7
<b>apply</b> 49:19 105:6 144:2	265:18 296:21 18:10 39:15	<b>arriving</b> 185:17	89:13	<b>at-large</b> 229:2,3
<b>appointed</b> 27:16 140:15,17 143:19 144:7	61:11,14 141:3 157:3 172:21,23 173:2 174:3	<b>arrogance</b> 243:2	148:8	<b>athletic</b> 149:25
<b>appointment</b> 208:9	187:12 216:2,14	<b>arrogant</b> 206:20 276:14	29:15 36:8	<b>atmosphere</b> 53:11
<b>appraiser</b> 268:21	<b>arguing</b> 60:12	<b>article</b> 249:6 250:23 266:5 272:16	59:25 169:8 187:2 252:18 267:20 269:3	<b>attacks</b> 251:11,12
<b>appreciated</b> 40:13	<b>argument</b> 71:6	<b>articles</b> 33:11 58:6	168:13,16 169:3	<b>attempt</b> 172:13 289:15
<b>appreciation</b> 79:22 84:12,13 106:10	15:11	74:14 93:23	<b>assign</b> 16:16	<b>attempting</b> 21:5 39:1 62:19
<b>approach</b> 15:25	<b>arise</b> 31:3 35:2 51:8 55:15 77:20	138:1 155:16 183:23 213:14 257:19 265:10	<b>assigned</b> 187:25	81:9 101:23 146:15 162:16
<b>approached</b> 291:12	91:7 135:14	<b>ascending</b> 84:6	<b>assist</b> 25:17 34:13	196:17 221:8 286:21 289:21
<b>appropriately</b> 52:9 160:12	152:25 153:1 181:7 210:20 241:19 254:8 297:22,24	<b>Ashley</b> 138:15	76:5,8 77:7 78:20 95:10	<b>attended</b> 78:17,19,22
<b>approximately</b> 159:19 171:20	<b>arm</b> 132:22	<b>asks</b> 24:11	139:20 156:19 186:14 189:9 215:7	<b>attending</b> 20:6 37:22 61:20 80:5
<b>arbiter</b> 225:22	<b>armed</b> 209:13,25	<b>aspect</b> 89:6 102:17,23	<b>assistant</b> 150:12 267:2	83:12 89:15 100:18 145:11 161:12 195:13
<b>arbitrarily</b> 274:1	<b>Army</b> 142:7	235:14	76:20	220:4 285:21
<b>arbitrariness</b> 276:16	<b>arose</b> 135:15 273:2	<b>aspects</b> 78:21 89:1,16 141:24 142:12	<b>assisting</b> 122:18,20	<b>attention</b> 15:10 164:3,25
<b>arbitrary</b> 276:14 278:1	<b>array</b> 66:6	188:10 216:22	<b>associate</b> 65:14 78:8	210:18
<b>arbitration</b> 170:24	<b>arrest</b> 264:8,12,23	<b>aspired</b> 187:7	<b>Associates</b> 192:1	<b>attitude</b> 204:15
<b>area</b> 18:6 27:20 60:24 63:18 65:18 71:2 142:9 160:1 173:15,20	<b>arrested</b> 209:3 <b>arrive</b> 23:16 248:3 251:17 252:11, 12 297:2	<b>Assembly</b> 20:21 21:4 35:10,14 38:22, 25 49:2 62:10, 18 81:5,8 87:12 101:19,22 102:19 106:22 146:6,14 162:7, 15 196:8,16	<b>assume</b> 237:20 <b>assuming</b> 147:11	<b>attorney</b> 26:17 60:7 76:25 85:1,17 96:13 98:12 99:20 107:18 115:10 118:6,8, 20 121:12,13 142:21 143:23 150:12 159:5,9

165:17,21 166:6	<b>authorized</b>	12,13,14,24,25	254:6,15,23	74:12 77:9,11
172:12 184:9,11	193:2	10:1,5,6,11,12,	263:2 264:14,16	82:20 86:2
191:8 192:10	<b>authorship</b>	17,18,19 11:1,	265:20 267:15	93:23 96:22,23
195:1,2,10	251:6	15,16,17 192:23	270:8 291:7	99:15 117:8
198:20 200:15	<b>automatic</b>	298:22,23	294:24 295:10,	130:12 137:24
206:20 219:23	272:5 273:20	<b>ayes</b>	14 297:23	142:18,20
223:2 224:6,15	<b>automatically</b>	6:12 9:14	<b>background</b>	151:19 155:13
225:10 226:22	7:8	192:24,25	79:11 97:25	159:2,3 177:18
232:4 234:12,18	<b>automobile</b>	298:24	98:20 112:8	183:20 189:14,
261:7 264:6,15	143:18 144:6		<b>backlog</b>	16 197:21 202:9
267:1 268:3	<b>AV</b>		16:18 43:1	213:12 217:7,9
272:6 273:9	191:8 198:20	<b>B</b>	<b>backroom</b>	221:25 226:13
280:18 283:1,8,	<b>avail</b>	<b>B.J.</b>	132:14	242:3 253:3
10,14,24	87:9	107:17 108:8	<b>bad</b>	257:17 281:19,
<b>attorney's</b>	<b>average</b>	121:14	50:9,21,22 69:4	20 287:21
174:19 283:6,	276:23	<b>baby</b>	123:3 165:14	296:2,6
15,16,18,19,24	<b>avoid</b>	127:14	200:25 203:5	<b>balls</b>
<b>attorneys</b>	276:14	<b>back</b>	204:3 251:25	84:22 223:12
15:8 59:6 76:21	<b>award</b>	6:19 22:15	294:25	<b>bandied</b>
98:24 103:22	277:23	24:21 26:9 27:7,	<b>Baker</b>	51:18
115:8 131:17	<b>awards</b>	13 31:4 43:25	156:2,4,10	<b>bandwidth</b>
141:14 157:1	134:25 135:3	44:20 47:25	163:2	82:14
164:11 173:7	<b>aware</b>	55:16 61:4 72:7	<b>balance</b>	<b>bar</b>
174:9 190:25	21:4 22:18 37:7	90:15 91:5 97:8	158:19 165:5	23:20 34:16
191:12,18	38:6,25 52:14	118:17,18	167:7 176:6	42:12 43:8,9
205:22 208:22	62:18 80:14	119:18 124:19	271:21 274:25	64:10 78:19,22
224:2 265:2	81:9 101:3,22	135:2,16 148:24	277:1	86:1,25 89:23
276:21 280:5	135:17 145:20	149:16 150:5,21	<b>balanced</b>	97:15 104:18
283:2,17 284:14	146:14 159:23	152:25 153:19	106:2,14 150:16	110:15,17,20
<b>attorneys'</b>	161:21 162:15	156:23 157:8	157:15	114:7 115:4,15
164:24	166:18 175:13	173:19 181:8	<b>balances</b>	117:23 129:25
<b>attribute</b>	195:22 196:17	191:24 193:6,16	83:16	131:18 133:3
173:22	220:13 221:8	199:3 203:18	<b>balancing</b>	173:4 176:16
<b>attributes</b>	233:9 286:21	208:6 210:16,25	233:13	194:7,9,25
253:2	<b>Awesome</b>	215:18 217:22	<b>ball</b>	197:21 198:14
<b>August</b>	136:23 276:4	218:11 224:13	134:20	199:12,17
97:8 236:23	<b>awkward</b>	226:23 229:2	<b>ballot</b>	200:6,13 206:25
<b>Austin</b>	75:2	230:18 231:24	13:18 15:16,18	207:1 208:24
139:3,5,11	<b>aye</b>	232:2 233:10,	28:18 33:9	209:8,15 232:15
146:22	6:10,11 8:7,8,	20,24 234:25	35:24,25 36:9	238:20 275:8,21
<b>authority</b>	14,15,16,19,20,	236:1 244:1	47:3 48:9 58:3	294:14
79:22 83:14	21,25 9:1,2,9,	245:3 246:20	59:11,18,20	<b>bar's</b>
		247:2,14 252:21		110:15

<b>Barraclough</b> 108:8	85:22 155:23 213:20	60:1,7,9,22 63:13 64:8	178:3,13,25 179:2 187:24	186:16,17 223:4,15 230:21
<b>Barrowclough</b> 107:17 121:14 122:23	<b>beginning</b> 16:9 17:8,21 104:6 250:11	66:11 69:5,15 74:10 84:7 93:20 96:18	194:24 207:1 214:20 216:1	233:18 279:6 288:15
<b>bars</b> 40:2	263:6 287:24	113:5 130:13	219:9 226:23 229:14,16,18	<b>bits</b> 111:5
<b>Barton</b> 75:9	<b>behalf</b> 21:4 38:25 62:18,20 81:8,	133:8 136:11 137:21 142:22 155:10 157:17	230:8 236:24 239:4	<b>black</b> 49:7 79:1 214:3 223:3 254:14
<b>base</b> 188:4	10 101:22,24 144:10,15	159:13 164:9 169:22 178:12,	<b>betterment</b> 203:14	<b>Blake</b> 8:18
<b>based</b> 11:22 14:13 22:11 34:4 39:21 42:18 71:15 75:19 95:1 104:24 139:12 156:11 178:20 179:10 186:6 214:24 219:10 250:4	146:14,16 151:13 162:15, 17 196:16,18 221:7,9 286:19, 22	25 179:6 180:21 183:18 203:3 204:14,21 213:9 215:14,15,21 216:7,12 217:5, 21 223:17 225:1 226:19 228:24	<b>bias</b> 60:11 264:6 269:5 273:2 275:4 277:18 284:5	<b>blanketly</b> 292:2
<b>baseline</b> 273:8	<b>behavior</b> 174:5	231:21 232:2 234:7,8,23	<b>bless</b> 201:9	
<b>basic</b> 275:16	<b>bejeebers</b> 173:18	237:22 240:15	<b>blessed</b> 274:17	
<b>basically</b> 77:3 84:21 87:25 104:1,2 108:22 129:13 264:4,14	<b>belabor</b> 88:9	243:22 246:24 252:4,19 257:14 264:23 265:7	<b>bid</b> 109:8	<b>blocked</b> 249:5
<b>basis</b> 132:17 202:23 250:3	<b>belief</b> 216:9 268:19	271:16 275:18, 21 279:14	<b>bifurcation</b> 22:7	<b>blood</b> 68:13
<b>bear</b> 127:9 130:2	<b>believer</b> 83:1 85:9	285:17 290:1	<b>big</b> 53:9 113:10,15 237:5	<b>BOARD</b> 192:24
<b>beautifully</b> 30:9 182:1	<b>believes</b> 79:25 100:14 178:17 271:9	<b>benchmark</b> 175:3	<b>bigger</b> 141:10	<b>boat</b> 50:7
<b>began</b> 78:7 97:8	<b>believing</b> 85:11	<b>beneficial</b> 40:20 215:23	<b>biggest</b> 89:12 116:23 222:14	<b>boat's</b> 50:8
<b>begin</b> 14:3 25:25 33:19 75:14	<b>belt</b> 59:2	<b>benefit</b> 39:17,18 40:6 142:13 171:4	<b>bill</b> 192:4	<b>body</b> 26:6 35:5 70:25 205:9,22 226:3 258:23 298:15
	<b>Belton</b> 107:19 121:13	233:21 252:19	<b>billing</b> 175:1 191:25 192:3	<b>bold</b> 86:15
	<b>bench</b> 13:15 15:20	<b>benefits</b> 65:25	<b>bird</b> 46:4	<b>boldly</b> 266:12
	27:17 29:24	<b>benefitted</b> 66:8,10	<b>Bishopville</b> 34:17 39:21	<b>bolster</b> 86:18 105:3 110:4
	31:21 33:7	<b>Berkeley</b> 29:5 117:14	<b>bit</b> 124:5 134:23	<b>bolts</b> 76:25
	35:11 36:8 39:19 45:20	165:23 166:5	141:1,24 144:17	<b>bona</b> 148:17 166:23

86:18 105:3 178:16	238:19 242:3 253:3 257:17	144:10 188:7 216:19 280:23	<b>building</b> 78:13 148:5 199:17 249:4	<b>California</b> 188:24
<b>bond</b> 117:3 119:5	281:19,20 287:22 296:2,6	<b>briefs</b> 18:14	<b>built</b> 143:8 229:8	<b>call</b> 31:3 55:15 60:6
<b>border</b> 268:16	<b>boxes</b> 47:3	<b>bright-eyed</b> 99:6	<b>bulk</b> 40:5	72:7 83:1 84:22 91:5 127:1,10, 11 135:16
<b>boring</b> 23:25	<b>boy</b> 53:4	<b>brilliant</b> 54:7 86:23	<b>bunch</b> 68:16	140:13 152:25 166:11 181:8
<b>born</b> 173:3	<b>boys</b> 125:8	<b>bring</b> 40:22 53:14	<b>burden</b> 54:23 134:5 283:13	207:17 210:16 223:12 254:6 264:9 270:4 297:22
<b>boss</b> 128:5 131:21,22	<b>Brackett</b> 119:3,15,21	71:20 96:18 106:16 113:6 133:17 180:19 205:16,17 255:4	<b>burdened</b> 176:7	<b>called</b> 17:3 50:11 97:23 127:21 264:7
<b>bothers</b> 83:2	120:25 126:21, 22 128:5 130:1	<b>bringing</b> 10:14 144:9 164:3,24 168:17	<b>burn</b> 40:11	<b>calling</b> 139:23 190:13
<b>bottle</b> 284:25	<b>Brackett's</b> 121:17 123:11	<b>brings</b> 68:6 194:2	<b>business</b> 14:25 37:7 132:10 158:24	<b>calm</b> 36:2 90:1 142:25 165:19
<b>bottom</b> 149:12 222:16	<b>branch</b> 20:3 44:20 83:25 84:1	<b>broached</b> 88:13	<b>businesses</b> 158:22 168:15 189:3,10	<b>Campsen</b> 44:8,9 83:11 109:22 110:3, 10,13,22,24
<b>bound</b> 38:7 80:15 101:4 145:21 161:22 195:23 220:14 236:7	<b>branches</b> 44:22	<b>broad</b> 34:20 66:6	<b>busy</b> 143:8 217:24	111:3,9,12,15, 25 112:10,13, 15,19
<b>box</b> 13:18 15:16,18 28:18 33:9 35:24,25 36:9 48:9 58:3 59:11, 18,20 74:12 77:9,11 82:20 86:2 93:23 96:22,23 99:15 117:8 130:12 137:24 142:18, 20 151:19 155:14 159:2,3 177:18 183:20 189:14,16 197:21 202:10 213:12 217:8,9 221:25 226:13 237:2,4,6,7	127:14	<b>broader</b> 253:14 273:3	<b>Buxton</b> 149:13	<b>Campson</b> 202:11
	<b>break</b> 22:13 202:1	<b>broken</b> 269:25	<b>bypassed</b> 266:5	<b>candid</b> 123:22 179:18 239:16 251:24
	<b>breaks</b> 111:23	<b>brother</b> 26:24 138:15 147:19	<b>bystander</b> 174:12	<b>candidacy</b> 13:10 20:17 38:13 62:6
	<b>bridge</b> 98:1 265:3 268:8	<b>brought</b> 53:15 143:20 157:25 199:25 234:12 241:3 260:13 264:24 280:15	<b>C</b>	80:21 86:12 87:24 101:10
	<b>bridges</b> 40:11	<b>brush</b> 188:2	<b>calculations</b> 171:17	102:17,23 105:7
	<b>bridging</b> 112:6 127:21	<b>bubble</b> 228:6	<b>caliber</b> 271:16	106:23 127:5 130:3 146:2
	<b>briefing</b> 6:8,14,21 153:15,21	<b>bucket</b> 10:21		
	<b>briefly</b> 69:22 87:21 88:9 102:20 141:21 143:21			

162:3 170:9	152:17 153:23	95:12,20 99:1, 14,16 105:23,25	28:3 40:9 43:10 60:21 61:6 65:4	148:2 150:16,20 158:1,3 159:16
196:4 197:25	180:24 202:17	139:25 247:15	67:14,17,22	164:5 168:8
220:20 286:7	204:7 210:7	<b>careful</b>	68:17 70:11	171:18 172:4,9, 11,15 174:7
<b>candidate</b>	212:4 214:25	281:11 285:2	71:8 76:14	175:4,8 180:12
8:23 9:6 11:10, 24 20:5 21:15	253:23 258:24	<b>cares</b>	78:13 116:6,15, 17,18,20,24	187:18,20,25
31:14,20 37:22	271:13 297:13	54:5 217:11	117:1,3 118:19	188:11,12,15,
38:6 39:9 53:24	<b>Candidly</b>	<b>caring</b>	132:6 144:4	17,18,21,25
56:1,3,7 61:20	258:3 259:13	161:9 280:14	150:11,23	189:6,10
65:23 70:23	<b>candidness</b>	284:8	160:18 163:19	190:14,15 191:4
72:19 80:4,15	134:13	<b>Carl</b>	168:8 172:16,19	204:22 216:24
81:21,22,25	<b>candor</b>	143:19	175:1,8,25	217:1,3,5
91:21 100:18	103:9 175:22	<b>Carolina</b>	176:1,19 177:2	222:19 275:14
101:4 102:7,9	242:19	15:6,24 21:8	179:13 180:4	282:17 288:3
106:1,22 120:4, 10 125:1 135:25	<b>Canon</b>	27:13 31:10	181:20 187:22	294:23
136:3,6,10	8:12	34:18 38:8 39:4, 20 62:23 65:24	188:2 189:4	<b>Caskey</b>
145:11,21	<b>canons</b>	80:16 81:13	192:2,11,14	6:2,3,12,17 8:4,
146:24,25	144:21,25	101:5 102:2	207:18 223:4	9,16,21 9:2,9,
153:25 161:11, 22 162:25 163:1	160:23	142:9 145:22	224:11 225:11,	14,22 10:1,7,13,
181:18 182:3	<b>capability</b>	146:19 151:1	22 253:7 266:20	19 11:5,13,17,
185:12 195:12, 23 197:1,2	60:25	161:23 162:20	271:22 290:18	21 12:1,9,12,16,
203:24 204:11	<b>capable</b>	185:8 188:23	291:18	20,23 13:7,13
217:11 220:4,14	96:25	194:7,9 195:24	<b>caseload</b>	14:8 21:17
221:17,18	<b>capacities</b>	196:22 210:23	90:14 143:8	23:11 25:24
237:22 247:25	30:15 55:1	220:15 221:13	<b>cases</b>	28:15 30:13
285:21 287:6,7	<b>capacity</b>	254:12 265:10	15:25 16:8,11	31:7,13,17,24
<b>candidate's</b>	34:19 35:7,17	268:15,16 271:2	17:12 24:9,10	32:5,8,12,16,19
14:14,15 75:20, 22 95:2,4	36:19 151:2	272:16 273:4,21	25:20 34:21,22	33:4,23 39:12
139:13,14	<b>capital</b>	274:10 277:3	36:23 40:3,17,	40:25 41:22
156:12,13	175:25	280:1 287:1	18 43:24 45:1	44:8 45:13
186:7,8 215:1	<b>captured</b>	298:4	51:21 60:17	46:22 47:7 48:5
<b>candidates</b>	169:19	<b>Carolina's</b>	61:1,4 63:24	50:25 51:1,11
6:24 7:7,20 9:4	<b>care</b>	275:18	65:13 66:6	53:21 55:19,25
28:20 51:16	60:4,6 77:4	<b>Carolinians</b>	70:22 76:12,23	56:5,11,17,20,
52:24 63:16	158:2 280:2	271:19 275:5	78:2 79:5 95:22	24 57:3,6,9,24
71:3,12,24	285:1 292:22	<b>carry</b>	103:16 106:3	58:17 63:6
72:17 90:24	295:17	106:14	114:20,21	66:17 69:21
118:2 123:23	<b>career</b>	<b>carrying</b>	115:1,2,20,22	71:19 72:11,16,
135:9 149:13	27:24 54:15	89:12	117:21 124:3	22 73:3,9,12,19,
	77:22 78:7	<b>case</b>	140:8,10,14,16	22 74:6 75:6,10,
	82:10,25 85:25	17:5,6 22:25	141:14 142:1,2, 6,16 144:22	18 81:24 83:7
				85:20 87:15,20

89:19 91:10,16, 20,24 92:3,5,8, 10,16,19,23 93:2,5,17 94:19 102:11 104:12 105:9 109:21 112:21 121:20 122:2,7 124:13 134:15 135:2, 19,24 136:8,14, 20,23 137:2,6,9, 18 138:17 139:3 147:2 148:9 150:7 151:5,16 152:15 153:4, 10,12,18 154:3, 9,12,16,20,23 155:7 156:2 163:3 170:5 177:13 179:20 180:14 181:12, 17,22 182:2,6, 12,15,19,24 183:2,15 184:12,14,17, 21,23 185:13, 16,20 192:20,25 193:5,16 197:4 210:1,22 211:2, 4,12,18,22,25 212:3,7,11,15, 18 213:6 214:4, 8,15 221:20 226:6 230:14 236:15 246:13 247:8,17,19 248:25 249:23 250:8 251:2 252:8,23 253:20 254:11,17,19,23 255:9,15,18,24 256:2,8,10,14, 17,21,24 257:12	258:10,12,18,21 259:13,24 260:1,5,10 261:16 265:20 267:15 269:22 270:22 275:22, 24 276:1,5,9,11 278:7,9,13,20 279:5 280:20,22 281:2,4 287:8, 10 293:23 295:19,25 296:25 298:1,3, 11,13,19,24 <b>Caskey's</b> 41:25 <b>catastrophe</b> 293:15 <b>catch</b> 50:7 <b>categories</b> 7:23 <b>category</b> 7:18 275:7 276:12 <b>caught</b> 218:8 <b>caused</b> 246:25 <b>caustic</b> 54:18 <b>caution</b> 144:25 <b>cautioned</b> 12:7 32:3 56:15 73:7 92:14 136:17 154:7 182:10 211:16 255:13 258:16 <b>cautious</b> 144:20,24	<b>ceased</b> 65:7 <b>cemented</b> 236:4 <b>cents</b> 53:2,8 <b>certified</b> 158:4 171:11 <b>Chair</b> 25:25 69:22 82:2 105:12 150:8 177:14 179:19 221:22 <b>chairman</b> 6:2,12,17 8:4,9, 16,21 9:2,9,14, 22 10:1,7,13,19 11:5,13,17,21 12:1,9,12,16,20, 23 13:7,13 14:8 21:15,17 23:11 25:24 28:15 30:13 31:7,13, 17,24 32:5,8,12, 16,19 33:4,23 34:3 39:7,12 40:25 41:22,25 44:8 45:13 46:22 47:7 48:5 51:1,11,12 53:21 55:19,25 56:5,11,17,20, 24 57:3,6,9,24 58:17 63:4,6,8 66:17 69:21 71:19 72:11,16, 22 73:3,9,12,19, 22 74:6 75:5,6, 10,18 81:16,19, 23,24 85:20 87:15,20,22 89:19 91:10,16, 20,24 92:3,5,8,	10,16,19,23 93:2,5,17 94:19 102:5,9,11 104:12 105:9 109:21 112:21 121:20 122:2,7 124:13 134:15 135:2,19,24 136:8,14,20,23 137:2,6,9,18 138:14,17 139:3,11 147:1, 2 148:9 150:7 151:5,16 152:15 153:4,10,12,18 154:3,9,12,16, 20,23 155:7 156:2,5,10 163:2,3 170:5 177:13 179:20 180:14 181:12, 17,22 182:2,6, 12,15,19,24 183:2,15 184:12,14,17, 21,23 185:13, 16,20 186:5 192:17,20,25 193:5,16 197:3, 4,6 210:1,22 211:2,4,12,18, 22,25 212:3,7, 11,15,18 213:6 214:4,8,15,23 221:19,20 226:6 230:14,15 236:15 246:13 247:8,17,19 248:25 249:23 250:8 251:2 252:8,23 253:20 254:11,17,19,23 255:9,15,18,24	256:2,8,10,14, 17,21,24 257:12 258:10,12,18,21 259:13,24 260:1,5,10 261:16 265:20 267:11,15 269:20,22 270:22 275:22, 24 276:1,5,9,11 278:7,9,13,20 279:5 280:20,22 281:2,4 287:8, 10 293:23 295:19,25 296:25 298:1,3, 11,13,19,24 <b>challenge</b> 294:12,13 <b>challenges</b> 82:13 106:11 <b>challenging</b> 14:24 15:1 42:10 133:15 175:8 <b>chamber</b> 44:19 45:10 53:10 <b>chambers</b> 22:15 68:18 <b>chance</b> 13:8 55:8 68:15 84:3 140:24 204:20 224:7 234:3 238:7 242:23 260:3 262:23 268:12 269:23 278:24 <b>chances</b> 99:18 <b>change</b> 215:24 224:4,
---	--	--	--	---

19,25 226:14	117:14 156:8	<b>Christian</b>	19:15 37:13	<b>claiming</b>
234:24 236:10	173:2,3,15	14:10 190:4	61:8,9,16 79:12	277:6
259:5 282:13,21	174:3 185:4,25	<b>circuit</b>	81:18 100:2,8	<b>claims</b>
<b>changed</b>	186:1,2 207:1	10:24 11:11,12	122:24 145:1	190:3
195:8 206:23	229:22 236:24	13:10 14:21,22,	160:25 193:19	<b>Clarendon</b>
207:15 219:8,	239:5	23 18:7,13 19:2	197:20 201:4	140:19
11,12,15	<b>chase</b>	24:21 31:20,21	219:16 271:9	<b>clarification</b>
235:15,16	171:3	34:13 36:5	273:4 285:5	110:7
243:17 245:3	<b>check</b>	42:16,23 43:5,7,	<b>city</b>	<b>clarified</b>
<b>changing</b>	7:12 13:22 58:8	16 45:20 56:8,9	139:8 150:12	219:23
113:15	74:16 83:22	58:22,23 60:1	156:6 185:23	<b>clarify</b>
<b>channels</b>	93:24 138:3	72:25 76:5 77:2,	186:1 214:19	261:19 262:8,
132:15	155:17 183:25	13,15 79:9,23	<b>civic</b>	17,23 263:12
<b>character</b>	213:16 257:21	80:2 82:23 86:5	90:11,18	265:6 268:7,12
19:22,25 37:16	<b>checklist</b>	88:7 92:6 95:10,	<b>civil</b>	279:19
54:6 61:12 64:2	273:17	24 96:8 100:16	16:7,22 17:12	<b>class</b>
79:18 100:5	<b>checks</b>	107:16,19 112:8	27:10,20 34:21	36:21 78:22
134:11 145:7	33:13 83:15	121:14 124:1	44:3 60:17 65:4	<b>classes</b>
161:5 193:25	<b>chief</b>	128:11 134:6	78:5,7,11,13,16,	78:20
194:16,20	25:8 26:18	136:11 139:9,10	17,18,21,25	<b>clause</b>
219:19 274:13,	103:2	153:25 156:6,8	79:3,5,11,24	264:10 266:6
23 275:4 285:11	<b>child</b>	170:16 182:3	86:6,7,18 87:6	<b>CLE</b>
<b>characteristic</b>	45:25 140:8,9	185:24 186:3,4	88:5,17 89:15,	23:18 86:24
53:7	158:4 159:15	211:8 214:19,21	16 97:4,10,11,	97:14
<b>characterized</b>	188:11,20	228:24 235:17	16,17 98:2	<b>CLE's</b>
243:5	<b>child's</b>	238:2,3,5,15	100:13 102:14,	188:5
<b>charge</b>	158:18	239:12 255:2	24 103:2,4,8,9,	<b>clear</b>
87:10 173:18	<b>children</b>	275:12	13 104:6,18	25:1 37:5 79:21
295:3	149:4 156:25	<b>circuit's</b>	105:3 110:1,4,6,	247:12 251:2
<b>charged</b>	158:2,16 180:6	114:1 129:14	16,20,25 111:25	259:11 273:22
86:9 102:18	185:3,4 188:12	<b>circumstance</b>	112:3 127:22	283:19
164:5 165:4	194:2 201:9	289:17	179:12	<b>cleared</b>
197:24 252:12	215:11,12,18	<b>circumstances</b>	40:12 46:24	273:25
258:23	217:12,14	66:7 129:8	47:21 164:3,8,	<b>clerk</b>
<b>charges</b>	290:20 294:24	291:2	11,22 165:2	16:23 47:11
99:11,12	<b>choice</b>	28:3 266:19	173:9 174:14	64:19 186:20
<b>charging</b>	7:9 46:14	<b>citing</b>	190:10 209:6	275:8
174:10	<b>choose</b>	217:17	<b>claim</b>	<b>clerked</b>
<b>Charleston</b>	75:1 179:24	<b>citizen</b>	288:1	102:25 185:1
24:8 25:9 26:25	260:14	273:9	<b>claimed</b>	186:17 204:23
40:1 42:7 76:11	<b>chose</b>	<b>citizens</b>	209:20	<b>clerking</b>
99:2 109:21	42:7 54:18			95:13

<b>CLES</b>	220:14 221:13	<b>comment</b>	<b>commission</b>	55:6 62:23
23:16,21 78:17	273:21 274:10	28:25 36:3,7	6:5 7:5 12:18	71:23 81:13
86:22 97:12,13	287:1	83:1 84:4,10	13:14 14:10	90:23 102:2
104:21 111:5,7	<b>Cole</b>	117:7 143:2,6,	15:16 20:13,16	135:8 146:19
<b>client</b>	9:21,23 10:2	12 150:9 152:1	21:18 30:20	152:16 162:20
29:7,11 172:13	<b>collaborate</b>	177:19,21 234:6	33:6 34:10	180:23 196:21
176:20 207:20	207:21	281:22 284:7,15	35:23 38:4,12	210:6 221:12
225:18,23	<b>collar</b>	<b>commented</b>	39:13 41:1 49:1	253:21 265:3,25
<b>clients</b>	225:6	100:9 161:7	55:7 57:1,25	268:13 271:12
39:23 85:1,4,6	<b>colleague</b>	243:13	59:18 62:2,5	286:25 297:12
159:16 173:19	69:15 75:8	<b>commenter</b>	71:24 73:17	<b>Commissioners</b>
174:8 191:1	131:3 143:24	90:10	74:9,24 77:9,23	252:25
208:20 225:12	144:13 222:8	<b>comments</b>	80:12,21 81:25	<b>commitment</b>
<b>Clifton</b>	225:2	15:17,19 16:2,3	86:9 87:18 91:5	55:3 80:1
30:3	<b>colleagues</b>	17:17 18:19	92:25 93:18	100:14 156:1
<b>climate</b>	52:22 89:23	35:25 36:1	96:21 101:1,9	266:18
177:24	151:5 249:10,24	46:23 47:2	102:12,18 109:4	<b>commitments</b>
<b>cloaked</b>	<b>collect</b>	48:12 54:2,8	128:15 137:4,20	89:9
169:8	7:16	59:19,21 60:14,	142:17 145:18	<b>committed</b>
<b>clock</b>	<b>college</b>	15 61:17 77:10,	146:1 147:3	97:1 124:8
260:25	98:24 236:11	12,16,17 78:4	152:4,17 154:18	194:4 203:11
<b>close</b>	<b>colloquy</b>	82:19 84:9 86:1	155:9 159:1	235:18 238:25
44:13 123:9	260:17	87:17 89:22	161:19 162:2	288:24
125:3 131:18	<b>color</b>	96:23,24 97:3	163:4 170:6	<b>committee</b>
180:20 212:2	178:20	98:4 99:15	179:20 180:24	19:16,19,23
249:10	<b>Columbia</b>	113:6 142:19,21	182:21 183:17	37:14 61:8,10,
<b>closer</b>	40:4 42:6 78:8	159:3,4,17,18	189:14 193:13	16 79:12,15,19
279:6	150:21 239:3	177:17 189:15,	195:20 196:3	81:18 100:2,9
<b>closing</b>	<b>comfortable</b>	17,22,23 190:22	197:24 210:1,7	122:24 145:2,4,
151:16	28:11 37:10	194:5 201:16	212:13 213:8	8 160:25 161:6
<b>clothes</b>	52:3,6 53:3	202:22,25	217:7 220:11,19	193:19,22
234:18	64:24 69:1	206:8,10	221:21 222:7,9	194:1,5,14
<b>clue</b>	76:13,19	209:17,23	248:3,6,21	197:20 199:22
209:22	163:15,24	217:9,10,15,16	249:5 251:4,9	200:12 201:4,16
<b>code</b>	<b>commands</b>	222:1,2,4,5	253:22 257:13	209:12 219:16,
21:9 38:7 39:5	233:8 244:9	233:8 244:9	261:19,21	22 278:21
62:24 80:15	100:12	248:13 253:10	270:12 275:7	285:5,8,12
81:14 101:4	<b>commend</b>	270:9 280:12	281:18 286:3,6	<b>common</b>
102:3 131:23	26:6 28:16	281:20,21,25	287:11 293:23	105:23 172:2
145:21 146:20	30:10 251:25	282:1 284:4,11,	294:11 295:19	176:1
161:22 162:21	295:1,9	12 287:22 288:2	297:13 298:25	<b>commonly</b>
195:23 196:22	<b>commendable</b>	296:24 298:9	21:8 30:20 39:4	79:2
	26:23			

<b>communicate</b> 44:4	128:9,10 129:12 130:10 132:20	<b>complicated</b> 67:11 157:18 168:16 172:17 180:3	60:15 63:2 77:17,18,19 78:4,6 81:20 97:3,5,6 98:4,7	250:4 252:4 271:23 276:15 277:4,7 296:12, 13
<b>communicating</b> 268:23	257:11 260:12 261:9 262:2,3, 18 265:4,19 267:19 268:8 269:21 278:23 279:3 280:8 282:25 294:4, 13,16	<b>complimented</b> 284:13 <b>complimenting</b> 281:6 <b>comply</b> 264:8,22 279:15	99:25 102:6 130:20 146:23 159:18 162:23 178:10 189:22, 23 191:2 196:25 202:15 217:15, 19 221:16	<b>conducted</b> 81:18 90:6
<b>communication</b> 44:1,6 165:18 267:5	267:19 268:8 269:21 278:23 279:3 280:8 282:25 294:4, 13,16	<b>comprehend</b> 28:9 71:13 <b>comprehensive</b> 68:4	238:23 239:5,6 259:16 265:25 281:25 282:2,7 284:6 287:5	<b>conducting</b> 78:13 224:8
<b>communications</b> 281:9,10	275:15 280:9,12	<b>compromising</b> 274:22 <b>concepts</b> 110:6 141:11	202:15 217:15, 19 221:16 238:23 239:5,6 259:16 265:25 281:25 282:2,7 284:6 287:5	<b>conducts</b> 277:3
<b>communities</b> 40:2 141:10	<b>complete</b> 103:8	<b>concern</b> 16:3,5 17:20 18:19,22 36:9 60:16,17,18,19	30:17 31:8 55:4, 20 90:21 152:13 210:3 253:17 297:9 298:13	<b>conference</b> 289:23
<b>community</b> 27:6,7 30:9 140:2,24 141:9 148:21 156:22 159:8 178:19 186:23 187:2,3, 10 205:1,5,6,10, 15 249:12,25	<b>completed</b> 69:3 290:19	<b>completed</b> 77:20 103:17 105:4 116:23 131:21 135:14 143:2,4 159:22 160:5,8 178:2, 21 190:1,23 194:6 198:13 199:11 201:16 202:14 203:1	61:22 80:7 100:21 145:13 161:14 195:15 220:6 285:23 299:5	<b>conferences</b> 97:18 111:21,22
<b>commute</b> 149:5	<b>completely</b> 226:24 247:22	<b>complex</b> 28:10 60:16,21 65:4,13 67:12, 15 70:6,8,9 141:22 158:11, 14 159:14 188:8,11 216:20,25 217:3,5,13	<b>concluded</b> 71:20 135:5 185:17	<b>confess</b> 51:5
<b>company</b> 189:5	<b>complex</b> 16:11	<b>complexities</b> 204:5 218:17,19 233:13 238:8 251:3 284:3,21 285:1 296:21	<b>conclusion</b> 71:20 135:5 185:17	<b>confidence</b> 49:4 67:6 69:8, 16,20 125:22 266:19 275:11 282:5
<b>comparative</b> 158:23	<b>complexity</b> 142:14 168:11	<b>compliance</b> 13:20 33:12 58:5 74:15	<b>conclusions</b> 48:20	<b>confidential</b> 193:9
<b>compared</b> 39:25	<b>concerned</b> 17:17 19:5 271:9	<b>concrete</b> 189:4	<b>confine</b> 260:1	
<b>compassion</b> 60:13 96:20 97:2 205:10	<b>concerns</b> 16:2 18:18 21:12 27:14 39:8 48:18,24	<b>condescending</b> 189:25 206:20 285:2	<b>conflict</b> 37:1 128:16 132:9 144:18 160:20	
<b>compassionate</b> 176:11		<b>conduct</b> 25:1 38:7 80:16 101:5 145:22 161:23 166:10 195:24 220:15	<b>conflicts</b> 13:23 33:13 37:3 58:8 74:17 93:25 130:11 138:3 155:18 160:21 172:4 183:25 213:16 257:21	
<b>compelled</b> 109:11			<b>confronted</b> 200:10	
<b>competency</b> 281:23			<b>confused</b> 289:7	
<b>complained</b> 209:4 279:9				
<b>complaining</b> 192:13				
<b>complaint</b>				

<b>congratulated</b> 290:21	272:11	<b>contemplating</b> 85:21	<b>contracts</b> 148:1	<b>correct</b> 7:24 18:15
<b>congratulations</b> 134:23	19:17 34:7 37:18 61:14	<b>contemplative</b> 225:25	<b>contractual</b> 70:20	22:20 26:12,20 28:3,7 36:14,23
<b>connected</b> 29:6	75:23 79:14 95:5 100:7	<b>contempt</b> 262:4 266:6,17 272:5,17 273:20	<b>contributed</b> 25:19	63:24 67:19 73:17 81:17
<b>connotation</b> 85:10	117:18 145:3 161:2 193:20	274:2 277:1,6 279:16	<b>control</b> 35:2 43:20 113:18,22	105:20 124:24 128:7 136:13 148:14,15,19 149:15 150:3,14 160:19 171:21
<b>cons</b> 65:22	194:10 219:20 258:25 266:1,2 271:18 273:12 285:7	<b>contentious</b> 172:22	<b>convene</b> 6:3	178:5 182:5 197:10 211:10 227:10 298:18
<b>conscientious</b> 90:1 151:25	<b>constitutionally</b> 273:7	140:9 141:22 142:1,5 157:18	<b>convention</b> 23:20 78:19 87:1	<b>correctly</b> 82:3 103:1
<b>conscious</b> 211:25 277:18	<b>contact</b> 21:3 38:24 47:11 62:17	158:11,14,15 188:8 216:20	<b>conversant</b> 70:18 71:2	181:25 187:9
<b>consent</b> 14:15 34:6 75:22 95:4 139:14 156:13 186:8 215:1	81:7 101:21 146:13 162:14 196:15 221:6 286:18	<b>context</b> 86:4 127:3 130:17 132:23 291:17	<b>conversation</b> 31:4 68:22 99:2 171:5 177:5 253:5,14 262:24 263:7,12	204:5 206:16 219:14
<b>consequence</b> 198:11 259:3	<b>contacted</b> 20:16 38:12 62:5 80:20	6:4 14:21 15:4 17:16 18:5 20:2 58:23,25 68:8	<b>convey</b> 59:24	<b>corrupted</b> 119:23
<b>consequences</b> 175:24	101:9 146:1 162:2 196:3	72:22 115:14 131:14 141:14	<b>cooking</b> 166:12,14	<b>corrupting</b> 120:2
<b>considerate</b> 152:1 226:20	220:19 237:15 286:6	160:1,2 173:10 181:23 228:9	<b>cooks</b> 125:11	<b>corruption</b> 120:3,13
<b>consideration</b> 116:22 203:7 266:22	<b>contacting</b> 20:20 38:21 62:9 81:4	254:24 279:23 280:2 287:21 295:2,4	<b>cool</b> 177:5 222:23	<b>cost</b> 189:7
<b>considerations</b> 115:23	101:18 146:5 162:6 196:7	<b>continued</b> 30:10,16 72:13 95:25 194:17	<b>Cooper</b> 10:3,8 30:4	<b>couched</b> 54:14
<b>considered</b> 171:16 178:1 284:2	220:23 286:10	298:5	<b>coordinating</b> 115:3	<b>council</b> 27:6,7 33:18
<b>consistent</b> 17:25 143:1	<b>contained</b> 14:13 34:4	<b>continuing</b> 163:22	<b>counsel</b> 6:25 14:3 26:18 36:14 40:3,8,19	47:1 58:13
<b>consonant</b> 27:11	36:11 75:20 95:2 96:24	<b>continuously</b> 34:16	<b>copy</b> 249:14 261:9 281:11	75:14 89:22 94:8 138:7,24
<b>constitutes</b> 277:4	139:12 142:20 156:11 186:6	<b>contract</b> 148:23	<b>core</b> 271:13 272:10	140:17 141:13
<b>Constitution</b> 83:15 265:9	214:24 217:10 281:21		<b>corporation</b> 180:10	155:23 184:5 213:19 214:12 263:3,13 271:5

<b>counseling</b> 242:12	<b>couple</b> 98:4,12,13	17,19,22 164:1, 6,7,16 165:2,5, 15 166:20	<b>courthouse</b> 47:11 63:19	<b>Crawford</b> 7:2,3,19,24 9:6, 17 11:10,20
<b>Counselor</b> 252:2	117:10 121:22 148:13 150:2	169:7,12,17,20	<b>courtroom</b> 23:5 59:25	33:23,25 34:3
<b>count</b> 130:11	243:15,21 258:21 261:6	170:14 171:12, 21,22 172:1,5,	63:20,22 64:19 76:13,15,17	39:7 94:13,20 298:18
<b>counted</b> 97:15	287:25	16 173:11	77:8 95:19,23	<b>crazy</b> 53:10 175:1
<b>counterclaim</b> 262:1,5,7,11,15, 19 263:5	<b>courses</b> 277:7	175:4,7,10,12 176:4 177:6	96:1 104:5 122:3 127:24	<b>create</b> 251:5
<b>counties</b> 43:5 76:10,11, 22 117:15 140:20,21	<b>court</b> 8:23 9:8 10:25 11:11 13:11 14:21,22,23 17:5 18:7,8,13, 23 19:3 23:2 31:21 34:13 36:5,18 38:8 42:19 47:12 56:9 58:22,23 60:1 72:25 76:5 77:13,15 78:25 79:23 80:2,17 82:23 84:14 86:5 88:4 89:15 92:6 95:10 100:10,16 101:6 106:5 112:8 113:21 115:5 116:19,22 118:2 121:24 123:5,11 124:1 128:11 129:10 136:11 139:18 140:4,5, 10,12,23 141:5, 8,22,24 145:23 147:24 154:1 156:18,21 157:1,2,5,10,13, 14,17 158:5,7, 11,13 159:10, 12,19,21 160:4, 15 161:9,24 163:8,10,13,15,	178:7,12,25 179:1,12 182:4 185:1 186:13, 188:8,10 189:12 191:6 192:15 194:3 195:25 202:17 203:24 204:23 206:25 207:1 211:7 215:6,9,22 216:4,20,22 218:6 220:16 222:11,13 223:10,19 225:11 232:14, 15 234:19 240:23,24 241:21 242:9 249:17 255:2 260:20 262:24, 25 264:13,24 269:12 271:4,6, 20 275:10,12 279:22,23,25 280:17 283:3,21 285:17 289:19 290:12 296:18	129:14 160:7,9 163:25 164:22 166:3 177:8 179:15 190:17 218:3 223:9,14 225:20 242:1,4 249:9,18,23 250:18 283:16 285:14 295:18	<b>created</b> 60:4 169:1 179:7 228:6 243:10
<b>country</b> 142:4 160:25 173:1 184:9 185:8 188:19,21 189:1 193:18 209:12 218:18, 23 219:16 272:12	<b>courtsrooms</b> 76:9,23 96:15	<b>creates</b> 296:15	<b>creedence</b> 294:16	<b>credit</b> 15:22 60:7 90:2 97:15 111:8 151:19 285:17
<b>county</b> 29:5 39:21 42:1, 10,24 43:4 60:8 68:16 70:5 82:12 114:13 121:12,14 129:10 131:19, 20 143:18 144:7 156:8 159:25 165:21,22 166:5 178:3,13,25 179:2 185:4,25 187:24 194:24 214:20 216:1 219:9 222:10 226:23 227:20, 21 228:14,16,25 229:7,14,17,18 230:8 235:8,9	<b>cover</b> 64:14 259:23 263:9	<b>Creech</b> 204:19 205:2,3	<b>criminal</b> 18:20 19:9,10, 11 21:24,25	22:3 25:10
	<b>covered</b> 88:14	<b>CPA</b> 168:7	27:18,19 29:1 34:21 68:16	70:20,21 77:21
	<b>court's</b> 174:15 175:12	<b>cracking</b> 258:22	79:21 83:18	84:13 86:4,6,8
	<b>courteous</b> 53:12 281:24	<b>craft</b> 90:3	88:4 97:25	88:4 97:25
	<b>courtesy</b> 60:13	<b>Craig</b> 46:22,23	100:10 103:8,25 106:3 109:25	100:10 103:8,25
		<b>Crater</b> 75:18,19 76:2 81:16 214:15, 17,23 221:15	112:7 113:13,14 127:22 131:7 167:2,19	112:7 113:13,14

<b>criteria</b> 13:17 19:17,20 30:20 33:8 37:15,18 55:7 58:2 71:24 74:11 79:14,16 86:11 90:24 93:21 100:3,7 135:8 137:22 145:3,5 152:16 155:12 161:2,4 180:24 183:19 193:20,23 194:10,15 210:7 213:10 253:22 257:15 259:2 265:25 271:14, 16 273:6 278:6 285:6,9 297:13	<b>current</b> 82:18 177:24 <b>curtailed</b> 277:21 <b>custodial</b> 264:22 <b>custody</b> 140:8,10 142:1 157:19 158:14, 15,16,17,18 159:14 187:20 188:12,16 <b>cut</b> 150:4 185:14 <b>cycle</b> 20:7 37:24 61:22 80:6 100:20 145:13 161:13 195:14 220:5 285:23 <b>cycling</b> 284:19,22,23	56:24 73:15 92:23 137:2 154:16 182:19 212:11 255:22 <b>date</b> 20:25 62:14 80:25 91:12 101:14 134:21 162:11 196:12 221:3 256:7 286:15 <b>dates</b> 256:7 257:1 <b>dating</b> 27:13 <b>daughter</b> 208:10 231:8 236:11 245:23 <b>daughter's</b> 228:11 <b>day</b> 6:4 14:24 16:22 34:25 38:17 41:16 50:20 55:24 72:14 <b>dad</b> 27:5 185:3 <b>Dan</b> 124:22 <b>danger</b> 213:25 <b>Daniel</b> 169:25 214:21 219:2,10 227:9, 12 229:15 236:8 238:17,22 <b>darkened</b> 297:3 <b>Darlington</b> 39:23 <b>data</b> 12:16 32:12	<b>days</b> 15:1,2 17:6 64:6 114:9 171:15 217:2 224:12 274:25 276:16, 19 277:15 279:17 <b>deadlines</b> 277:5 <b>deadlining</b> 117:16 <b>deal</b> 45:5,6 60:2 106:12 124:2 206:19 <b>dealing</b> 191:18 <b>deals</b> 167:24 <b>dealt</b> 168:19,21,25 <b>dear</b> 88:1 148:7 <b>dearly</b> 46:8 <b>dearth</b> 86:7 <b>death</b> 70:10,22 175:23,25 <b>Debbie</b> 11:11,14,19 <b>Deberry</b> 56:7,10,14,19, 23 57:2,5,8,11 <b>day-in</b> 132:16 <b>day-out</b> 132:17 <b>day-to-day</b> 35:17 76:18 77:4	72:10,15 <b>debt</b> 141:13 191:22 <b>debts</b> 274:1 <b>decades</b> 26:7,21 45:16 100:9 <b>deceased</b> 143:25 144:16 168:22 <b>decedent's</b> 143:21 144:10 <b>December</b> 34:18 41:7,8 <b>decide</b> 18:15 37:9 108:5 115:20 <b>decided</b> 88:23 108:20 111:14 112:12 219:9 <b>deciding</b> 46:9 115:19,21 133:1 <b>decision</b> 15:12,13 16:13, 16,24 17:2,7 18:16,24 19:2 28:7 46:11 128:22 134:1 165:7,15 179:10 224:2 248:3 250:4 294:22 <b>decisions</b> 6:21 15:22 16:4, 7 133:24 153:22 193:10 205:11 252:12 282:5, 12,13,20 <b>deck</b> 25:1
<b>criticism</b> 17:15 70:6 102:14 133:12 293:11	<b>D</b>			

<b>declaration</b>	105:20,24	<b>defuse</b>	142:24 151:24	45:21 141:21
227:16 274:6	107:17 113:4	68:14,24	159:6 189:24	158:10 188:7
289:25	121:15 130:23	<b>degrade</b>	203:9 281:22	216:19 247:20
<b>decree</b>	140:17 148:1	296:17	<b>demeanors</b>	<b>describing</b>
283:11,12	<b>Defender's</b>	<b>degree</b>	170:1	189:24 282:1
<b>dedicate</b>	77:3 82:7,11	272:10 295:4	<b>democracy</b>	<b>description</b>
60:20 65:17	<b>defenders</b>	<b>degrees</b>	83:16	22:21
<b>dedicated</b>	43:21 83:3,19	28:22	<b>demographical</b>	<b>descriptions</b>
82:18 203:13	84:9 98:21,23	<b>delayed</b>	177:22	244:16
205:5 248:20	106:6,9	16:3 136:2	<b>demonstrated</b>	<b>deserved</b>
<b>dedication</b>	<b>defends</b>	<b>deliberate</b>	79:20	99:18
186:24 253:12	159:16	282:14,22	<b>demonstrates</b>	<b>deserves</b>
<b>Dee</b>	<b>defense</b>	<b>deliberation</b>	275:3	275:5
37:13 61:9	67:16 70:21	270:14	<b>denial</b>	<b>deserving</b>
145:1	77:21 78:9	<b>deliberations</b>	294:17	30:24 55:11
<b>deeds</b>	82:19 83:19	30:25 55:12	<b>denied</b>	72:3 91:3
275:5	95:22 98:12	72:4 91:4	264:9 265:12	152:21 181:3
<b>deem</b>	99:20 107:18	135:13 152:22	269:5 272:20	210:11 254:1
49:1 106:16	114:7 115:4,9,	181:4 210:12	<b>deny</b>	297:17
<b>deep</b>	15 116:18	254:2 297:19	275:16 279:1,2,	<b>design</b>
79:21 140:2	117:22,25	<b>deliberative</b>	8,9	68:9
<b>deepen</b>	121:11,13	23:17 86:18	<b>denying</b>	<b>designated</b>
87:7	131:17,18 133:3	<b>deliver</b>	283:5	88:6
<b>deeper</b>	150:20 159:15	165:16	<b>Department</b>	<b>desire</b>
275:20	<b>defensive</b>	<b>delivering</b>	26:19 157:23	67:25 88:18,19,
<b>deeply</b>	231:6 245:4,9	23:19 60:13	187:22	25 297:8
54:5	250:14,24	267:3	<b>depend</b>	<b>Dest</b>
<b>defend</b>	<b>defer</b>	<b>delivery</b>	174:14	130:21,22,25
129:5,6 195:5	139:2	68:6	<b>dependent</b>	<b>destruction</b>
251:4 266:11	<b>deference</b>	<b>deluge</b>	132:15	175:2
<b>defendant</b>	166:6	16:8	<b>depending</b>	<b>detail</b>
271:6 277:21	<b>deficit</b>	<b>demand</b>	118:19	29:17 132:2
283:21	18:12	88:7 110:18	<b>depends</b>	199:22
<b>defendants</b>	<b>deficits</b>	111:2 174:14	53:6 168:10	<b>detailed</b>
99:10 117:9	17:17 18:5	277:10	<b>depositions</b>	126:1 274:19
<b>defended</b>	103:24	<b>demanding</b>	78:13	<b>details</b>
140:18 158:1	<b>define</b>	222:12 277:1	<b>deputy</b>	271:25
<b>defender</b>	29:20 246:9	<b>demands</b>	77:2	<b>determination</b>
43:7,8,10,17	295:6	159:11 274:13	<b>Derham</b>	10:23 11:5
77:22 82:24	<b>defines</b>	<b>demeanor</b>	9:21	87:11 122:9
98:11,15 99:5	245:22 246:2	29:10 60:9	<b>describe</b>	152:6
	274:22			

<b>determining</b> 86:10 114:22	<b>dignity</b> 285:16	<b>discretion</b> 52:8	205:18	157:21 158:3
<b>detractors</b> 204:16	<b>diminish</b> 253:5 296:10	<b>discuss</b> 7:21 158:12	<b>disrespect</b> 205:18,19	<b>doable</b> 201:14
<b>detriment</b> 273:4 275:13	<b>diminished</b> 248:8	188:9 216:21	217:17 243:3	<b>docket</b> 44:5 79:3 96:4, 5,8,10 113:7,13,
<b>develop</b> 106:10	<b>dinner</b> 125:11	<b>discussed</b> 7:6	292:21	18 114:8,10,15
<b>developed</b> 16:20 247:11	<b>direct</b> 252:5 260:11	<b>discussing</b> 193:8	<b>disrespectful</b> 285:3	117:3 140:13,21
<b>development</b> 39:16	<b>direction</b> 296:5	<b>discussion</b> 135:17 152:25	<b>disservice</b> 121:24	218:8
<b>DHEC</b> 26:17	<b>directly</b> 65:10	181:8	<b>distinction</b> 49:23	<b>docketing</b> 77:6
<b>dialogue</b> 72:8 254:7	<b>directness</b> 297:6	<b>discussions</b> 297:23	<b>distinguish</b> 48:8	<b>dockets</b> 217:25 222:13, 14 275:15
<b>dictator</b> 272:15	<b>directs</b> 260:15	<b>disingenuous</b> 251:11	<b>distinguished</b> 85:25	<b>doctor's</b> 208:9
<b>difference</b> 244:11	<b>dis-serves</b> 251:15	<b>dismiss</b> 99:11 132:6	<b>District</b> 98:24	<b>doctrine</b> 44:12
<b>differently</b> 78:3 218:14	<b>disagree</b> 45:8 118:4	262:11	<b>diverse</b> 184:15	<b>document</b> 256:19
223:20 224:4	<b>disappoint</b> 143:13	<b>dismissed</b> 160:17 192:2, 12,15 262:5,6, 19	<b>diversity</b> 177:23 178:11, 23,24 179:5	<b>documents</b> 12:13 32:9
225:1 241:16	<b>disappointed</b> 151:9	<b>dismissing</b> 274:20	<b>divide</b> 158:21 169:18	56:20 73:13
242:5,6 249:9, 24	<b>disassociate</b> 132:21	<b>disposition</b> 142:23 143:22	<b>dividing</b> 142:12 168:15	92:20 136:24
<b>difficult</b> 40:18 46:10	<b>discerned</b> 67:18	<b>disputes</b> 191:23 192:7	171:6 187:19	154:13 182:16
60:2,3 68:2	<b>disciplined</b> 200:13	<b>disqualifies</b> 84:6 266:4	<b>division</b> 141:12 158:21	212:7,19 255:19
133:24 189:25	<b>disclose</b> 37:9	273:12	<b>divorce</b> 157:20 167:24	261:22
190:2,13 206:19	<b>disclosed</b> 281:13	<b>disqualifying</b> 238:2	<b>dog</b> 168:20 169:3	<b>dog</b> 122:7
208:16 223:8	<b>disclosure</b> 147:15 169:11, 15	<b>disregard</b> 19:2 273:11	<b>divorces</b> 188:25 283:11, 12	<b>dogs</b> 140:8 141:10
245:25 282:5		<b>disregards</b> 266:2	<b>divorced</b> 291:7	46:4
294:25		<b>disrepute</b>	<b>divorces</b> 142:11 187:19	<b>dollar</b> 158:22 180:10
<b>difficulty</b> 16:10 133:15, 18,22			<b>divorced</b> 171:14	189:1,5 217:2
<b>digest</b> 231:1			<b>domestic</b> 157:24 184:9,11	<b>dollars</b> 171:14
<b>dignified</b> 53:12			<b>divorces</b> 207:10 288:3,25	<b>domestic</b> 289:4
			<b>DJJ</b>	<b>donations</b> 281:14,15,16

<b>doors</b> 250:21	12:6 32:2 56:14 73:6 92:13	<b>E</b>	<b>Easily</b> 260:9	<b>effort</b> 50:9 86:18
<b>doubt</b> 48:6 67:15 87:6 88:8 202:21 203:20 204:6 259:2	136:17 154:6 182:9 211:15 255:12 258:15 254:25 255:3,5, 8,12,17,18,21, 25 256:4,9,13,	<b>e-</b> <b>Dunbar</b>	<b>easy</b> 207:24 201:14 294:19 <b>e-filing</b> 103:15 164:2	270:25 <b>efforts</b> 23:17 87:13 <b>egregious</b> 272:2
<b>dozens</b> 48:11 54:8	16,20,23 257:2 261:8 262:6,10 264:4,14,21 266:23 269:2	<b>e-mail</b>	<b>echo</b> 173:10 295:20	<b>elaborate</b> 186:16
<b>draconian</b> 277:15	271:4,22 272:25 276:20 277:11, 13 278:13,18	<b>e-mailed</b>	<b>economic</b> 13:22 33:13 58:8 74:17 93:24 138:3	<b>elect</b> 49:2 130:5
<b>draft</b> 266:16,24	271:14 283:17	<b>Eagle</b>	155:17 183:25 213:16 257:21	<b>elected</b> 27:16 35:8 52:7
<b>drafted</b> 271:7 272:3	125:15 134:24 135:3	<b>edification</b>	150:9	<b>election</b> 9:8 13:24 33:15
<b>drawn</b> 50:16	<b>earlier</b>	<b>educate</b>	290:15	41:18 58:10
<b>drinking</b> 173:2 284:18,20	65:11 86:13 88:13 124:19 151:22 173:12 175:18 176:24 197:8 203:13 204:22 242:20 246:14 297:1	<b>education</b>	23:17	74:19 87:11
<b>drive</b> 25:18,19	<b>early</b>	<b>Edwin</b>	94:5 102:19	
<b>driven</b> 180:4 189:18	22:4 27:23 40:11 44:9 59:12 65:8 68:15 118:7 125:4 126:7 135:2	<b>effect</b>	136:17,22	138:5 155:19
<b>driving</b> 125:10	<b>earned</b>	<b>effective</b>	78:23 117:9 249:15	184:2 213:18
<b>drug</b> 117:21 118:6,8, 13,20 215:22	259:17 273:18 274:16 275:13 276:15 285:13	<b>elects</b>	282:25	249:5 257:23
<b>DSS</b> 140:14 157:21 159:16 167:5,19 187:18 290:19	<b>Dunbar's</b>	<b>elements</b>	69:10	
<b>dually</b> 158:2	54:11 135:2 151:21	<b>elephant</b>	175:9	
<b>ducking</b> 64:14	<b>ease</b>	<b>elevate</b>	106:17	
<b>due</b> 264:9 265:8,11 266:6 269:5 271:17 273:2	56:2 91:20 254:19	<b>eligible</b>	152:5	
<b>duly</b>	<b>easier</b>	<b>elucidate</b>	132:6	
	43:19 94:16 118:3	<b>email</b>	44:14	
	<b>easiest</b>	<b>efficiency</b>	22:9	
	260:18	<b>efficient</b>	174:6	
		<b>efficiently</b>	96:7 296:17	
			25:3,5	

<b>emotion</b> 180:4	<b>encouraged</b> 59:11 107:11, 16,20,25	34:24 40:6 43:22 47:2 133:2 200:24	<b>eroding</b> 266:18	33:12 55:9 58:5 72:1 74:15 90:25 94:3
<b>emotional</b> 85:10 291:6	<b>encourages</b> 164:16	<b>ensure</b> 143:13	<b>erosion</b> 275:20	135:10 137:25
<b>emotionally</b> 164:5	<b>encouraging</b> 174:5	<b>ensuring</b> 76:19,20	<b>error</b> 191:25 266:9	152:19 155:15
<b>empathy</b> 217:18 243:3	<b>end</b> 7:16 87:15	<b>entail</b> 76:15	282:11	183:22 195:5
<b>emphasis</b> 276:13	106:4 128:14	<b>enter</b> 270:13,14	<b>erstwhile</b> 252:8	210:9 213:13
<b>employ</b> 115:14	263:9 273:17	<b>entering</b> 274:14 282:19	<b>essence</b> 128:13	253:24 257:18
<b>employed</b> 117:15 119:5	293:12	<b>enterprise</b> 256:18	<b>essentially</b> 16:14 264:11	297:15
<b>employee</b> 130:4	<b>endears</b> 203:3	<b>entire</b> 158:23	<b>established</b> 228:25	<b>euphemism</b> 177:23
<b>employer</b> 128:7 130:7	<b>ended</b> 95:18 148:4	<b>entire</b> 99:14 120:19	<b>estate</b> 143:21 144:1,8, 16 168:24	<b>evaluate</b> 52:13,24
<b>employers</b> 132:11	<b>endemic</b> 173:20	169:19 187:7	169:18,19	<b>evaluation</b> 258:23
<b>employment</b> 78:8	<b>endorsers</b> 203:21	<b>entitled</b> 84:18	<b>estates</b> 187:19 189:1,2 217:3	<b>evaluative</b> 13:17 19:17,20
<b>empowered</b> 152:9	<b>endorsing</b> 266:15	<b>environment</b> 241:2	<b>estimate</b> 189:1 200:21	30:20 33:8
<b>empowering</b> 54:25	<b>enforce</b> 49:19 164:22	<b>envision</b> 84:24	<b>estoppel</b> 277:5,15	37:15,18 55:7
<b>emulate</b> 169:22	169:14	<b>episode</b> 242:1 243:7	<b>ethic</b> 54:9 96:19 97:1	58:2 71:23
<b>enacted</b> 49:18	<b>enforceable</b> 273:23	<b>episodes</b> 241:4,24	143:3,7 150:19, 22	74:11 79:14,16
<b>enactments</b> 45:7	<b>enforcement</b> 99:9 133:4	<b>equipped</b> 49:24	<b>ethical</b> 19:20 37:15	86:11 90:23
<b>encompassed</b> 118:15	<b>engage</b> 176:12 281:10	<b>equitable</b> 158:21 169:16	61:11 79:17	93:21 100:3,7
<b>encounter</b> 60:22	<b>engaged</b> 49:4	277:5 278:4	89:25 100:4	135:8 137:22
<b>encountered</b> 66:13	<b>engagement</b> 233:3	<b>equitably</b> 171:6	131:9,23 145:5	145:2,5 152:16
<b>encourage</b> 177:9 179:16	<b>enjoy</b> 133:6,7 169:24	<b>equity</b> 222:10 268:5, 11,18,19 269:9	161:4 191:11	155:12 161:1,4
275:20	170:2 181:15	<b>equivalent</b> 206:24 232:8	193:24 194:15, 20 219:18	180:23 183:19
	206:24 232:8	<b>enjoyed</b> 7:23	266:12,23	193:20,23
			274:13,19 285:9	213:10 253:22
			<b>ethics</b> 13:20 30:22	257:15 259:1
				285:6,9 297:12
				<b>even-tempered</b> 226:20
				<b>evening</b> 83:12 298:7
				<b>event</b> 83:12 109:7
				210:16,17 226:1
				240:14 254:5
				265:8,14
				<b>everybody's</b>

64:13	<b>excellent</b>	<b>exercising</b>	<b>expediency</b>	23 245:12
<b>everyday</b> 240:12	70:13 77:12,14 142:21 159:12	117:9 <b>exhaustive</b> 201:21	274:5 <b>expense</b> 276:21	285:11 292:7 <b>experienced</b> 120:3,10 159:9
<b>everyone's</b> 94:11	166:16 172:9 189:21 281:22	<b>exhibit</b>	<b>experience</b>	166:17 187:2 189:17 195:3
<b>everything's</b> 43:2	<b>exception</b> 256:10	13:1,4 32:23 33:1 57:12,15,	15:4 19:22 21:24 22:23	207:8 208:17
<b>evidence</b> 19:1 23:3 71:9 120:12,13 179:12 266:21 267:21 268:10, 20 269:4,7,10, 11,13,16 277:12 289:4	<b>exceptional</b> 54:8 159:5	18,21 60:11 73:25 74:3 93:8, 11,14 137:12,15	27:17,18,19 29:1 34:11,12, 20,23 37:17	259:4 <b>experiences</b> 244:8 247:13
<b>evidentiary</b> 18:21 19:8 22:11,23 274:2	<b>excessive</b> 132:7	155:1,4 183:6,9, 12 212:22,25	43:13 52:10 61:13 63:23	251:7 <b>experiencing</b> 166:18
<b>ex-</b> 264:5	<b>exchange</b> 102:15 128:17	213:3 257:3,6,9 262:8,12 264:17	66:8 67:23 70:15,20 71:1,	<b>expert</b> 66:3 168:7 189:12 268:21
<b>ex-wife</b> 262:17 263:4	<b>excited</b> 294:5	267:22 275:6	15 76:4,7 78:5	<b>expertise</b> 187:5,11
<b>ex-wife's</b> 262:3 264:15 268:3	140:3	<b>exhibits</b>	79:18,21,25	<b>experts</b> 189:8,9
<b>exact</b> 59:15 144:14 249:19	<b>exclusive</b> 113:18,22	264:16 265:5	82:16 86:8,9	<b>explain</b> 97:20,21 143:22
<b>examination</b> 14:18 33:24 58:18 76:1 94:22 137:23 139:4 156:3 185:21 214:16 261:2	<b>excuse</b> 10:22 13:16	247:23 251:9 296:15	18 97:4 98:2 100:5,10,11,13	144:10 163:9 191:23 192:7
<b>examining</b> 147:6	41:2,10 155:11	<b>existed</b> 236:10	102:15 103:25	237:1 245:2 264:25 288:10
<b>examples</b> 164:6	186:18 206:10	<b>existent</b> 48:16	106:14 110:1,5 113:7 120:17,21	<b>explanation</b> 195:8 198:15 207:13 239:24
<b>excel</b> 96:3	208:17 210:14	<b>excuses</b>	123:24 124:6 125:22 139:20	251:20 <b>explanatory</b> 7:15
	238:5 297:5	64:13	140:6,13,23 141:18,19,21,23	<b>exposed</b> 275:10
	<b>executing</b> 264:10	<b>expand</b> 27:23 200:23	142:6,10,11 145:7 147:11	<b>expound</b> 265:17
	<b>executive</b> 6:7,13,16,19,20	<b>expect</b> 59:13 85:17	156:19 157:1,9 158:10,12	<b>express</b> 16:2 45:17
	44:20 153:14, 17,20,21	90:24 124:4 135:9 149:8	159:10,19,20,24 160:3 161:6,7	77:16,17 281:25
	192:18,21	169:13 208:12	163:8,10,13 178:16 185:11	<b>expressed</b> 23:8 60:14 97:3
	193:1,4,7,8	226:24 296:13	186:14 188:5,7,	
	200:1 270:13	<b>expectation</b> 248:8	9,16 193:22	
	<b>exemplary</b> 20:1	<b>expects</b> 55:7 71:24	194:4,13 200:25	
	<b>exemplifies</b> 273:3 276:15	152:17 165:2	206:21,24 215:7	
	<b>exercise</b> 52:8 117:18	180:24 210:7 253:22 297:13	216:11,13,20, 21,23 219:19,25 235:4 243:16, 22,24 244:6,21,	

143:2 159:17	208:13 222:15	<b>familiar</b>	18,20 187:14,17	<b>favorable</b>
178:21 189:22,	<b>factor</b>	20:19,22 21:10	188:8,10 189:18	172:14
23 190:22	116:21	26:24 38:20	194:3 202:17	<b>favorably</b>
217:15	<b>factors</b>	43:4 62:8 81:3	203:24 204:12,	88:15
<b>extend</b>	15:12	82:12 86:12	23 206:25	<b>favoritism</b>
104:13 134:19,	<b>facts</b>	95:13 101:17	207:1,9,10	274:4
23 175:8 240:10	40:15 273:5	126:20 128:17	211:7 215:5,9	<b>federal</b>
270:3 276:2	<b>fail</b>	141:11 146:4	216:4,20,22	36:18 160:15
<b>extended</b>	103:18 248:22	158:22 162:5	223:19 228:9	<b>fee</b>
30:7	<b>fails</b>	173:4 196:6	232:14,15	294:21
<b>extension</b>	84:1	197:22,25 198:2	238:11 240:23,	<b>feedback</b>
109:9	<b>failure</b>	220:22 286:9	24 241:21 242:9	86:1,2 89:21
<b>extensive</b>	262:5 264:8,11,	<b>families</b>	255:2 271:6,20	151:18 280:6,11
79:11	22 266:10	176:2 190:18	279:22,23,25	296:1
<b>extensively</b>	<b>fair</b>	271:21 275:13	281:16,17	<b>feel</b>
96:4	15:21 17:15	280:2 294:23	285:17 289:19	14:24 15:5
<b>extent</b>	42:12 49:9	<b>family</b>	fantastic	45:11 48:12
39:16 42:11	50:24 51:1,2	27:3,12 37:4,7	23:23 86:23	50:9,22 53:3
46:1	54:5 59:5 60:11	65:8 98:19	87:2 208:24	59:3 60:24
<b>extra</b>	64:1 68:5 77:13,	136:11 139:18	<b>fantasy</b>	64:23 68:13,25
170:25	15,24 78:2	140:4,5,10,23	51:5	76:3,7 95:8
<b>Extraordinare</b>	84:21 85:15	141:4,8,22,24	<b>fate</b>	99:13 120:17,18
252:3	99:17,24 132:5	144:19 147:24	158:19	139:19 141:17
<b>extraordinarily</b>	143:1 161:8	148:6 154:1	<b>father</b>	150:15 156:18
64:16	165:8 179:9	156:17,21	127:18 194:2	160:3 163:16,24
<b>extremely</b>	200:22 201:20	157:1,5,10,13,	201:7 229:8	186:13 188:4
46:7 85:8	202:5 214:2	14,16 158:5,7,	274:25 284:16	215:6 218:5
157:18 163:19	217:11 226:21	11,13 159:9,10,	<b>fathers</b>	219:12 226:12,
186:19	263:18 281:24	12,14,19,21	140:8	15 227:2 239:24
<hr/>		160:1,4,22	<b>fathom</b>	240:3 243:25
<b>F</b>		161:8 163:8,10,	191:5 288:23	244:11 245:2
<b>fabric</b>	132:2 225:22	13,15,17,19,22	<b>fault</b>	248:7 250:25
272:12	250:18,21	164:1,6,7 165:5,	122:4,13 199:5	251:21 276:11
<b>face</b>	285:16	15 166:20 167:4	283:15	283:2 284:11
96:9 206:2	<b>fairness</b>	169:7,12,17,20	<b>favor</b>	291:21 296:20
<b>faces</b>	127:5 275:16	170:13 171:11,	6:9 8:7,10,13,	<b>feelings</b>
74:22	<b>faith</b>	21,22,25 172:5,	18,24 9:11,15,	246:25
<b>fact</b>	49:7	16 173:11	23 10:2,4,7,10,	<b>feels</b>
26:17 46:8	<b>fall</b>	175:4,10 176:4	13,16,20,25	53:6 84:5 284:9
84:15 178:2	46:9	177:6 178:6,12,	11:8,14,18	<b>fees</b>
185:6 204:3	<b>falls</b>	24 179:1,11	192:22 298:21	174:19 265:2
	271:24	182:4 184:10,25		272:7 276:17,21
		185:1,2 186:12,		

283:2,6,8,15,16, 18,19,24	<b>filing</b>	<b>fine</b>	<b>Florence</b>	141:20 152:17 160:23 180:25
<b>fellow</b>	175:13 237:12, 13,16,17 276:25	100:16 128:4 138:8 211:23	<b>Florida</b>	205:8 210:8 253:23 272:18
<b>felt</b>	11:10 114:8 229:14 262:9 264:17,20 265:1	233:2 294:21 59:22	<b>flout</b>	297:14 129:17
<b>female</b>	<b>finalized</b>	168:13	<b>flown</b>	<b>fondly</b> 170:18
134:7 206:21	114:16	<b>fire</b>	142:3	<b>foot</b> 94:17 249:4
<b>females</b>	<b>finalizing</b>	68:3	<b>flush</b>	<b>Force</b> 142:7
288:4	114:17,20	<b>firearm</b>	24:12 52:15	<b>forces</b> 209:13,25
<b>fewer</b>	<b>finally</b>	234:2,7,8,22	<b>focus</b>	<b>forensic</b> 168:18
7:6 9:4	36:6 130:7	<b>firm</b>	61:5 69:17	<b>foresee</b> 176:6
<b>fides</b>	134:6 159:13	29:9 34:19	88:25 122:9	<b>Forest</b> 150:13
86:19 105:3 178:16	<b>finances</b>	50:22 78:8 99:22 103:8	144:17 272:1	<b>forever</b> 52:17 289:17
<b>field</b>	<b>financial</b>	143:8 147:22 148:6 192:6	<b>focuses</b>	<b>forfeitures</b> 103:14
50:20 65:15 66:3 269:15 272:21	158:13,19 168:11 169:11	<b>firms</b>	74:11 93:20	<b>forget</b> 83:18,20 225:9
<b>fighting</b>	188:10,13 189:8 193:9 216:22,25	<b>firsthand</b>	137:22 155:11	<b>forgive</b> 29:3 41:3 88:13
174:16	217:1,5 227:16	150:22	183:19 213:10	170:10 206:18
<b>figure</b>	274:6,15 283:11,13,22	<b>Firstly</b>	257:15	<b>forgiveness</b> 248:5
21:22 127:18 246:20 291:14	<b>find</b>	82:5 105:15	<b>foe</b>	<b>forgot</b> 217:24 256:4
<b>figured</b>	8:16 35:4 89:24	<b>fit</b>	217:14	<b>form</b> 238:21 242:12
64:5	134:9 148:4	246:21	<b>folks</b>	<b>formal</b> 31:2 55:14 72:5
<b>file</b>	152:9 166:9	<b>fitness</b>	23:15 36:18	135:15 152:23
112:12 144:1 237:21	172:5 190:14	19:21 37:15	42:5 48:1,23	181:6 210:14
<b>filed</b>	198:14 232:8, 16,17 236:21	61:11 79:17	64:18,19 66:4	
13:24 33:14 58:9 74:18 94:4 120:9 132:21 138:4 143:17 144:5 155:19 175:6 184:1 191:21 192:5,9 213:17 236:22 257:22 262:2	<b>finding</b>	100:4 145:6	70:24 88:2	
	90:14 136:4	161:4 193:24	122:14 138:9	
	175:7 189:6	194:15,20	173:14 193:2	
	247:5	219:18 266:4,12	206:5,8 222:3	
	<b>findings</b>	273:13 285:10	240:11 243:13	
	273:20 277:14	<b>flags</b>	248:1 253:11	
	<b>finds</b>	72:18	292:25 294:25	
	35:5 262:14	<b>flat</b>	<b>follow</b>	
		209:19	30:21 51:14	
		<b>flexibility</b>	55:8 67:25	
		236:12	71:25 90:24	
			131:24 135:9	

254:4 297:20	<b>founded</b>	84:20 92:20	<b>funny</b>	179:9 249:6
<b>formative</b>	272:12	103:22 117:19	67:5	250:4
135:4	<b>founders</b>	132:16 136:24	<b>future</b>	<b>general</b>
<b>fortunate</b>	27:7	154:13 166:16	51:5 52:18	20:20 21:4 29:5
65:12 122:18	<b>fourth</b>	169:24 170:3	169:3 231:7	34:18 35:9,14
140:5 141:7,17	56:19 274:11	182:16 190:9	248:9 250:13	38:21,25 42:9,
142:14 166:15	<b>frankly</b>	191:16 205:20	264:12 265:8,14	13,19 44:2 49:2
<b>forum</b>	70:12 123:16	212:8 218:3	266:6,17 272:6	62:9,18 65:6,25
151:12	222:24	240:3 255:19	273:20 276:18	66:5 81:4,8
<b>forward</b>	<b>fraught</b>	259:25 261:11	279:13,18	87:12 88:6,17
14:6 18:5 48:16	173:15 175:23	263:14		101:18,22
50:20 164:20	<b>free</b>	<b>fronts</b>	<b>G</b>	102:19 106:4,22
260:13 296:14,	259:15	236:22		129:14 146:5,14
22	<b>freedom</b>	<b>frustration</b>	<b>gain</b>	147:8 162:6,15
<b>foster</b>	147:25	296:16	35:21 141:19	172:2 175:25
40:20 158:2	<b>freely</b>	<b>frustrations</b>	<b>game</b>	196:7,16 220:23
185:20,22 186:5	95:15	247:1	171:5 206:15	221:7 286:10,19
192:17 193:14,	<b>frequently</b>	<b>fulfill</b>	<b>games</b>	290:16
17,18 194:17	163:14	215:20	150:3	<b>generally</b>
196:24	<b>freshman</b>	<b>fulfilled</b>	<b>gamut</b>	7:4 18:15 86:1
<b>fosters</b>	236:11	48:3 264:25	188:15	171:17 253:1
278:4	<b>friend</b>	<b>full</b>	<b>ganged</b>	<b>generating</b>
<b>found</b>	75:8 125:3	12:10 32:6	207:3	225:14
7:7 19:16,19	126:2 175:21	50:25 56:18	<b>gap</b>	<b>generic</b>
38:7 60:8 61:10	189:19 203:3	73:10 92:16	98:1 112:6	296:5
79:16 80:16	205:4,6 213:24	110:17 111:18	127:21 268:8	<b>gentleman</b>
100:6 101:5	<b>friendly</b>	129:8 136:20	295:6	143:25 213:21
104:9 122:19	134:8	147:15 154:10	<b>gaps</b>	294:7
145:2,4,22	<b>friends</b>	169:11,15	265:3	<b>gentlemen</b>
161:1,23	50:11 108:9	182:13 211:19	<b>Gary</b>	6:2,17 31:17
193:19,22	295:7	255:16 258:19	12:11	56:5 193:5
194:7,9,14,19,	<b>friendship</b>	259:15 261:21	<b>gatekeeper</b>	<b>geography</b>
24 195:9,24	37:7 125:5,24	<b>full-time</b>	18:24 19:4	235:1,3
198:12 200:7,9	<b>friendships</b>	111:4 117:13	<b>gauge</b>	<b>get along</b>
201:6 219:7	133:8	186:20 215:15	275:9	173:17
220:15 222:22,	<b>frivolous</b>	<b>fully</b>	<b>gave</b>	<b>gift</b>
24 232:11	174:17 175:13	148:20	118:16 148:3	68:8 231:24,25
239:17 246:18	<b>front</b>	<b>fundamental</b>	224:1 283:23	232:1
248:15 274:1	12:13 32:9	273:16	<b>gears</b>	<b>gist</b>
285:5,8	56:21 60:8	<b>funded</b>	234:24	223:6
<b>foundation</b>	73:13 78:1	219:8	<b>gender</b>	<b>give</b>
78:11			178:12,20,24	13:7 28:6 33:4

34:10 57:9 74:6, 23 78:10 84:3 90:15 93:17 99:17 137:18 155:7 156:23 183:15 198:16 200:22 213:6 238:7 248:2 249:20 256:6,7, 21 259:15,21 262:22 265:16 267:10 268:12 269:23 282:18	64:9 66:19,21 69:4,22,24 72:22 89:24 91:24 94:24,25 103:19 104:17 105:12,14 110:11 112:16, 23,24 116:11 119:11 122:21 125:13,18 126:16 133:2 135:4 136:8 139:6,7 141:18 142:10 143:7 147:4,5 149:13 150:15 151:13 153:18 158:23, 24 159:11 161:7 177:14,16 181:22 184:23 185:12 187:4 194:3 195:7 197:7 199:23 203:5,10 204:3, 4 206:25 211:5 219:25 221:22, 24 225:17 226:7,8,16 227:4,5 230:20 241:9 243:21 260:7 261:4,5 270:24 274:11 278:19 287:15, 16 294:25 295:16	<b>grade</b> 231:8 <b>grandparent</b> 157:19 <b>granted</b> 178:13 223:9 <b>grapple</b> 70:8 <b>grasped</b> 35:13 <b>grateful</b> 94:10 259:14 <b>great</b> 13:8 19:24 22:10 29:15 43:11,12 45:5 53:18 55:24 67:1 71:21 77:14,16 78:11 94:19 103:21 132:2 138:17 152:2,3,6 153:7, 10 187:2 203:9 241:16 281:7 292:24	238:10 <b>grievance</b> 191:7 <b>Griffith</b> 129:16 <b>ground</b> 237:24 <b>grounds</b> 213:23 <b>group</b> 47:23 132:24 150:9 204:9 <b>groups</b> 90:11 <b>grow</b> 127:23 216:10, 15,17 <b>growing</b> 216:18 <b>grown</b> 247:11 <b>grows</b> 275:14	266:23 294:14 <b>guide</b> 160:24 <b>guidelines</b> 21:8 39:4 62:23 81:13 102:2 146:19 162:20 196:21 221:12 286:25 <b>guilty</b> 29:7 84:16,20 272:13 <b>guru</b> 88:7 <b>guy</b> 190:15 <b>guys</b> 266:24 274:12 <b>guys'</b> 270:25
<b>giving</b> 74:20 83:14 132:8 138:7 207:13 233:20 249:19 277:25 283:18 294:16				<b>H</b>
<b>glad</b> 33:21 75:10 149:16,23 150:5,25 214:8 225:23 292:11				<b>Habitat</b> 90:11,19
<b>gleaned</b> 42:17				<b>habits</b> 274:14,18
<b>goal</b> 98:15 130:4 172:11 200:17				<b>half</b> 23:25 24:1
<b>goals</b> 99:4				117:13 129:9
<b>God</b> 201:9				175:19 184:11
<b>Golden</b> 190:5				201:20 216:16
<b>good</b> 6:2 15:5 18:12 21:20 25:9 26:3, 4 34:1,2,23 41:23,24 54:19 55:25 58:20,21 59:8 63:8,10				218:21 267:13
				<b>Hall</b> 104:2,6 108:17
				112:4 121:15
				124:22 126:25
				127:10,13
				128:1,25 129:2
				130:7,11
				<b>Hall's</b> 126:17

<b>hallelujah</b> 170:19	<b>hands</b> 169:9	46:14 53:23 60:20 85:1	<b>heads</b> 25:16	<b>hearing</b> 31:8 37:10
<b>hallway</b> 190:16	<b>handwrites</b> 264:21	89:18 103:23 117:24 186:24	<b>health</b> 19:18 37:19	70:11 91:6 118:14,15,17
<b>hand</b> 8:7,13,19,24 9:12,23 10:4,10, 17 11:1,2,15 12:3 31:25 56:12 61:6 73:4 92:11 136:15 154:4 182:7 191:14 211:13 255:10 258:13	<b>hang</b> 7:13 158:19 271:21	204:24 205:11, 14 249:14 282:13 291:13	<b>hard-working</b> 203:11	147:7 199:17 201:22,23 224:13,22 244:18 246:16 254:21 259:16
<b>hand-</b> 267:2	<b>happen</b> 17:1 115:7 116:10 138:12 166:13 176:15, 17 248:9	194:11 219:21 232:20 285:7	<b>healthy</b> 176:6 200:22	266:7 269:12 272:8 273:19
<b>hand-delivered</b> 272:24 277:25	<b>happened</b> 49:12 97:22 231:5,8,10,25 232:3,4 234:5, 15,20 245:5,9	296:24	<b>hear</b> 15:14 17:6	283:3,9 284:16 291:20 294:16 298:14
<b>hand-in-hand</b> 96:6	<b>happening</b> 115:7 165:6 189:10 208:1	292:21	<b>hardest</b> 33:17 69:18	<b>hearings</b> 6:4 11:22 20:7, 8,9 37:24,25
<b>handedness</b> 29:2	<b>happiest</b> 224:9	296:24	75:12 94:7,19	38:1 61:21,22, 23 80:6,7,8
<b>handle</b> 16:20 37:1 60:16 79:4 89:3 102:20 141:5 144:18 157:6 160:20 187:14 192:18 204:24, 25 216:5 223:22 224:18	<b>happier</b> 67:2	124:7 151:25	<b>hardworking</b> 124:7 151:25	100:20,21,22 118:9 119:5
<b>handled</b> 60:4 70:13,22 112:6 157:17, 18,23 158:1,3, 15,20 187:18,21 188:25 204:21 216:25 289:20	<b>happiest</b> 176:3,4	124:19	<b>harkening</b> 124:19	145:12,13,14 161:13,14,15
<b>handling</b> 106:3 141:21 158:11 168:14 188:8 216:20,23	<b>happily</b> 30:7 204:17	174:17	<b>hasty</b> 29:22 240:23	175:17 184:4,13 190:20 199:7
	<b>happy</b> 14:2 33:17 42:25 58:12	21,24 245:13	<b>hat</b> 29:22 240:23	206:1 211:20,22 214:10 217:22
	75:12 94:7 138:23 155:22 170:20 184:4 188:3,6,14 214:9,10 270:22 282:12	160:10 244:5, 21,24 245:13	<b>hate</b> 160:10 244:5, 21,24 245:13	223:7 225:24 230:21 240:8 242:9 270:22 291:23 292:4
	<b>harass</b> 165:11	170:25	<b>HBO</b> 170:25	224:8,18 242:8, 10 274:20
	<b>hard</b> 36:3 45:21	104:4 174:21 240:18	<b>head</b> 104:4 174:21 240:18	282:16 285:22, 23,24 299:2,4
		223:1 224:7 24:9 102:22 270:7,17	<b>headed</b> 223:1 224:7 24:9 102:22 270:7,17	<b>heart</b> 143:9,12 177:1 284:8 291:24 293:5
		244:10,18	<b>headline</b> 249:3	<b>heavy</b> 30:24 55:11 72:3 91:3
		246:22 247:8,20	<b>headlining</b> 26:2	135:12 152:21 181:3 210:11 297:18
		260:3 264:13 269:8 272:8 276:11 278:24		<b>heavyweight</b> 254:1

<b>height</b> 184:17,19	<b>highest</b> 29:14 191:10,11	<b>honest</b> 59:14 83:9,24	87:20 124:14 197:5	140:23
<b>heights</b> 212:3	202:22 203:23, 25 225:5 271:15	116:8 231:5 238:21 240:4,25	<b>horse</b> 175:1	<b>humbling</b> 143:11
<b>held</b> 6:16 153:17 193:4 231:7 250:13 279:15	272:10 <b>highlighted</b> 172:22	241:6 247:22 <b>honestly</b> 51:6 113:25	<b>Horton</b> 92:13,18	<b>humbly</b> 23:13 105:2
<b>helped</b> 45:17 68:24 98:23 158:21 232:5	64:20 130:12,13 140:9 141:25 151:9 165:4 222:3	149:9 239:13 289:19 295:17 <b>honing</b> 89:15	<b>hostile</b> 278:2	<b>humiliate</b> 165:10
<b>helper</b> 252:2	<b>Hinson</b> 260:11,25	<b>honor</b> 190:10 205:16, 17 222:25	<b>hot</b> 207:25	<b>humiliating</b> 165:1
<b>helpful</b> 24:17 25:13,14, 22 35:12 94:14 113:7 164:3 251:20	261:3,7 269:20, 22 278:15,17 287:4	223:18 266:10 278:22	<b>hotly</b> 142:4	<b>humility</b> 187:11
<b>helping</b> 14:25	<b>hire</b> 83:5 224:15	<b>honorable</b> 8:5,12,18 9:6, 10,21 10:3,9,15, 24 11:8,11,14, 19 89:24 271:3 278:21 282:15	<b>hour</b> 23:25 106:24 200:20 201:20	<b>hundreds</b> 90:14
<b>helps</b> 24:15 45:10 125:11 172:6,7 215:24 232:10 240:16	<b>history</b> 23:25 54:25 128:18 239:19	<b>hour-long</b> 110:19	<b>hour</b> 23:25 106:24 200:20 201:20	<b>husband</b> 108:14 121:8 170:18 214:2
<b>hesitate</b> 104:10	<b>hit</b> 122:7 185:16 231:13	<b>honorable</b> 186:23 205:1	<b>hours</b> 171:15 208:7,14	<b>hybrid</b> 113:23 114:4,12 115:11
<b>Hewitt</b> 8:18,22	<b>hold</b>	<b>hook</b> 65:2	<b>house</b> 41:4,6 53:9 132:12,13	<b>hypothetical</b> 265:8,14 272:6
<b>hey</b> 108:25 207:19 208:5 231:18 244:1	<b>holding</b> 223:8 283:6	<b>hope</b> 22:16 35:6 54:20 59:8,16 64:22 99:14,24 149:2 151:2 153:7 164:12 176:9 181:15 185:10 200:17 202:5 203:6 204:4,20 232:25 239:6 241:2 254:14 260:17	<b>housekeeping</b> 20:4 37:20 61:18 80:3	<b>ice</b> 129:13
<b>hide</b> 15:3 169:3	<b>holler</b> 122:7	<b>huge</b> 242:8	<b>idea</b> 16:12 139:23 144:23 270:1	
<b>high</b> 64:16 67:15 68:20 85:7 89:25 141:9 225:23	<b>home</b> 24:20,21 30:8 42:7 125:10,20 135:22 153:6 166:12,14 210:25 227:9,14 228:13 236:6 254:15	<b>human</b> 23:25 240:10	<b>ideal</b> 28:3	
	<b>homework</b> 22:21 125:11	<b>Humanity</b> 90:12,19	<b>idealistic</b> 99:6	
		<b>hoped</b> 34:25 35:4	<b>ideals</b> 29:14	
		<b>Horry</b> 60:8 68:16	<b>ideas</b> 42:17,21	
			<b>IDENTIFICATION</b>	
			13:2,5 32:24	
			33:2 57:13,16, 19,22 74:1,4	

93:9,12,15 137:13,16 155:2,5 183:7, 10,13 212:23 213:1,4 257:4,7, 10 <b>identified</b> 23:15 94:2 247:2 <b>identifying</b> 24:16 <b>ignore</b> 28:24 75:1 <b>ignoring</b> 272:25 274:2 <b>III</b> 8:6 32:7 182:14 <b>ill</b> 130:2 <b>imagine</b> 25:12 47:24 113:16 187:16 198:17 241:2, 19,21 <b>immediately</b> 22:15 248:14 <b>immensely</b> 34:24 <b>immigration</b> 78:9 <b>impact</b> 29:21 35:10 44:10 45:21 133:19 <b>impart</b> 95:15 <b>impartial</b> 49:8 77:13,15, 18,25 78:2 84:21 85:15 99:24 275:4 277:16,17	<b>impartiality</b> 274:22 <b>impatient</b> 276:14 278:3 <b>impeccable</b> 54:6 <b>Impeding</b> 278:5 <b>implemented</b> 43:17 50:19 <b>implication</b> 250:2 <b>implies</b> 249:5 <b>imply</b> 243:8 <b>import</b> 29:21 <b>importance</b> 46:25 83:15 86:21 173:9 282:20 <b>important</b> 44:3 52:12,14, 20 53:1 87:3 89:5,6 106:1 108:16 115:23 160:11 163:18, 19 169:12 178:14 189:7 194:2 237:12,13 253:6 295:23 <b>importantly</b> 67:20 280:1 <b>imposed</b> 274:8 <b>impress</b> 89:21 <b>impressed</b> 23:2 25:7 87:23, 24	<b>impression</b> 143:10 160:11 243:10 <b>impressions</b> 113:23 <b>impressive</b> 134:10 <b>improper</b> 19:7 262:7,19, 21 <b>improprietary</b> 266:18 <b>impropriety</b> 30:23 55:10 72:2 91:2 135:11 144:23 152:20 181:2 210:10 253:25 297:16 <b>improve</b> 21:23 89:14 156:25 163:8,23 164:7 240:12 280:13 <b>improved</b> 89:14 273:24 <b>improvement</b> 23:14 42:21 43:22 163:11 <b>improvements</b> 17:18 <b>improving</b> 163:13 <b>in-person</b> 111:7 <b>inappropriate</b> 166:9 <b>incarnation</b> 107:3 <b>incentives</b> 247:23	<b>incivility</b> 164:15,16 173:16 <b>include</b> 77:5 158:15 266:24 <b>included</b> 13:18 14:14 33:9 34:5 58:3 74:12 75:21 93:21 95:3 137:23 139:13 155:12 156:12 183:20 186:7 213:11 214:25 257:16 <b>includes</b> 20:5 37:21 61:19 80:4 100:17 145:10 161:11 195:12 220:3 285:20 <b>including</b> 12:24 20:19 32:20 38:20 57:7 62:8 73:23 81:3 90:11 93:6 101:17 114:25 115:2 137:10 146:4 147:24 154:24 159:14 162:5 183:3 196:6 220:22 272:19 286:9 <b>inclusion</b> 74:7 <b>inclusions</b> 207:3 <b>income</b> 273:25 <b>inconsequential</b> 102:16	<b>inconsistent</b> 251:7 282:4,23 284:2 <b>incorporated</b> 21:13 39:10 63:3 81:21 102:8 146:24 162:25 197:1 221:17 287:7 <b>increased</b> 273:25 <b>incredible</b> 217:12 <b>incredibly</b> 14:23 25:14,21 36:7 42:2 54:7 87:2 151:24 <b>incumbent</b> 233:24 <b>indelible</b> 82:16 <b>independence</b> 132:10 <b>independent</b> 52:19 132:14,19 133:10 <b>independently</b> 52:8 <b>indicating</b> 297:8 <b>indication</b> 47:12 64:9 <b>indigent</b> 82:19 150:20 <b>indirectly</b> 130:10 <b>individual</b> 10:23 89:24 178:22 236:4 292:22 295:18 <b>individually</b> 7:25
---	---	--	--	---

<b>individuals</b> 54:24 83:4 178:17 291:4	<b>innocent</b> 84:17 272:13	<b>intended</b> 223:11	<b>internet</b> 54:16	13:14 33:6 57:25 74:9
<b>indulging</b> 292:9	<b>input</b> 114:6 115:4 275:8	<b>intent</b> 20:15,23 38:11, 15 62:4,12	<b>interplay</b> 44:22	93:19 137:20 155:9 183:17 213:8 257:13
<b>inefficiencies</b> 16:3	<b>inquiry</b> 13:16 33:7 58:1	80:20,23 101:8, 12 145:25 146:8	<b>interrupt</b> 121:20,25 198:24 260:17, 23 280:23	13:16 21:12 39:9 63:2 81:20
<b>inflection</b> 247:10	74:10 93:20 137:21 155:11	162:1,9 196:2, 10 220:18 221:1	<b>interrupted</b> 122:6	102:6 142:4 146:23 155:10
<b>influence</b> 120:2	183:18 213:9 257:14 275:20	286:5,13	<b>interrupting</b> 122:5 203:19	162:24 196:25 221:16 285:15
<b>influences</b> 266:15	<b>inside</b> 96:9	<b>intentions</b> 132:4	<b>intervene</b> 21:5 62:19 81:9 101:23 146:15	287:6
<b>information</b> 18:9 20:12 28:2, 6 38:3 54:23 62:1 80:11 100:25 104:8 145:17 161:18 195:19 220:10 286:2	<b>inspirational</b> 134:10	<b>interact</b> 76:18	162:16 196:17 221:8 286:21	<b>invite</b> 197:19 270:8
<b>informed</b> 15:20 104:5	<b>installments</b> 274:8	<b>interacting</b> 89:17	<b>interview</b> 199:13 200:6,19 201:18 209:9,15	<b>invited</b> 290:24
<b>infused</b> 48:25	<b>instance</b> 251:17	<b>interaction</b> 35:18	<b>interviews</b> 197:21	<b>invoke</b> 126:16
<b>inherent</b> 247:14	<b>instances</b> 190:24 266:20 272:1 288:1	<b>interest</b> 13:23 29:11 33:14 37:2,3 58:8 74:17	<b>intimately</b> 82:12	<b>involve</b> 158:3,16 289:25
<b>inheritance</b> 228:11	<b>institute</b> 215:25	93:25 130:3	<b>intolerance</b> 128:21 131:11	<b>involved</b> 36:23 67:14,15
<b>inherited</b> 227:23 229:8	<b>institutions</b> 90:18	138:4 144:18 155:18 160:20, 21 180:6 183:25	<b>intriguing</b> 141:25 143:16	116:19 120:1,6
<b>initial</b> 7:12 16:17,24	<b>instruction</b> 19:6	213:16 217:14 251:4 257:21	158:3 191:20 192:11 260:19	128:21 131:11
<b>initially</b> 14:9 231:25	<b>insulted</b> 208:13	<b>interested</b> 39:17 42:9 116:14 173:5 203:16	<b>introduce</b> 74:24 75:4 108:22,24 138:11 213:23	<b>involvement</b> 115:15
<b>injustice</b> 272:14	<b>integrity</b> 52:4,6,11 53:4 97:2 271:10	<b>interesting</b> 18:6 35:20 104:17 147:23	<b>introduction</b> 163:7	<b>involves</b> 85:6 262:1
<b>injustices</b> 271:7	<b>intellect</b> 52:25	<b>Interestingly</b> 209:7	<b>introductions</b> 74:25	<b>involving</b> 36:12 37:2
<b>inking</b> 275:16	<b>intellectual</b> 53:13	<b>interfering</b> 40:23	<b>introductory</b> 44:9	144:19 160:21 191:22
	<b>intelligent</b> 19:25 36:7 54:9 96:25	<b>international</b> 187:20 188:18	<b>invaluable</b> 43:13 82:17	<b>Inzerillo</b> 72:24 73:2,6,11, 12,18,21,24
			<b>investigated</b>	75:4,7,8,11,15, 22 76:3 77:9 79:13,20,24

80:14,19 82:2,4, 8 83:21 84:8 85:20 87:14 88:11,17,23 89:19 91:9,14, 17,19 100:12	<b>itemized</b> 283:7	<b>January</b> 23:20 26:2 41:10,11,12,15, 17 50:1 78:19, 24 86:25 218:24 219:1,6 236:9, 13	<b>jobs</b> 89:9 245:24	13:8,11,12 14:4, 12,15,20,22 <b>Jody</b> 15:7,16,19,21, 23 19:3,14,16, <b>Joel</b> 24 20:15 21:13, 18,20,21 22:1, <b>John</b> 24 23:6,9,11 24:4,6,8,14,24 25:4,8,11,14,16, 18 26:3,4,10,12, 14,20 27:1,4,9, 21,25 28:2,6,8, 14,16,21 29:18 <b>join</b> 151:5 <b>joined</b> 134:6 <b>joining</b> 91:17 <b>joke</b> 67:4 <b>Jones</b> 143:19 144:8 <b>Jordan</b> 6:7 63:7,8,11,15 64:1,11 65:1,21 66:16 148:9,11, 13,16,20 149:11,16,18, 21,23 150:4 192:20 230:14, 15,18 233:2,7, 17 234:5,9,13, 21,24 235:20 236:14 <b>Joseph</b> 9:21 282:15 <b>journalists</b> 248:20 <b>Jr</b> 10:4 <b>judge</b> 8:2,16,22 9:15, 20,22 10:2,8,14, 21,25 12:1,4,11, 12,15,19,22,25
<b>Island</b> 214:21 219:2,10 227:9,12 229:16 236:9 238:17,22	<b>Jacobson</b> 153:24 154:2,6, 11,12,15,19,22, 25 155:25 156:5,14,17 157:3 159:1,8 160:5,14 161:1, 21 163:6,12 164:10,18,23 165:13,24 166:2,8,11,15, 25 167:3,6,9,13, 16,22 168:2,10, 21 169:4,11,18, 23 170:12,15, 20,23 171:2,10, 16,22 172:8,25 173:3,25 174:18 175:3 176:10 177:6,15,16 178:8 179:1,21 180:1,18 181:11,16	<b>Jay</b> 8:23 9:3 <b>jaywalking</b> 43:11 <b>Jennings</b> 34:17 <b>jerk</b> 240:21 <b>Jersey</b> 185:7 <b>Jimmy</b> 261:7 <b>JMSC</b> 20:4 37:20 61:19 80:3 100:17 145:9 161:10 180:3,8 195:11 220:3 251:5 285:20	<b>job</b> 23:4,23 24:10 25:10 49:19 53:18 67:1 78:10 82:13 83:9,23 84:11 85:2,3,8,14 87:2 89:4 175:23 185:9 201:11 204:8,25 205:25 217:24 222:21 225:17 230:20 240:22,23 241:3 245:25 252:18	6:7 63:7,8,11,15 64:1,11 65:1,21 66:16 148:9,11, 13,16,20 149:11,16,18, 21,23 150:4 192:20 230:14, 15,18 233:2,7, 17 234:5,9,13, 21,24 235:20 236:14 <b>Joseph</b> 9:21 282:15 <b>journalists</b> 248:20 <b>Jr</b> 10:4 <b>judge</b> 8:2,16,22 9:15, 20,22 10:2,8,14, 21,25 12:1,4,11, 12,15,19,22,25
<b>issue</b> 16:7 18:1 22:2,7 31:3 51:18 60:12,25 61:4 67:12,20 68:8 70:8 113:11,15 142:5 160:11 164:4 168:19 217:16 218:17 234:17 237:8,9 240:7 284:17 292:3	<b>JAG</b> 26:11,16	<b>jail</b> 116:2,5,12,13, 25 117:1,5 276:16,19 277:10,15,24 294:20	<b>Jailing</b> 274:24	<b>Jake</b> 45:15
<b>issued</b> 68:4 262:16 279:15 282:3				
<b>issues</b> 19:8 20:4 22:12, 17,23 24:12,16, 18 25:8 37:20 61:18 70:7,12 78:18 79:3,4 80:3 100:17 145:9 161:10 168:11 188:13, 24 195:11 217:13,17 219:23 220:1 232:6 233:5 235:7 253:14 259:4				
<b>issuing</b> 265:7				

## TRANSCRIPT OF PUBLIC HEARINGS

331

114:3,8,16,19, 24 115:10,14, 24,25 116:14,23 117:19,22 120:24 121:15, 16 123:25 126:17,25 127:10,13,25 128:11,25 129:2,3,4,5,13, 16 130:7,11 132:11 133:19 139:19,21 140:4 141:5 142:23 149:13 156:18, 20,21 157:5 158:8 159:6,12, 21 160:4 164:14,21 165:9,12 166:4, 10,21 169:20, 23,25 173:11, 18,20 175:10 176:4,5,24 177:6 179:12 185:1 186:13, 15,18,20,21 187:1,6,14 189:21 202:17 203:24 204:19, 23 205:3,12 215:6,8,9 216:4 222:8,9,11,25 223:5,19 226:25 232:18 236:16, 20 238:9 241:18,21 244:25 249:5 254:25 255:3,5, 18 258:1 259:17 260:15 262:10 263:15 264:4, 14,21 266:2,23	267:3 269:2,4 270:8 271:22 272:24 273:15, 17 274:12,16,24 275:13 276:15, 19 277:11,13,22 278:13,18,23 279:5,21,24,25 280:4,14,15,20, 22 281:8,13,18 282:8 284:3 285:4,5,12,17 287:11,13,14, 16,19 288:6,8, 18,23 289:2,10, 13,18,22 290:3, 6,8,18 291:4,10, 16,19,25 292:11,14,18,20 293:3,6,10,13, 17,20,22,25 294:1,9,18 295:11,15,16, 20,24 296:12, 13,23 <b>judge's</b> 223:2,14 <b>judgement</b> 252:10 <b>judges</b> 9:19 15:24 16:19 22:6,10 24:18,22 25:13, 23 27:16 28:4 59:22 61:3 64:12 67:9 69:10,11,13 70:19 71:11 76:16,17 77:1 78:1 79:4,8 85:18 86:6 96:7, 9 97:18,24 103:24 104:22	111:16,23 124:2 164:11,23 165:8 166:16,17 172:7,16 177:9 178:15 179:1 191:13 202:21 205:20 223:7 224:20 225:7 232:14 235:10 240:24 242:9 275:5 276:13 291:23 296:9,11 <b>judging</b> 132:11 <b>judgment</b> 52:9 78:14 100:11 <b>judicial</b> 6:4 13:13 19:22 20:3 33:5 36:8 37:17 38:6,7 48:25 55:22 56:8 57:24 61:13 72:25 74:8 79:18 80:14,15 83:17 92:6 93:18 98:5 100:5 101:3,4 106:1 137:19 139:10 145:7, 20,21 155:8 156:8 160:23 161:6,21,22 170:15 182:3 183:16 186:4 193:25 194:13 195:22,23 203:10 211:8 213:7 217:17 219:19 220:13, 14 238:5 239:12 254:13 255:2 257:12 271:4	272:9 274:23 276:12 285:11 298:5 <b>judiciary</b> 29:15 39:19 44:24 45:3,6 48:19 52:18 83:17 104:7 131:5 152:5,10 271:10 275:11 <b>July</b> 111:14 112:12, 13,16 272:22 <b>jumped</b> 177:20 <b>June</b> 219:8 274:18 <b>jurisdiction</b> 166:7 169:6 268:15,18 <b>jurist</b> 86:24 <b>jurists</b> 16:1 <b>jurors</b> 76:19,20 <b>jury</b> 19:3,6 34:22 171:25 172:1 <b>justice</b> 15:1 42:14 49:8 83:4 84:13 131:7 157:23 187:22 266:18 272:9 277:17 278:5 <b>Justin</b> 258:15,20 <b>juvenile</b> 140:18,20,21 157:23 159:15 187:22 215:22	216:8 <b>juveniles</b> 140:18 215:21 <b>K</b> <b>Kate</b> 7:10 <b>keel</b> 150:16 <b>Kelly</b> 114:3 211:9,15, 20,21 <b>Kershaw</b> 39:24 40:5 <b>Kevin</b> 119:3 126:21 131:10 <b>kick</b> 279:17 <b>kicked</b> 46:5 <b>kid</b> 127:17 <b>kids</b> 108:11 125:14, 18 127:17 190:18 <b>Kimpson</b> 12:2,4,6,11,15, 19,22,25 13:3,6, 12 14:4,12,15, 20 15:7,16,19, 21,23 19:14,16 20:15 21:13,18, 20,21 22:1,24 23:6,9 24:6,14, 24 25:11,14 26:4,10,12,14, 20 27:1,4,9,21 28:14,21 29:18 30:1,5,12,13
--	---	---	--	---

31:6,11	151:4,5,15	<b>lacked</b>	<b>lapse</b>	179:10,13 181:1
<b>kind</b>	152:14 153:3,9, 11	<b>lacks</b>	<b>266:23</b>	184:10,25 185:2
25:1 36:7 43:1		<b>ladies</b>	<b>186:20</b>	187:1,8,
44:13 64:14		<b>lady</b>	<b>12 188:3</b>	189:18
65:16,24 85:19		<b>Lamantia</b>	<b>192:6</b>	197:24
94:14 96:6,8		181:24 182:1,2, 5,9,14,15,18,22	<b>203:14</b>	204:12
97:19,20,21		183:1,5 184:7,8, 12,13,16,20,22,	<b>205:9</b>	207:9,10
102:21 109:18		24 185:15,19,23	<b>215:10</b>	216:2,14
110:7 113:17, 21,22 114:13		186:9,12 188:7	<b>230:5</b>	232:9,17
115:3,11 120:20		189:14 191:19	<b>274:4</b>	277:3
127:12 129:11		193:12,19	<b>282:2</b>	295:8
134:8 140:1,2		194:8,18 195:22	<b>laws</b>	
141:7,15 142:13		197:7,10,13,15	13:20	33:13
151:25 171:2		198:2,5,8,10,15, 25 199:5,7,16	55:9	58:6 72:1
185:16 228:5		200:5,17,20,24	74:15	90:25
230:21 233:4		201:2,5,12,14, 19,24 202:2,6,8	94:3	135:10
234:15,16		203:6 204:17	138:1	152:19
241:25 242:16		206:3,12,15,17, 18 207:7 209:3	155:15	183:22
243:4 244:1,2, 19 247:14 253:7		210:2,21 211:1, 3	210:9	213:13
260:16 263:21		<b>Kormylo</b>	253:24	257:18
265:21,22		272:21	297:15	
280:21 291:12		<b>Kormylo's</b>	<b>lawsuit</b>	
292:5		267:1	143:17,22	
<b>kindness</b>		<b>kudos</b>	144:1,5	160:15
205:10		201:11	191:21,23	192:5
<b>kinds</b>		<b>L</b>	<b>lawsuits</b>	
34:21 40:21		<b>lack</b>	143:16	191:20
124:3 291:23		22:20 78:5 97:4	<b>lawyer</b>	
<b>Kinney</b>		102:14 127:17	19:12	35:15
136:10,13,17,22		134:3 178:11,23	45:18	46:1,24
137:1,5,8,11		217:18 243:3	49:14	53:16
138:14,15,16,22		282:4	54:4,12	63:23
139:1,6,14,18			86:3	89:24 90:1
141:1,20			95:17,21	117:25
142:17,23			120:1	121:18
143:15 145:2, 20,25 147:4,5,9, 13,15,17			131:2	151:21
148:12,15,19,22			152:2	165:25
149:15,17,20,22			184:9	187:4
150:2,6,11,14			190:19	225:10,
			19	238:3 283:3
			<b>lawyers</b>	
			15:9	17:24
			18:13,14	24:11,

23 27:24 45:16 59:25 60:3 64:17 65:14 67:16 68:17 71:6 83:19,20 98:19 121:9 122:2,15 164:17 166:1 173:16 174:15 190:11, 16 205:6 209:7 225:4 240:24 275:9 280:16 285:15 296:7	79:10 141:19 160:2 216:18 241:10 <b>leave</b> 41:5 63:22 291:5 298:7 <b>leaving</b> 50:8 51:8 153:7 247:11 <b>lecture</b> 83:13,14 <b>led</b> 136:1 <b>Lee</b> 39:21,23 42:1, 24 43:5 144:8 <b>left</b> 49:25 50:6 160:11 215:14 226:19 246:24 260:20 283:15 294:7 <b>legal</b> 6:8,14,21 15:22 17:17,19 18:6 26:18 27:15 28:10 34:11 54:15 70:7,8 76:3,7 78:7 82:10,18,24 95:8,12 98:20	<b>legend</b> 173:13 <b>legislative</b> 35:19 42:8,20 44:11 45:4,7,9 251:8 <b>legislator</b> 20:25 38:16 48:14,18 49:11, 13 62:13 80:24 101:13 124:5 146:9 162:10 196:11 221:2 238:4 286:14 <b>legislators</b> 51:18 52:2,16, 17 120:1 <b>legislature</b> 41:5,14 44:15, 25 <b>Legislature's</b> 23:21 <b>Leland</b> 107:18 108:12, 13 121:11 <b>lenses</b> 179:11 <b>Leon</b> 83:6 <b>lesser</b> 105:4 <b>letter</b> 20:15,23 30:21 38:11,15 55:8 62:4,12 71:25 80:19,23 90:25 101:8,12 130:21 135:9 145:25 146:8 151:12 <b>legally</b> 152:18 162:1,9 180:25 196:2,10 210:8 220:18	221:1 253:23 260:6 286:5,13 297:14 <b>letters</b> 47:8,13,14 151:7 195:6 280:15 281:5 <b>letting</b> 139:1 163:23 242:6 <b>level</b> 21:24 40:18 86:5 208:18 268:23 272:20 <b>Level-headed</b> 143:1 <b>levels</b> 86:3 208:12 238:5 <b>Lexington</b> 239:3 <b>licensed</b> 185:7 200:14 <b>life</b> 96:18 125:16 131:4 163:20 170:21 175:23 184:11 209:14 232:8 233:23 236:5 245:1 258:6 <b>lift</b> 295:12 <b>light</b> 109:12 202:1 204:18 240:17 <b>lights</b> 225:15 <b>likes</b> 95:14 151:11 <b>limitations</b> 20:20 38:21	62:9 81:4 101:18 146:5 162:6 196:7 220:23 286:10 <b>limited</b> 48:16 144:4 <b>Lindi</b> 7:16 <b>lines</b> 47:15 191:8 209:4,10 <b>lion</b> 177:18 <b>liquidity</b> 267:20 269:3,7 <b>list</b> 121:3 171:7 238:17,22 256:5 <b>listed</b> 36:20 236:23 <b>listen</b> 245:7 <b>listened</b> 20:9 37:25 61:23 80:8 100:22 145:14 161:15 195:16 220:7 285:24 <b>listening</b> 132:18 163:23 199:10 207:5 281:6 294:2,4 <b>listens</b> 142:25 <b>item</b> 140:9 142:2 157:20 167:10, 20 180:1 <b>literally</b> 177:3 207:8 209:24
---	--	--	---	--

<b>litigant</b> 165:11,16,20 169:1 264:7 272:20 283:20 284:9	<b>lives</b> 133:20 134:4 238:11 240:14 271:21 282:22	<b>long-term</b> 107:17 <b>long-time</b> 76:8	<b>lots</b> 16:10 34:20 50:10,11 218:5	136:2
<b>litigants</b> 15:25 28:5 90:4 157:1,12 158:22 163:14 167:8 169:13,15 172:7 173:17 174:15 222:24 223:13 224:23 278:3 284:13 285:15	<b>livestream</b> 161:12 <b>living</b> 170:21 174:9	<b>longer</b> 85:14 174:1 <b>looked</b> 17:8 103:15 233:9 247:2	<b>louder</b> 275:14 <b>love</b> 138:10 198:16 246:4 279:25 280:1 284:23	<b>M</b> <b>made</b> 6:22 12:21 18:24 28:19 32:17 40:6 43:18 46:14 50:9 51:19 57:4
<b>litigants'</b> 164:24	<b>LLC</b> 169:9 191:22	<b>looms</b> 127:4	<b>loved</b> 50:17 <b>lovely</b> 91:21 93:3	60:6 73:20 91:21 93:3 94:16 104:14 125:4,15 148:20,25 153:22 154:21
<b>litigate</b> 173:25 174:1	<b>LLCS</b> 217:4	<b>lose</b> 149:24	<b>loves</b> 133:14 <b>losing</b> 222:22,23	192:1 193:10 197:15 212:16 232:7,22,24 233:9 248:14 277:13 282:11, 12 288:2
<b>litigated</b> 61:1	<b>Locally</b> 166:1,6	<b>loss</b> 240:15	<b>lovingly</b> 295:3 <b>low</b> 129:25 160:25	<b>mail</b> 207:25 <b>mailing</b> 186:1 238:18
<b>litigates</b> 205:21	<b>Lockemy</b> 95:13,14 102:25	<b>lost</b> 94:1 198:22	<b>lost</b> 173:1 184:9 185:8 188:25 193:18 218:18, 23 219:16	<b>main</b> 107:20 <b>maintain</b> 96:10,14
<b>litigation</b> 27:20 67:12 157:14,17 159:15 167:9 168:23 207:11	<b>logistics</b> 78:12	<b>lot</b> 16:6 19:10 25:10 34:22 42:11,19 46:15 51:19 53:10	<b>Lowcountry</b> 172:10 <b>lower</b> 177:8 218:25	<b>maintained</b> 43:3 <b>maintaining</b> 96:7 176:6
<b>litigators</b> 206:21	<b>lonely</b> 46:13	<b>lot</b> 63:19,24 89:7 95:16,22 98:13, 19 106:14 110:8	<b>Lowry</b> 144:8 <b>loyal</b> 126:2	<b>maintenance</b> 291:5 <b>majority</b> 77:22 82:24
<b>live</b> 20:6 37:23 42:10 47:1 61:21 66:6 80:5 100:19 142:8 145:12 185:3,25 186:1 195:13 219:10 220:5 228:5 285:22	<b>long</b> 15:13 16:6 28:8 41:8,13 42:3	<b>lot</b> 113:6 117:20,23 118:11 123:22 140:9,12 141:25 142:2,6,8,11 174:1 216:11,13 217:6 218:23 222:15 223:23 226:10 229:4	<b>Lucas</b> 8:23 9:3 52:5 <b>Luke</b> 294:2 <b>lump</b> 263:21 264:2 265:22	<b>lumped</b> 265:15 <b>lunch</b> 222:1
<b>lived</b> 185:8 229:6 238:9	<b>long-standing</b> 77:20	<b>lot</b> 239:1,4 241:14 243:13 249:9 253:7 278:10 296:9		

<b>make</b>	118:2 128:22 14:1 16:12,15, 23 17:25 22:5, 19 23:13 28:7 33:16 37:6 42:22 45:9 46:11 49:23 58:11 60:23 64:23 69:5 71:6 74:20 75:13 80:2 86:16 94:6 100:15 102:21 103:23 105:2 110:13 121:25 131:12,16,17 133:24 134:1 137:7 138:7,22 149:3 151:17 155:21 159:12 165:7 181:19 182:25 184:3 185:11 198:5 223:10,12 226:15 229:10 249:1 251:2 255:22,25 256:12,14 259:15 260:2 261:20 265:23 267:9 270:9,16 274:7 279:19 281:11,15,16 282:5,18 284:4, 7,8,12 289:15 292:14,22	132:1,4 163:24 167:15 174:9 179:10 181:13 202:1 204:18 205:11 207:12 212:19 295:7	<b>MARKED</b> 13:1,4 32:23 33:1 57:12,15, 18,21 73:25 74:3 93:8,11,14 137:12,15 155:1,4 183:6,9, 12 212:22,25 213:3 257:3,6,9	137:24 155:13 183:21 213:12 257:17 259:7
<b>male</b>	249:9,24		<b>math</b> 171:5	87:1 89:3 111:20
<b>malpractice</b>	109:4		<b>mathematician</b> 175:22	<b>meaning</b> 28:1
<b>man</b>	52:5,11 147:10	<b>market</b> 158:23	<b>matter</b> 12 212:22,25 213:3 257:3,6,9	<b>meaningful</b> 139:24,25
<b>manage</b>	76:17,18 140:21	<b>Marlin</b> 27:2	<b>means</b> 6:22 7:13 16:11	<b>means</b> 45:11 46:4 90:16
<b>management</b>	77:5 96:4,5 113:8 191:21	<b>marriages</b> 289:15	<b>measured</b> 37:10 41:19 67:17 160:17	<b>measured</b> 189:20
<b>managerial</b>	96:2	<b>married</b> 289:15	<b>measurement</b> 183:4 192:19 235:1,3,12	<b>measurement</b> 64:2
<b>managing</b>	77:8	<b>martial</b> 169:18	<b>measuring</b> 237:7 250:18 283:11 289:12	<b>measuring</b> 176:25
<b>mandates</b>	266:3 273:12,19	<b>Martin</b> 169:25	<b>mediate</b> 17:4,8,11 36:12, 13,20,22,25	<b>mediating</b> 140:11 171:18 174:8 217:2
<b>manifested</b>	269:5	<b>Martindale-</b> <b>hubbell</b> 191:9 198:20	<b>mediating</b> 290:1,3,23,24 291:1	218:23 235:6
<b>manner</b>	70:7,14 76:20 165:1 176:21	<b>Mary</b> 207:19	<b>mediation</b> 158:11,14,15, 16,17,18,20	216:25 217:21
<b>Marine</b>	209:11,16,21	<b>massive</b> 240:13	<b>mediation</b> 188:8 193:9	218:12,21,25
<b>Marissa</b>	153:24 154:6,11 156:13 159:4	<b>Master</b> 222:10	<b>mediations</b> 216:8,21 246:5	224:10 235:5
<b>marital</b>	157:17 159:15 169:3,8,19 187:19 189:2 217:2	<b>masterful</b> 276:6	<b>maturity</b> 125:22	
<b>mark</b>	74:7 249:14	<b>material</b> 259:21,22,23 260:2 261:17	<b>Mccaslin</b> 11:11,14,19 104:2 112:4	
<b>makes</b>	28:10 39:24 59:24 68:13 107:7 174:19 228:20 244:11 247:21,23	<b>materials</b> 13:19 33:10 58:4 74:13 86:13 93:22	<b>McDonald</b> 9:7,11,16	
<b>making</b>	42:14 71:3 94:1		<b>McElveen</b> 151:10	
			<b>McGowan</b> 282:15	
			<b>Mckinnon</b> 79:10 86:23	

<b>medical</b> 191:22	194:5 196:3,7, 15 201:16	<b>mentors</b> 173:8	<b>mindful</b> 296:7 297:3	249:1
<b>meet</b> 104:25 126:9 138:10 140:3 258:25 273:8	208:24 210:1 220:19,23 221:6,20 249:11,25	<b>mere</b> 266:9 268:19	<b>mine</b> 143:24 144:13 147:17 215:13, 19	<b>Misti</b> 92:1,13,18 95:4 96:24
<b>meeting</b> 126:13	278:21 281:14 286:6,10,18	<b>merit</b> 6:5 13:13 33:5 57:24 74:8 93:18 155:8	<b>minimized</b> 248:8	<b>misunderstanding</b> 279:12
<b>meets</b> 14:15 34:6 75:22 95:4 139:15 156:14 186:9 215:2	287:10 293:23 295:19 298:23	178:14 183:16 192:14 213:7	<b>Minister</b> 49:8	<b>mix</b> 171:15
<b>Melissa</b> 72:24 73:6,11 82:22	<b>memo</b> 283:4	<b>message</b> 208:14	<b>ministerial</b> 144:2	<b>mixed</b> 36:15
<b>Melissa's</b> 89:23	<b>memories</b> 46:15	<b>messages</b> 44:20	<b>minor</b> 70:11	<b>mixing</b> 249:20
<b>member</b> 14:10 35:9 38:12 41:4 109:4 132:12 144:19 160:22 251:8 281:16,17	<b>men</b> 103:1,3 292:3	<b>met</b> 6:24 26:18 127:14 131:4 197:7 234:11	<b>minority</b> 175:16	<b>model</b> 204:24
<b>members</b> 6:11 8:8,15,20 9:1,13,25 10:6, 12,18 11:4,16 20:16,20 21:3, 17 37:3 38:21, 24 39:13 40:25 42:12 43:9 48:21 62:5,9,17 80:20 81:4,8,24 87:17 101:9,18, 21 102:11 128:15 132:3 146:1,5,13 147:2 150:5 162:2,6,14 163:3 170:5,6 179:20 193:12	<b>mental</b> 19:18 37:19 61:15 79:15 100:8 145:4 161:3 176:6 193:21 194:11 219:21 232:20 285:8	<b>mic</b> 199:3	<b>minors</b> 157:22	<b>modeled</b> 16:1
	<b>mentally</b> 215:12	<b>Micah</b> 6:3 83:7	<b>minute</b> 57:10 149:5 182:17 231:10 245:23 267:13	<b>modification</b> 283:10
	<b>mention</b> 45:1 120:25 151:10 267:17	<b>microphone</b> 23:13 255:5 258:3 279:5	<b>minutes</b> 85:16 200:20 201:19 254:20 259:22 260:7,25	<b>modifications</b> 277:7
	<b>mentioned</b> 24:17 44:10 86:19 89:22 111:15 113:5 118:22 119:15 120:23 121:8 122:14 197:8 225:3 241:24	<b>Midland</b> 19:15	<b>Midland</b> 270:3,4 275:24 276:2	<b>modified</b> 283:13,23
	<b>mentor</b> 147:12,17,22 148:7	<b>midst</b> 22:12 168:23	<b>misapplies</b> 273:18	<b>mom</b> 125:8,10 127:16
		<b>military</b> 142:6,11 188:17	<b>military</b> 70:15	<b>moment</b> 12:14 32:10
		<b>million</b> 158:22	<b>misgivings</b> 90:22 92:21	33:5 55:5 56:2, 21 71:22 73:14
		<b>Milton</b> 12:2,6,11 13:3,6 14:12	<b>missed</b> 90:9 231:14	74:7 75:2,15
		<b>mind</b> 99:18 184:14 223:22 237:12 283:1	<b>missing</b> 192:2 224:3	90:22 92:21
			<b>mistake</b> 215:17 231:20	112:17 136:25
			<b>mistaken</b> 26:9	137:19 138:12
			<b>mistakes</b>	154:14 155:8

<b>Monday</b>	17:13 117:17	<b>municipal</b>	<b>naysayers</b>	<b>nice</b>
115:9	153:12 298:20	222:11	54:22	54:17 94:19
<b>money</b>	<b>motions</b>	<b>murder</b>	<b>necessarily</b>	97:23 214:4
174:1,16,19	16:8,23 22:3,14	43:12	168:10 233:21	236:12
176:1	24:12 78:14	<b>mutual</b>	240:13	<b>nimble</b>
<b>monster</b>	79:2 97:17	175:1	<b>needed</b>	71:4
243:9	111:19,22	<b>myriad</b>	37:6 47:22	<b>Ninth</b>
<b>month</b>	117:23,25	249:2	141:6 219:14	156:8
16:18 171:18,20	175:13 274:20	<b>mystery</b>	<b>needing</b>	<b>no-nonsense</b>
219:5	<b>motives</b>	208:23	17:18	176:21
<b>months</b>	108:4		<b>needlessly</b>	<b>nodding</b>
40:10 103:2	<b>mouth</b>		296:15	174:21
106:7,9 116:5,6	231:11		<b>negative</b>	<b>nominate</b>
168:1,3	<b>move</b>	<b>named</b>	143:2 202:22,24	7:8 9:19 70:19
<b>Montreal</b>	56:1 75:2	160:15	206:10 233:15	<b>nominated</b>
107:19 108:18	148:20 149:1	<b>names</b>	280:12	7:14,17 9:18
121:13	188:23 218:18	125:1	<b>neglect</b>	<b>nomination</b>
<b>moot</b>	236:2 239:22	<b>naming</b>	140:15	9:3
268:18	<b>moved</b>	124:25 125:1	<b>negotiate</b>	<b>non-</b>
<b>moral</b>	95:24 235:24	<b>narrative</b>	132:5	164:25
131:9,23	239:18,23	<b>narrow</b>	<b>negotiated</b>	<b>non-demeaning</b>
<b>morning</b>	<b>moves</b>	251:13	76:12	164:25
6:2,23 21:20,21	192:20 298:15	<b>National</b>	<b>nervous</b>	<b>non-payment</b>
22:6 24:5 26:4	<b>movie</b>	98:24	68:14 94:17	272:6
31:19 33:22	171:2	<b>natural</b>	<b>net</b>	<b>non-plussed</b>
34:1,2 41:23,24	<b>moving</b>	109:19 241:8	141:9	223:7
58:20,21 63:9,	39:12 148:18,24	<b>naturally</b>	<b>neutral</b>	<b>non-responsive</b>
10 66:19 69:24	149:7	280:7	85:15 266:13,16	206:24 207:11
72:17,22 83:11	<b>Mulligan</b>	<b>nature</b>	<b>Newman</b>	<b>nonetheless</b>
91:18,24 94:24,	147:8	37:8 143:22	30:3	134:20 249:2
25 105:13,14	<b>multi-</b>	144:4 168:17	<b>news</b>	<b>Nonverbal</b>
112:23,24	158:21	169:10 191:23	165:14,16	165:17
298:16,19	<b>multi-million</b>	192:7 205:18	<b>newspaper</b>	<b>North</b>
<b>mortgage</b>	180:10 189:1,5	284:5	13:20 33:10,11	188:23
168:12	217:2	<b>nauseam</b>	58:6 74:13	<b>Norton</b>
<b>mother</b>	<b>multiple</b>	106:5	93:23 138:1	10:9,14
75:7 237:6	61:3 96:14	<b>navigated</b>	155:15 183:23	<b>notate</b>
284:21	216:25 217:4	68:3	213:14 248:16	8:9
<b>mothers</b>	236:22 238:5	<b>nay</b>	252:9 257:19	<b>note</b>
140:7	242:10 271:25	<b>multiples</b>	6:12 10:19	14:9,12 19:15
<b>motion</b>	217:3		192:25 298:24	21:11 30:25
6:6,8 16:22				

34:3 37:13 39:7 42:25 55:13 61:9 63:1 75:19 79:12 81:19 95:1 100:1 102:5 139:11 145:1 146:22 151:7 152:15 156:10 160:25 162:23 181:4 186:5 193:18 194:7 196:24 201:7,13 210:13 214:23 219:16 221:15 243:14, 15 254:3 256:24 259:8,10 285:4 287:4 297:19	<b>nuanced</b> 217:13 <b>number</b> 121:9 178:5 197:17 202:15, 19,22 233:10 255:22 <b>numeral</b> 261:25 263:23 267:16 269:1 <b>numerous</b> 36:11 226:18 <b>nuts</b> 76:24	<b>observation</b> 44:11 296:6 <b>observed</b> 45:5 <b>obvious</b> 47:3 109:5 283:22 <b>occasion</b> 111:21 <b>occasions</b> 111:20 <b>occupation</b> 232:23 <b>occupied</b> 178:9 <b>occurrence</b> 134:9 <b>offense</b> 119:13 <b>offer</b> 16:4 17:19 28:12 35:7 48:23 77:19 78:6 97:5 98:6 109:23 117:16 140:24 143:3 159:22 160:7 190:1 191:1 <b>objection</b> 12:23,25 32:19 57:6 73:22 93:5 137:11 154:23 183:2 212:19 256:18 276:25 <b>objecting</b> 114:7 <b>objection</b> 12:23,25 32:19 57:6 73:22 93:5 137:11 154:23 183:2 212:19 256:18 276:25 <b>objections</b> 137:9 272:4 277:20 <b>objective</b> 85:12 281:24 <b>obligation</b> 119:14 <b>obligatory</b> 47:16	203:25 210:22 254:13 298:5 <b>offers</b> 48:19 85:7 118:16,18 119:6 132:5 <b>office</b> 16:21 17:10 39:22 46:12 77:3,4 82:7,11 96:3 114:22 117:21 118:23 119:18 123:11 129:25 130:4 131:6,20 132:3 133:4 192:10 203:18 216:8 229:23,24 230:3 237:4,5,6,7 238:19 <b>officer</b> 26:11,16 <b>officials</b> 107:21 <b>oftentimes</b> 83:20 <b>older</b> 45:22 98:10 <b>oldest</b> 125:9,14 127:16,17 <b>omnipotent</b> 282:9 <b>on-demand</b> 110:20 111:7 <b>offering</b> 30:16 31:9 51:13 53:19 55:22 72:13 91:10 113:4 123:21 124:10 134:22 151:6 180:21 181:14	152:23 181:5 203:24 254:4 297:20 <b>open-toed</b> 234:18 <b>opening</b> 14:1 26:3 33:17 58:12 75:12 94:7 138:8,23 139:2 155:21 176:8 184:4 214:10,13 <b>operate</b> 131:22 <b>operated</b> 147:22 <b>operating</b> 264:18 <b>operation</b> 296:17 <b>operations</b> 76:19 77:4 <b>opinion</b> 51:20 189:12 203:10 205:4 <b>opinions</b> 16:7 51:10 <b>opponent</b> 107:3 <b>opportunities</b> 23:14 35:2 87:8 242:5 <b>opportunity</b> 14:5 22:19 29:20 30:19 <b>one's</b> 33:20 35:1,3,21 247:15 277:18 <b>onus</b> 60:12 74:20,24 27:22 71:5 <b>open</b> 104:20 105:1 31:1 55:13 72:5 124:22 143:25
<b>notebooks</b> 7:15 <b>noted</b> 13:9 20:1 90:10 134:21 147:7 159:18 194:5 201:15 256:11 257:1 <b>notes</b> 258:22 <b>notice</b> 114:6,10 <b>noticed</b> 74:21 138:8 213:20 236:22 <b>noting</b> 190:24 <b>notwithstanding</b> 69:11 <b>November</b> 6:6 <b>novocaine</b> 201:1,2	<b>O</b> <b>O'KELLY</b> 75:9 <b>oath</b> 164:10,12 165:1 190:11 205:13 209:6 <b>objected</b> 37:12 <b>objecting</b> 114:7 <b>objection</b> 12:23,25 32:19 57:6 73:22 93:5 137:11 154:23 183:2 212:19 256:18 276:25 <b>objections</b> 137:9 272:4 277:20 <b>objective</b> 85:12 281:24 <b>obligation</b> 119:14 <b>obligatory</b> 47:16			

156:22,23,24,25	19,20,21 265:1	<b>outliers</b>	<b>packets</b>	<b>parental</b>
157:12 180:22	266:5,8 267:3,	67:13	224:1,21	140:16 157:24
186:19 200:23	17 273:18	<b>outline</b>	<b>pages</b>	158:18
203:4 210:5	276:15 277:25	16:25	13:2,5 32:24	<b>parenting</b>
224:15,16 226:1	279:14 283:11,	<b>outlined</b>	33:2 57:13,16,	201:9
233:4 245:18	22	259:1	19,22 74:1,4	<b>parents</b>
253:20 264:13	<b>ordered</b>	<b>outright</b>	93:9,12,15	30:9 45:25
265:23 267:10	276:20,22	250:3	137:13,16	140:7,14,15
272:8 279:16	<b>orders</b>	<b>outset</b>	155:2,5 183:8,	180:4 188:18,22
280:10 296:19	16:21 17:22,24	13:9 260:15	10,13 212:24	227:22 228:5,8
297:11	18:2 117:22	<b>outstanding</b>	213:1,4 257:5,7,	229:9
<b>oppose</b>	271:7 273:23	90:2 265:1	11	<b>pariah</b>
6:12	274:17 275:16	<b>overbearing</b>	192:4 275:1	178:1
<b>opposed</b>	277:22 289:5	277:17 278:2	276:22	<b>Park</b>
9:14 10:7,13,19	<b>Ordinarily</b>	<b>overdue</b>	<b>painful</b>	199:17
11:2,17 18:7	260:1	17:14	129:4	<b>part</b>
192:25 272:5	<b>organization</b>	<b>overlooked</b>	paint	32:20 50:15
298:24	259:9	89:5 273:21	70:2	52:1 66:14
<b>opposing</b>	<b>organizations</b>	<b>overstate</b>	<b>panel</b>	67:22 82:17
40:3,8,19 44:1	90:18	67:13	52:16 79:23	84:11 85:3 88:2,
47:1 263:2,3,13	<b>organized</b>	<b>Overture</b>	100:12	3 89:4 90:21
<b>opposite</b>	19:24 159:7	83:7 84:8	<b>paper</b>	167:4 183:3
204:4 283:14,20	204:9	<b>overwhelmingly</b>	44:17 79:1	202:11 212:19
<b>opposition</b>	<b>original</b>	142:19	<b>paperwork</b>	218:25 227:20,
13:24 33:15	269:12 276:21	<b>owing</b>	238:16	23 228:18 242:8
58:9 74:18 94:4	<b>originally</b>	276:20	<b>paragraph</b>	247:17 251:5
138:5 155:19	277:2	<b>owned</b>	263:25 264:1,21	253:1 264:11
184:1 213:17	<b>Osteen</b>	267:18	265:24 266:14	270:11 289:23
257:22	170:22	<b>ownership</b>	268:25 269:1	<b>part-time</b>
<b>opted</b>	<b>outburst</b>	169:16	272:2,17	117:14 140:20
125:6	242:1,2	<b>owns</b>	273:19,24	<b>parte</b>
<b>Orangeburg</b>	<b>outcome</b>	228:1	275:25	266:14 267:5
76:11	21:1 38:17		<b>paraphrase</b>	281:9,10
<b>order</b>	62:14 80:25	<b>P</b>	29:4	<b>participant</b>
7:3 16:16 17:25	101:14 146:10	<b>p.m.</b>	174:13 246:14	
114:20,22,24,25	162:11 196:12	299:5	<b>participate</b>	
115:2,5,6,10,21	221:3 225:17	<b>P.O.</b>	199:13	
141:4 157:5	286:15	237:2	<b>participating</b>	
172:17 180:8	<b>outcomes</b>	<b>PA</b>	44:11	
187:13 216:3	217:11	34:17	<b>participation</b>	
223:10 262:9	<b>outlier</b>		14:11	
264:5,7,10,17,	204:6			

<b>parties</b> 21:3 37:6 38:24 44:7 60:3 62:17 81:7 101:21 142:15 146:13 162:14 177:10 196:15 221:6 223:4 271:20 278:4 286:18	<b>paths</b> 215:24 <b>patience</b> 60:5 82:14 134:16,18 222:23 276:8	<b>peace</b> 176:9 <b>Pee</b> 37:13 61:9 145:1 <b>peer</b> 191:9,11 198:21	173:25 174:13, 19 175:11 176:18 179:13, 14,16 186:23 187:10 189:3 190:6 199:9,10, 18,23 200:9 204:18 205:15, 19 207:4 208:12 218:1,2,5 222:6 224:5,6,10 226:13 227:1	202:20 <b>perception</b> 48:17 292:3 294:14 <b>perfect</b> 16:14,15 36:1 70:18 123:24 142:23 151:24 255:5 <b>perform</b> 164:17 <b>performance</b> 86:3 <b>perilous</b> 248:18,19 <b>period</b> 17:3 46:11 112:10 113:21 230:23
<b>partisan</b> 49:5	<b>pattern</b> 60:15 271:23	<b>penalties</b> 132:7 273:21		
<b>partly</b> 53:6	<b>patterns</b> 36:9	<b>pending</b> 8:4 20:25 38:17	230:7 232:6	
<b>partners</b> 45:15,22	<b>paucity</b> 178:23	62:14 80:25	239:7 240:21	
<b>party</b> 36:16 37:11 60:10 192:13	<b>pause</b> 237:25 243:18	101:14 146:10	241:7 242:6	
<b>party's</b> 266:15 277:7, 23,25	<b>pay</b> 15:10 28:18 225:16 276:22	162:11 168:3	243:21,24 244:8	
<b>Pasco</b> 119:21	<b>payment</b> 265:1 277:9	196:12 221:3	246:4 251:11	
<b>passed</b> 49:17	294:21	286:15	260:22 281:5	
<b>passion</b> 215:13,19 236:19	<b>payments</b> 274:7 276:25	<b>people</b> 26:23 28:23	289:6 290:1	
<b>passionate</b> 53:14	<b>pays</b> 223:1	29:21 46:1	292:6	
<b>past</b> 25:20 50:24 103:16 109:10 131:8 133:4 219:23 232:13 274:17 276:17	<b>PCS'D</b> 142:9	47:19 50:13	<b>people's</b> 68:13 133:20	
<b>pat</b> 295:10	<b>PDQ</b> 13:3 14:14 32:25 34:5 57:14 74:2 75:20 90:10 93:10 95:2	51:9 53:10 54:6, 12,16 55:1 59:4, 14 63:20 67:17	134:4 282:21	
<b>paternalistic</b> 208:19	137:14 139:13 155:3 156:12 183:8 186:7 212:24 214:25 257:5 281:13	68:12 69:9,12 83:2,18,20 84:18,21 96:19 98:14,21,23 99:7,17 107:20	289:15	
<b>path</b> 139:25		108:6,19 116:3, 5,15 119:6,25 120:19,23 121:3,9 123:18 126:19 127:20 129:24 131:18, 19 132:17 133:6,7,19,24, 25 140:11 142:8 151:1 152:6 157:2 163:23 166:11 171:23	<b>perceived</b> 18:12 190:24 284:4 296:3	
			<b>percent</b> 87:25 88:1 103:13 116:19	
			124:16 167:1,6, 18,19,20,23	
			202:24 204:3,5, 6 206:7,9	
			208:20 219:4 277:9	
			<b>percentage</b> 167:13 171:13, 19 202:23	
			<b>percentage-wise</b> 171:7	
			<b>percentages</b>	

226:18,22	<b>petted</b>	94:1 166:20	146:19 162:20	54:13 177:24
232:3,8,23,24	46:5	219:2,5 227:11,	196:21 221:12	249:12,25
235:21 245:1,4,	<b>Phillip</b>	13 236:8 246:18	286:25	250:20 251:10,
5,15 246:2	182:14 192:6	<b>places</b>	<b>plenty</b>	13 281:14
281:11 283:1	<b>philosophies</b>	18:8	46:20,21 242:20	<b>politics</b>
286:2 288:21	35:10	<b>plaintiff</b>	<b>plug</b>	51:8
295:5	<b>philosophy</b>	263:4 275:2	23:18	<b>poll</b>
<b>person's</b>	172:12	276:24 277:8,	<b>pockets</b>	275:21
67:24 178:1	<b>phone</b>	13,19	174:2	<b>pontificate</b>
<b>personal</b>	207:16 208:3	<b>plaintiff's</b>	<b>podium</b>	238:6
12:16 32:12	261:6	269:6 272:3	255:4	<b>pool</b>
44:13 56:24	<b>physical</b>	273:1	<b>point</b>	94:18 184:17
73:15 92:23	19:18 37:19	<b>plan</b>	7:9 43:3 45:2	<b>poor</b>
120:17 125:19	61:15 79:15	142:13 290:20	46:3,12 68:5	217:16 274:18
128:16 137:2	100:8 145:3	<b>plane</b>	90:8 94:20	<b>pop</b>
154:16 158:24	161:2 193:21	276:3	105:24 124:23	175:9
168:21 182:19	194:11 219:21	<b>plans</b>	126:1 129:22	<b>Pope-black</b>
212:11 234:2	285:7	142:13	130:19 131:25	211:9,11,15,20,
241:11 255:22	<b>physically</b>	<b>play</b>	132:9 143:14	21,24 212:2,6,
271:8 284:5	215:12	149:25	173:14 203:22	10,14,17,21
<b>personality</b>	<b>pick</b>	<b>playing</b>	206:7 247:9	214:2,6,9,13,18
35:5 128:16	47:8 207:16	171:6 272:21	248:10 253:9	215:2,5 216:2,
159:11	284:22	<b>plea</b>	257:24 258:1	19 217:7 219:17
<b>personally</b>	<b>picked</b>	29:6 85:5 95:24	267:22 268:18	220:13 221:23,
48:6 60:2	170:24	<b>pleading</b>	270:13 296:1	24 223:21
235:19 243:25	<b>picking</b>	29:7	297:3,6	226:4,8,17
245:15 291:21	41:25 208:3	<b>pleas</b>	<b>pointed</b>	227:3,5,8,11,14,
<b>personnel</b>	<b>pickleball</b>	95:25 172:2	192:1 282:11	19,25 228:4,8,
77:5	284:19,23	176:1	<b>pointing</b>	15,18,22 229:1,
<b>perspective</b>	<b>piece</b>	<b>pleasant</b>	284:21	6,12,18,20,22,
35:20,22 39:18	169:17	165:19	<b>points</b>	24 230:1,4,9,11,
44:23 48:17	<b>pieces</b>	<b>pleasure</b>	104:13 131:15,	13,16,17 231:4
106:2 150:16	111:6 246:21	45:14 280:16	16 295:21 296:2	233:6,16 234:4,
157:16 194:3	252:11	<b>pledge</b>	<b>poise</b>	6,11,16,22
276:6 296:8	<b>Piedmont</b>	20:24 38:16	285:13	235:3 236:8,17,
<b>pertinent</b>	81:17 100:2	62:13 80:24	<b>pole</b>	25 237:2,4,10,
71:7,8	<b>pile</b>	101:13 146:9	222:17	23 238:12,16
<b>Peter</b>	95:24	162:10 196:11	<b>policy</b>	239:14,20
171:15	<b>pinnacle</b>	221:2 286:14	49:16 50:23	240:1,5 241:23
<b>petition</b>	187:3	<b>pledging</b>	117:21 118:23	243:1,20
37:2	<b>place</b>	21:8 39:4 62:23	<b>political</b>	244:15,21
		81:13 102:2	48:24 49:5	246:7,11,13

247:7,16,18	<b>positive</b>	<b>powers</b>	207:9,15,24	22:8 259:10
249:22 250:7,10	15:19 36:1	35:13 44:12,18	215:13 225:8	<b>prep</b>
252:3,7,14	59:21 66:25	<b>practical</b>	232:19 275:9	104:18 110:15,
253:17,19	77:12 96:24	89:17	<b>practitioner</b>	17,20
254:10,16,18	142:19,21	<b>practice</b>	60:19 76:9,16	<b>preparation</b>
<b>pornography</b>	159:4,18 189:17	14:17 15:8 34:9,	78:1 157:10	60:25 141:4,6
158:4	203:7 217:10	19 39:14 42:18	207:12	157:4,6,8
<b>portion</b>	242:21 253:2,9	47:4,10 59:7	<b>pragmatic</b>	187:13,15
20:6 30:17 31:8	281:21 282:1	65:6,8,17,25	281:24	216:3,5
37:22 55:4,20	287:22	66:5 75:25	<b>praise</b>	<b>prepare</b>
61:20 71:20	<b>possesses</b>	77:21 82:18	90:9	45:18 61:5
72:17 80:5	36:4	95:7 96:11,12,	<b>pre-imposing</b>	88:20
100:19 135:5	<b>possession</b>	14 103:6,7,13	266:16	<b>prepared</b>
145:11 152:13	259:7	109:16 115:14	<b>pre-judged</b>	18:13 22:5
161:12 180:16,	<b>possibly</b>	117:16,23,25	267:20	24:25 53:13
19 195:13 210:3	42:16 123:5	119:6 139:17	<b>pre-judging</b>	112:5 141:17
220:4 253:17	<b>post</b>	140:6 147:20	266:6 268:9	191:4 225:11
285:21 297:10	237:4,5,6,7	148:5 156:16	269:3,6	256:2 270:20
<b>portions</b>	238:18	157:11 160:1	<b>pre-transcript</b>	<b>prerogative</b>
87:4 97:16	<b>post-violation</b>	166:23,24	262:25	45:9 251:14
111:17,19	273:23	167:1,7,12,21,	<b>preach</b>	<b>present</b>
256:25	<b>posted</b>	24 171:14	47:4,10	13:25 33:16
<b>pose</b>	277:15	173:23 186:11	<b>precedent</b>	50:6 51:4 58:10
<b>posed</b>	<b>postponed</b>	187:8 189:19	132:20	74:19 94:5
200:23	222:19	203:14 204:12	<b>preclude</b>	138:6 184:2
<b>posing</b>	<b>potential</b>	215:4 219:24	280:24	213:18 257:23
51:24	24:12 37:1,3	225:14 231:23	<b>predicate</b>	<b>presentation</b>
<b>position</b>	135:12 144:18	256:6 266:3	247:4	23:24 259:9
14:16 34:8 48:2	160:20,21	273:12 280:5,17	<b>predictability</b>	<b>presented</b>
49:3,16 59:4	207:13	289:18	296:11	79:3 132:16
75:24 95:6	<b>potentially</b>	<b>practiced</b>	<b>predominantly</b>	259:13 293:1
99:21,23 109:23	55:11 72:3 91:2	34:16 63:12	97:25 121:10	<b>presenting</b>
129:6 133:19,22	152:21 181:3	69:14 87:5	<b>preemptively</b>	86:24 276:6
134:2 139:16	210:11 254:1	187:16	276:17	<b>presents</b>
156:15 170:14	297:18	<b>practices</b>	<b>preference</b>	86:24 194:4
185:12 186:10,	<b>pouring</b>	35:11	166:5	<b>presided</b>
25 205:16,17	177:17	<b>practicing</b>	<b>preferential</b>	271:23
215:3 216:6	<b>power</b>	19:12 34:15,24	278:1	<b>pressure</b>
222:22,25	134:3	35:15 43:6	272:7	53:5 68:13
235:4,13 240:15	<b>powered</b>	49:22 71:1 78:7	<b>prejudice</b>	225:11 241:20
255:7	67:16	123:23 170:2	<b>preliminary</b>	<b>presume</b>
		173:5 176:13		54:12
		184:10,24		

<b>pretend</b> 138:12 180:15	221:3 234:10 267:6 286:15	285:20 <b>procedurally</b> 270:6	135:6 146:15 149:7 152:13 156:1 162:16	225:6 <b>program</b> 253:1
<b>pretrial</b> 22:3,17	<b>prioritize</b> 115:21	<b>procedure</b> 18:20 19:10 21:25 71:9 78:16 97:10 112:3 179:12	180:20 181:23 196:18 198:1 199:13 200:18 201:18 210:4 221:9 235:24	<b>prohibition</b> 20:5 37:21 61:19 80:4 100:18 145:10 161:11 195:12 220:3 285:20
<b>pretty</b> 7:15 34:20 65:9 112:16 188:4 219:3 223:1 237:11,13 288:1	<b>priority</b> 115:19 222:17, 18	<b>procedures</b> 76:14 78:12 97:22	251:12 253:18 264:9 265:9,11 266:6 269:5	<b>promise</b> 298:10
<b>prevalent</b> 207:22,23	103:6,7 109:16 147:20 157:20	<b>proceed</b> 6:13 11:23 25:2	270:12 271:18 273:3 276:19 286:22 297:10	<b>promoting</b> 44:1
<b>prevent</b> 117:17	166:24 167:8,9, 12,21,24 225:14	<b>privately</b> 31:13 56:6 72:19 91:25	<b>processes</b> 16:21 24:20	<b>pronounce</b> 258:4
<b>previous</b> 13:22 48:14,24 58:7 74:16 86:12 138:2 155:17 183:24 213:15 236:19 257:20	<b>privilege</b> 69:25 222:7 223:18	94:9 135:25 136:5,9 144:24 181:18 193:1	<b>processing</b> 251:23	<b>pronouncing</b> 181:24 206:15 258:8
<b>previously</b> 230:25	<b>pro</b> 60:3 264:7 266:21 271:6 272:20 274:21	211:4,6 214:12 270:10	<b>product</b> 69:10	<b>proper</b> 158:6 160:3 262:6
<b>pride</b> 251:6	<b>probe</b> 130:5	<b>proceeding</b> 177:4 290:13	<b>profession</b> 15:23 90:3 152:10 156:24	<b>properly</b> 262:15,22 263:4
<b>prided</b> 18:4	<b>problem</b> 122:11 123:14, 18 168:14 190:12 207:18, 21 209:20 249:13 250:1	20:13 38:4 62:2 80:12 101:1 143:20 145:18 161:19 195:20 220:11 272:17 280:25 286:3	<b>professional</b> 19:21 34:11,23 37:16 39:16 53:12 61:12 76:4,7 79:17 95:9 96:16 100:4 125:21 139:20 156:19 161:4 186:14 190:10 193:24	<b>property</b> 141:12 169:17 189:11 227:17, 18,19 228:10,18 229:15 238:14 267:18,25 268:6,11,14,19
<b>primarily</b> 39:22 52:23 54:10	<b>problematic</b> 163:11 241:4	<b>process</b> 7:1 21:5 24:11, 16 30:18 32:21 44:12 46:9 51:17 52:1 55:5, 20 59:12 62:19	194:12 215:7 219:18 273:14 285:10	<b>proposal</b> 272:22
<b>principles</b> 28:10 35:16 272:10 273:16	<b>problems</b> 65:19 208:25	69:5,8 71:21 72:23 81:10 90:21 94:15 97:20 101:23 105:10 119:23 120:2,6,15,19 131:13 133:13	<b>professionalism</b> 145:6 160:6,8 190:23 252:1	<b>proposed</b> 114:23 264:5,7, 16,19 266:8 267:3 272:4
<b>prior</b> 20:25 22:18 24:16 38:17 41:18 62:14 65:23 80:25 89:2 101:14 125:7 135:15 146:10 162:11 170:18 179:5 196:12 215:21	<b>procedural</b> 20:4 37:21 61:19 80:3 100:17 145:10 161:10 195:11 220:3 271:11 272:18 273:16		<b>professionally</b> 199:20 245:16	<b>pros</b> 65:21
			<b>professions</b>	<b>prosecuted</b> 105:24
				<b>prosecution</b> 70:21 83:10

95:21 132:7	<b>proverbial</b>	223:11	<b>pushover</b>	183:18 193:21
<b>prosecutor</b>	134:20	<b>punish</b>	152:1	194:11 210:15
98:9 99:1,3,8, 10,19 105:19	<b>provide</b>	174:14	<b>put</b>	213:9 219:21
116:4 127:15	28:2 71:7 83:3	<b>punished</b>	45:24 48:14	254:5 257:14
140:19,20	237:14,18 262:6	279:13	49:6 78:22 86:2	259:1 266:1,11
150:13	296:4	<b>punishing</b>	94:17 103:11	273:6 285:7
<b>prosecutors</b>	<b>provided</b>	117:9	104:3 133:13	297:21
96:5 98:22	145:8 261:8	<b>punitive</b>	134:2 176:13	<b>qualified</b>
106:7,8	269:13 277:13	205:8,24 275:4	197:18 223:3	7:7,14,17 8:17
<b>prospect</b>	<b>proxy</b>	277:17	252:11 260:24	9:18 11:6 19:16,
294:20	274:16	<b>purchased</b>	294:20,23	20 34:12 37:14,
<b>protect</b>	<b>public</b>	227:25 229:9	<b>Putnam</b>	18 49:2 61:11,
156:24 271:18	20:7 26:7,8 27:2	<b>purely</b>	94:13	14 76:4 79:13,
<b>protected</b>	37:24 43:7,8,10,	112:7 177:22	<b>puts</b>	16 82:22 86:14
265:9	17,21 48:17,18,	<b>purge</b>	96:13 218:14	95:9 100:3,6
<b>protection</b>	21 49:3 52:21	274:8 279:15,	<b>putting</b>	122:19 145:2,5
289:5	53:25 55:3	16,17	133:18 164:20	152:9 161:1
<b>protections</b>	61:21 77:2,21	<b>purpose</b>		193:19,23
176:14	79:20 80:6 82:7,	53:24 105:4,5		194:9,25 195:9
<b>Protopapas</b>	11,24 83:3,19	144:9,14 253:12		198:13,14 200:7
8:2 153:13	84:5,9 90:16	<b>purposely</b>		201:6 219:20
163:4,5,7 164:8,	91:11 98:11,15,	128:21		273:15 285:6,9
14,19 165:4,20,	21,23 99:4	<b>purposes</b>		<b>qualify</b>
25 166:4,9,14,	100:20 105:16,	13:2,5 32:24	45:19 139:20	
22 167:1,4,7,11,	19,23 106:6,8	33:2 57:13,16,	156:19 186:14	
15,18,23 168:6,	107:17 109:7,	19,22 74:1,4	215:7	
19,25 169:6,13,	11,15,17 113:3	93:9,12,15	<b>qualifying</b>	
20 170:4 171:15	121:15 130:22	137:13,16	11:8	
225:3	134:21 140:13,	143:20 155:2,5	<b>qualities</b>	
<b>prototypical</b>	17,18 145:12	183:7,10,13	53:15 96:17	
70:23	148:1 151:10	212:23 213:1,4	246:4 296:10	
<b>proud</b>	161:13 163:25	257:4,7,10	<b>quality</b>	
30:4 42:2 90:7	187:5 195:14	<b>pursuant</b>	90:3 274:11,12	
253:10 282:10	203:12 220:5	30:19 55:6	<b>question</b>	
<b>prove</b>	237:16 251:15	71:23 86:11	8:4,11 9:9,22	
84:16,17	266:19 271:17	90:23 135:7	10:8 11:13	
<b>proved</b>	275:14 285:22	152:15 180:23	40:23 43:25	
274:7	<b>pull</b>	210:6 253:21	45:12 48:14,15,	
<b>proven</b>	279:5	297:12	22 49:9,10,25	
272:13	<b>pulling</b>	<b>pursuit</b>	50:4 51:1,3,15,	
	174:25 178:18	134:24 280:3	24 63:16 66:9,	
	<b>pun</b>		22,23 68:11	

88:8 105:10	199:24,25	8:19,24 9:23	130:9,15,17	<b>re-election</b>
107:10 109:3,13	200:23 202:4	11:1 12:2 31:25	131:24 134:6	11:12 202:18
118:1 127:22	210:2 213:20	56:12 73:3 78:4	170:7,8,13,17,	203:25 280:9
148:17 157:9	214:12,14	92:11 136:15	22 171:1,3,13,	<b>RE-</b>
199:10 202:25	221:19,21	154:3 182:7	19,24 172:21	<b>EXAMINATIO</b>
223:17 229:14	252:24 260:12,	211:13 255:10	173:1,12 174:4,	N
230:2 232:25	15 261:19 264:3	258:13 296:3,18	21 175:18	278:16
235:21 239:17,	267:11 268:3	<b>raised</b>	176:24 177:12	<b>re-litigating</b>
19 256:5 263:11	269:20 270:11	21:12 36:9 39:8	192:22 197:6,	259:5
267:25 287:7	285:18 287:9,	63:2 67:12	11,14,16 198:3,	<b>reach</b>
<b>questioning</b>	11,24 292:10	81:20 102:6	7,9,11,23 199:3,	48:20 104:7,8
21:14 39:10	293:24 297:9	146:23 162:24	6,8 200:3,16,18,	169:7
63:4 81:22	298:9 299:4	173:3 185:4	22 201:1,3,6,13,	<b>reaching</b>
102:8 108:4	<b>quickly</b>	196:25 199:24	15,23,25 202:4,	23:12
128:15 146:25	16:22 23:16	202:15 209:5	7,9 203:19	<b>reacquaint</b>
162:25 175:20	80:1 100:15	218:17 221:16	206:1,4,13,18	78:15
197:2 204:13	191:25 247:10	282:2 287:5	208:25 248:24	<b>react</b>
218:18 221:18	<b>quiet</b>	295:22	293:24,25	241:7
267:25 269:24	46:13	<b>raises</b>	294:2,10	<b>reacted</b>
<b>questionnaire</b>	<b>quirks</b>	190:8	295:12,20	44:21
12:17 32:13	225:13	<b>raising</b>	298:15	<b>reactions</b>
56:25 73:15	<b>quit</b>	8:6,7,13 9:11	<b>Rankin's</b>	241:8 243:11,14
92:24 137:3	59:16	10:4,10,17 11:2,	70:10	247:20
154:17 182:20	<b>quote</b>	15	<b>rare</b>	<b>read</b>
212:12 255:23	114:16 249:6,8,	<b>Ralph</b>	134:9	16:13 29:3
<b>questions</b>	10,13,19,21	8:5	<b>rarely</b>	47:14,15 68:1
14:3,7 21:14,16,	250:15 252:5	<b>ran</b>	131:11	82:20 104:4
18 24:2 33:19,	273:15,17	194:23 242:1,5	<b>rate</b>	128:3 180:15,16
21 39:11 41:1	274:13,14	<b>range</b>	177:1 225:3,5	203:12 209:18
53:23 58:14	<hr/>	140:5,23 188:11	<b>rated</b>	224:1,20
63:5 75:3,14,17	<b>R</b>	<b>Rankin</b>	191:8 198:20	242:23,24
81:23,25 85:21,	<b>rabbit</b>	6:9 28:15,16,22	<b>rates</b>	249:16 262:4
23 87:17 94:9	171:3	29:19 30:2,6	44:18	264:20 280:19
97:19 102:10,12	<b>race</b>	47:7,8 66:17,18,	<b>rating</b>	281:1
104:9,15 111:24	9:5 10:21,22	20,22 67:8,11	191:9,12	<b>reading</b>
117:11 119:13,	106:17 107:7	69:3 87:19,21	198:21,22	17:1 22:1 47:2
14 124:20	109:6 125:2	88:12,18	203:23	67:24 97:10
138:25 147:1,3	250:19	124:15,18	<b>rattled</b>	111:9 112:2
150:19 155:24	<b>races</b>	125:25 126:6,8,	110:8	207:5 265:4,5
163:2,4 170:6	7:20,22	11,13,16,19,24	<b>re-</b>	<b>reads</b>
173:12 179:21	<b>raise</b>	127:3 128:2,7,9,	9:7 282:24	82:22
180:18 184:6		13,24 129:11,22		
193:12 197:3				

<b>ready</b> 75:17 98:1 116:17,18,21	13	94:8,21 105:10 138:24 155:23 248:18 260:25	19,20 154:10,24 156:6,10,13 162:23 181:5,21	<b>reflect</b> 29:14 151:8 217:20 218:4,13
<b>real</b> 227:17,19 244:9,14 296:4	<b>recede</b> 298:16,25	269:25 278:14	182:13 183:3	225:25 231:16
<b>realism</b> 85:7	<b>receive</b> 153:14	<b>recognized</b> 246:23 253:11	185:23 186:5,8 193:6,7 196:24	245:10,17 268:17
<b>reality</b> 85:7 222:13	<b>received</b> 13:23 15:16 20:24 33:14	<b>recognizes</b> 79:24 100:12	211:19 212:20 214:19,23 215:1	<b>reflected</b> 237:19 285:14
<b>realize</b> 16:15 218:15 231:14 242:6 282:20	35:24 36:11,24 38:16 58:9 59:18 62:13 74:17 77:9	<b>recognizing</b> 213:19 294:17	221:15 254:3, 22,23 255:16 256:19,24	<b>reflecting</b> 244:8
<b>realized</b> 192:13 224:14	80:24 94:4 96:21 101:13	<b>recommendatio</b> n 86:16 130:22 151:8	258:19 263:1,8 268:10 279:10, 20 287:4 294:18 297:20 299:3	<b>reflection</b> 54:15 241:15 247:9,10 248:12 251:18 293:8
<b>realizing</b> 244:1	138:4 142:17 146:9 155:18	<b>recommending</b> 48:1	<b>recorded</b> 135:16	<b>reflections</b> 42:1
<b>realm</b> 22:3 27:18 44:2, 3	159:1 162:10 184:1 189:14 194:5 196:11	<b>reconcile</b> 289:15,21	<b>recordings</b> 20:7 37:23	<b>reflects</b> 274:18
<b>realms</b> 207:10	201:16 202:21 213:17 217:7	<b>reconciliation</b> 289:22	61:21 80:6 100:20 145:12	<b>reform</b> 78:23
<b>reared</b> 45:25	221:2 257:22 267:1 278:23	<b>reconciling</b> 289:21	161:13 195:14 285:22	<b>refreshing</b> 47:22 117:7
<b>rearranged</b> 115:10	281:18 285:14 286:14	<b>record</b> 6:15,20 12:10, 24 14:10,13,14 21:11 31:1,16 32:6,20 34:3,6 39:8 48:10	<b>recuse</b> 37:5,12 160:24	<b>regard</b> 19:8,9 28:18 29:1 44:15
<b>reason</b> 46:18 59:9 98:17 130:20 237:21 248:2 253:4 254:6	<b>receiving</b> 6:21 153:21	55:13 56:4,18 57:7 63:1 72:4, 74:7 75:19,21	<b>reduce</b> 99:12	113:7 208:5,8 227:16 251:20
<b>reasonable</b> 54:9 99:17 161:7 176:10	<b>recently</b> 45:2 284:15	20 73:10,23 79:20 81:19 91:23 92:17	<b>reductionist</b> 223:5	<b>regarded</b> 64:16 130:13
<b>reasoning</b> 90:2	<b>reception</b> 294:13	93:6 95:1,3 102:5 104:24	<b>reelected</b> 20:2	<b>registration</b> 219:12 235:16
<b>reasons</b> 127:19 249:2 283:5	<b>recital</b> 277:22	109:6 136:7,21	<b>reelection</b> 13:11 56:8	<b>regret</b> 218:2 249:15
<b>recall</b> 126:13 202:12,	<b>recite</b> 253:2	137:10 139:8, 11,14 146:22	<b>reference</b> 47:9,14 71:8 151:23	<b>regretted</b> 247:1
	<b>recited</b> 86:13	147:6 149:3 152:23 153:16,	<b>referenced</b> 48:9	<b>regularly</b> 176:15 251:10
	<b>recognize</b> 6:25 14:2 33:18 58:12 75:14		<b>referencing</b> 87:22	<b>reigns</b> 174:25
			<b>referring</b> 252:1	<b>reinforce</b> 226:9

<b>reinforced</b> 226:14	254:4 297:20	<b>rent</b> 227:11,13	64:1,11 65:1,21 66:16 83:6,7	165:20 226:3 <b>representing</b> 225:12
<b>related</b> 167:5,19 227:6	277:11 279:20	<b>rental</b> 229:15	112:21,22,25	<b>reprimand</b> 195:6
<b>relations</b> 27:6,7 230:8	201:11	<b>repeated</b> 273:25	113:3,10,13,20 114:2,15,19,25	<b>reprimanded</b> 191:6 200:12
<b>relationship</b> 37:8 126:24 127:25 133:3	44:10	<b>repeatedly</b> 275:15	115:13,17,19 116:7,11 117:6, 24 118:5,10,22, 25 119:2,4,11,	<b>reprimands</b> 195:4
<b>relationships</b> 40:13,21 288:5	40:16 41:16	<b>repetitive</b> 227:7	17,20,25 120:8, 12,15,22 121:5, 7,17 122:4,13,	<b>reproach</b> 274:15
<b>relative</b> 43:2 86:8	87:21 98:23	<b>replete</b> 48:9 151:23	17,21,25 123:4, 7,10,13,16,20	<b>reputation</b> 15:7 19:22
<b>relatives</b> 230:9	99:2 103:4	<b>report</b> 17:4,8,11 31:2	148:9,11,13,16, 20 149:11,16,	37:17 54:6,12
<b>relayed</b> 20:12 38:3 62:1 80:11 100:25 145:17 161:18 195:19 220:10 286:2	149:11 170:17 260:19 290:18 294:5,12	36:10,21 55:15 61:9 72:6 97:14	18,21,23 150:4 168:22 230:14,	59:6 61:13
<b>release</b> 31:2 55:14 72:5 135:15 152:23 181:6 210:13,14 254:4 297:20	<b>remind</b> 30:19 55:6 71:22 90:22 121:21 122:8 126:3 135:7 180:22 210:5 253:21 297:11	152:24 180:2 181:6 191:19 210:15 248:22 254:5 297:21	15,18 233:2,7, 17 234:5,9,13, 21,24 235:20 236:14,16,18	79:18 100:5 145:7 151:21
<b>relied</b> 16:18 189:8	<b>reminded</b> 47:17 235:21 294:6	<b>reported</b> 37:14 79:13 100:2 219:17	237:1,3,8,11,24 238:13 239:9,	161:5 190:23
<b>relocate</b> 142:5 188:21	<b>remiss</b> 86:21 105:1 106:15 151:7 295:25 296:20	248:15	15,21 240:2,6	193:25 194:16, 20 204:1 206:25
<b>relocation</b> 142:2 158:16 187:20 188:17, 21	<b>renaissance</b> 147:10	<b>reporter</b> 121:24 252:8 260:20	242:16 243:2 244:7,16 245:19	219:19 275:7,9, 17 280:4 281:7
<b>rely</b> 17:24 141:13	<b>render</b> 15:11 29:12	<b>reporting</b> 248:18	246:8,12	285:11
<b>relying</b> 248:19	<b>rendered</b> 17:7	<b>reports</b> 18,24 290:5,7,9	287:12,13,15,	<b>request</b> 47:14 192:17
<b>remain</b> 31:1 55:13 72:5 77:18 98:5 152:23 181:5	<b>rendering</b> 16:4,13	248:19 249:1	17,20 288:7,9, 19 289:1,8,11,	244:18 256:1
	<b>renders</b> 15:21 34:12	<b>Represenative</b> 192:20	18,24 290:5,7,9 291:3,9,11,17,	<b>requesting</b> 283:14
	76:4 95:9	<b>represent</b> 140:7,15 142:15	20 292:1,12,16, 19,23 293:4,7,	<b>required</b> 40:12 124:6
		152:10 157:12	11,14,18,21	186:24 204:25
		<b>representative</b> 6:6 24:3,4,7,15, 25 25:12 51:12	295:22 298:20	<b>requirement</b> 273:22
		53:21 54:21	<b>representatives</b> 108:21,24	<b>requirements</b> 14:16 34:7
		63:6,8,11,15	132:13	75:23 95:5
			<b>represented</b> 36:18 39:23	139:15 156:14
			140:14 157:22	186:9 215:2
				<b>requires</b> 44:6 77:24
				124:1 189:12
				272:17 295:8

<b>requisite</b>	232:6	158:10 159:21	153:23 193:11	<b>revision</b>
28:1 185:11		160:7 179:18	299:1	266:16
<b>research</b>	24:19 76:12,23	182:22 190:1	<b>retain</b>	<b>revisit</b>
22:4,9,11,16	175:6 189:3	191:1 194:18	168:6	16:24
28:1	191:25 192:2	217:18 218:19	<b>retired</b>	<b>rewarded</b>
<b>reservations</b>	<b>resources</b>	237:16 239:16	9:19 10:24 30:7	47:24
70:16 223:13	173:25 174:4	242:18 262:2	121:16 124:23	<b>rewarding</b>
<b>reset</b>	<b>respect</b>	267:24 268:2	170:19,20	215:16
254:20	40:19 45:5,6	270:9 274:18	<b>retirement</b>	<b>rewrite</b>
<b>reside</b>	69:12 90:4	278:25 282:6	142:12	18:2
139:9,10 156:7	97:24 125:5,24	294:17 296:5	<b>retiring</b>	<b>Richland</b>
185:24 186:3	131:5,6 176:22,	<b>responses</b>	124:23	23:12,19 40:1
214:19,20	23 178:11,24	59:12 123:22	<b>reunited</b>	69:21 70:5
<b>residence</b>	190:6 239:6	197:22 202:15,	176:2	82:11 165:21
75:24 95:6	257:1 259:17	16,19,23 206:9	<b>reveal</b>	222:10
139:16 156:15	279:1 284:10	241:10 272:23	275:19	<b>Richter</b>
186:10 215:3	285:16	277:21 292:13	<b>revealed</b>	169:23
219:11 237:19	<b>respected</b>	293:1	274:23 285:15	<b>rights</b>
<b>residences</b>	54:7 159:8	<b>responsibility</b>	<b>revelation</b>	27:10 117:10
239:19	284:9,10	48:13 79:22	230:22	140:16 157:24
<b>residency</b>	<b>respectful</b>	86:10 133:21	<b>revenue</b>	271:19 273:3
14:17 218:17,20	36:2 134:8	238:4 274:15	26:19 225:15	277:8
219:8,14 228:25	159:7 164:25	<b>responsible</b>	<b>review</b>	<b>rigor</b>
235:13,15	165:18	125:14	22:19 32:10	274:5
273:10	<b>respectfully</b>	<b>responsibly</b>	73:14 74:13	<b>rigorously</b>
<b>resident</b>	271:24 295:3	205:1	97:15 136:25	271:13
238:3 239:11,12	<b>respond</b>	<b>rest</b>	154:14 155:13	<b>roads</b>
271:2	18:21 48:15	72:14 91:13	182:17 191:12	51:7
<b>residents</b>	60:17 84:4	181:15 193:14	212:9 213:11	<b>Robbie</b>
34:8	190:2 200:23	229:14	233:21 255:20	294:10
<b>residing</b>	208:2,13 243:18	<b>restrained</b>	278:24	<b>robe</b>
106:4	284:6 290:17	165:19	<b>reviewed</b>	49:7,18 52:7
<b>resigned</b>	<b>responded</b>	<b>result</b>	21:7 36:12 39:3	223:3
41:16	272:23	88:21 143:17	62:22 78:16	<b>Robert</b>
<b>resolution</b>	<b>responding</b>	144:6 264:12,	81:12 102:1	46:18
140:12 192:13	190:4	22,23	103:10 146:18	<b>role</b>
270:15	<b>response</b>	<b>resulted</b>	162:19 191:9	77:3,23,24 83:8
<b>resolutions</b>	16:4 17:19	294:23	196:20 198:21	84:25 96:2
171:23	44:25 77:19	<b>results</b>	221:11 261:18	144:2 174:12
<b>resolve</b>	78:5 84:10	259:6	262:12 272:22	175:2 222:12
172:15 188:24	85:23 97:5 98:6	<b>resume</b>	286:24	223:2 295:1
189:6 190:14	104:14 143:3	6:18 31:18		

## TRANSCRIPT OF PUBLIC HEARINGS

349

<b>roles</b> 170:25 179:4	220:3,15 224:19 262:16,20	<b>runaway</b> 175:1	<b>safely</b> 135:22 153:6,8 254:15	83:13 98:15,16 99:1 147:18 149:4 215:10
<b>roll</b> 83:10	267:14 272:2, 16,19 273:18	<b>running</b> 9:7 64:13	<b>sake</b> 265:3 268:13	149:4 215:10 231:13,15 269:16
<b>Roman</b> 261:25 263:23 267:16 269:1	274:3 275:19 276:18 285:20	106:19 107:2 108:7,8,25	<b>salient</b> 120:24 121:6 148:24 149:7	<b>SCI</b> 82:21
<b>Ronald</b> 10:9	<b>ruled</b> 67:18	202:17 235:13, 24 236:5	<b>samples</b> 25:20 179:22,25	<b>score</b> 236:23 237:21
<b>rooftops</b> 272:14	23:3 38:9 71:8 76:14 78:12,17	<b>runs</b> 27:2 42:15 179:8 189:4	<b>sanctions</b> 174:18 272:5,19	<b>scoring</b> 32:13
<b>room</b> 31:15 74:23 91:22 106:17 127:11 138:9 157:2 177:1,5 181:20 199:17 213:21 216:15 218:6 248:22 284:12	80:17 97:10 101:6 112:3 145:23 161:24 169:14 195:25 220:16 223:25 260:1 271:11 273:17 280:23	<b>rural</b> 39:15 65:24	<b>sand</b> 50:16	<b>Scott</b> 135:3
<b>root</b> 274:4	<b>ruling</b> 18:1 22:20 60:13 244:17	<b>rushing</b> 274:17	<b>sanity</b> 232:20	<b>Scout</b> 125:15 134:24
<b>Rosa</b> 144:8	268:16 282:4, 12,19 283:4 284:2	<b>Ruzicka</b> 257:11 258:9, 10,11,12,15,20, 21 259:12,22,25 260:4,9 261:1,4 269:23 270:20, 24 275:22,23,25 276:4,8,10,12 278:7,8,12 279:2,8,13	<b>sat</b> 45:10 53:9 97:16,17	<b>SCRCP</b> 273:18
<b>round</b> 172:17	<b>rulings</b> 16:3 18:21 25:3, 5 59:24 61:4		<b>screams</b> 111:17,19,20 204:21 216:6 224:13 231:10	<b>screen</b> 28:24 272:14
<b>route</b> 46:10	68:4,6 266:21 282:23		<b>satisfaction</b> 51:7	122:19 271:13 286:16
<b>rubber</b> 83:9 264:4,15 266:7	<b>run</b> 15:2 44:6 65:16 88:18,23 89:20	<b>satisfied</b> 86:14 240:3	<b>screened</b> 88:15 106:23 197:9 235:22	
<b>rude</b> 284:11 285:2	107:13,20 108:10,20	<b>savory</b> 222:5	<b>screener</b> 124:4	
<b>rule</b> 20:4 22:15 35:19 37:21 38:8 49:14 61:19 80:3,16 97:1 100:17 101:5 145:10,22 161:10,23 190:5 195:11,24	111:14 125:5,6, 23 169:4 173:17,19 179:16 188:15 219:9,13 223:11 235:25 242:5 249:8,17,23 260:16	<b>scale</b> 203:1	<b>screening</b> 14:11 20:21	
		<b>S</b>	<b>scared</b> 231:6 250:12	21:1 30:18,25 32:21 38:18,22
			<b>schedule</b> 134:17 136:1	55:4,12,20 56:6
			<b>schedules</b> 79:7	62:10,15 71:21 72:4,23,24 81:1, 5 90:21 91:3,25
			<b>scheduling</b> 77:5 79:6 89:3	101:15,19 135:6,13 136:9
			<b>scholarly</b> 274:3	143:15 146:6,11
			<b>school</b> 42:5 49:21	149:18 152:13, 22 160:14 162:7,12 180:19
				181:4,18,23

193:11 196:8,13 210:4,12 211:5, 6 220:24 221:4 234:11 246:14 248:21 253:18 254:2 261:7 270:11 286:11 297:10,18 299:1	47:17 68:5 <b>seatmates</b> 129:23 <b>seats</b> 7:3 179:17 229:3 <b>seconded</b> 6:8 153:13 192:21 298:20 <b>secret</b> 50:5 <b>section</b> 20:19 21:9 38:20 39:5 62:8 81:3,14 101:17 102:3 110:25 146:4 162:5,21 196:6,22 220:22	<b>self-discipline</b> 274:16 <b>self-evaluation</b> 293:7 <b>self-executing</b> 264:10 <b>self-reflection</b> 143:14 241:6 <b>seminal</b> 247:15 <b>seminar</b> 26:1 <b>Senate</b> 70:4 199:22 281:15 <b>senator</b> 6:9 23:12,19,23 25:24,25 26:5, 11,13,15,21,25 27:2,5,10,22 28:15,16,22 29:19 30:2,6 44:8,9 47:7,8 48:4 66:17,18, 20,22 67:8,11 69:3,21,22,25 70:10 82:1,2,5,9 83:6,11,22 84:8 85:23 86:25 87:19,20,21 88:12,18 105:11,12,15, 18,22 106:21 107:1,6,9,13,15, 21,23,25 108:2, 4,16 109:1,20, 21,22 110:3,10, 13,22,24 111:3, 9,12,15,25 112:10,13,15,19 119:12 124:14, 15,18 125:25	126:6,8,11,13, 16,19,24 127:3 128:2,7,9,13,24 129:11,22 130:9,15,17 131:24 134:6 150:7,8,15 151:4,13 170:7, 8,13,17,22 171:1,3,13,19, 24 172:21 173:1,12 174:4, 21 175:18 176:24 177:12, 13,14,17 178:9 179:18 192:22 197:4,6,11,14, 16 198:3,7,9,11, 23 199:3,6,8 200:3,16,18,22 201:1,3,6,13,15, 23,25 202:4,7,9, 11 203:19 206:1,4,13,18 208:25 221:21, 22,25 225:2 226:5 248:24 293:24,25 294:2,10 295:12,20 298:15	<b>sentence</b> 29:12 276:19 277:16 <b>sentenced</b> 175:24 <b>Sentencing</b> 276:16 <b>sentiment</b> 87:25 <b>separate</b> 52:3,4 85:11 207:2 281:14 291:5 <b>separation</b> 35:13 44:12,18 <b>series</b> 170:25 <b>servant</b> 109:17 <b>serve</b> 14:6 20:2 36:4,6 45:19 55:1 58:23 83:22 109:8 139:18 140:4,10,24 141:4 151:1 152:9 156:17,22 157:5,13 158:7 160:3 186:12, 20,23 187:3,4,9, 10,13 203:2 205:9,15 215:5 216:4 222:25 226:1 271:16 287:21 <b>served</b> 26:16 30:15 35:14 51:25 52:9 157:20 160:16 179:3 209:12,13,25 222:10 263:4
<b>seat</b> 9:8 11:12 13:10 31:20 47:23 56:8 72:24 92:6 106:19 107:7,15 108:2 124:22 136:10 153:25 179:6 182:3 194:23 211:7,8 219:7,10,13 229:2 236:9 239:11,15 255:1 257:25	<b>seek</b> 108:2 132:7 <b>seeking</b> 262:3 <b>segregate</b> 86:6 <b>selected</b> 103:19 131:13 <b>Selection</b> 6:5 13:14 33:5 57:25 74:8 93:18 137:19 155:8 183:17 213:7 257:12 <b>self-</b> 264:9			
<b>seatmate</b>				

<b>serves</b>	176:1	<b>sharing</b>	15,18,23 127:1, 7 128:6,8,12,20	<b>side</b>
103:1		<b>sharpened</b>	129:2,15 130:8, 14,16,18 132:25	42:10 84:23 89:17 99:19
<b>service</b>	43:21 118:25	<b>Shaw</b>	134:14,15 135:1,18,23	103:10 106:9 112:1 123:17 150:10,23
15:4 24:5 26:7, 8,21 27:2 30:14, 16 31:9 35:7,9 42:1,8,20 48:19 53:19 55:3,21, 22 72:12,13 79:20 82:6 84:3, 5 90:16 91:11, 12 105:16 106:13 109:7,15 113:1 123:21 124:11 134:21, 22 144:3,15 151:6 156:1 180:21 181:14 210:23 236:19 254:12,13 262:6,7,19,21 287:18 298:4,6	140:1 164:9 246:15 249:4 264:3	<b>She'd</b>	159:12	176:18 218:14 266:8 283:14,20
<b>set-aside</b>	169:1	<b>sheet</b>	8:10	<b>side's</b>
<b>sets</b>	114:8	<b>sheets</b>	7:10 22:1 25:21 97:11 111:10	174:16
<b>setting</b>	168:20 184:19	<b>Shelton</b>	223:11	<b>sided</b>
<b>settle</b>	172:9,19	79:23 92:1,2,4, 7,9,13,18,22	277:18	266:21
<b>settled</b>	192:16	93:1,4,7 94:10	<b>ship</b>	<b>sides</b>
<b>settlement</b>	70:11 177:10	95:4,8 96:21 100:1,2,9,13	223:11	44:2 60:12,14 68:3 85:16
<b>settler</b>	180:8	101:3,8 102:12, 24 105:8,13,14, 17,21 106:20,25	<b>shocks</b>	100:10 142:25
<b>sex</b>	158:3	107:5,8,12,14, 16,22,24 108:1, 3,5,17 109:2,14, 22 110:2,9,12,	144:17	161:8 217:22
<b>sexually</b>	215:11	17,23 111:1,4, 11,14,17 112:2, 12,14,18,20,24	<b>shoes</b>	<b>signals</b>
<b>shameless</b>	23:18	113:2,9,12,19, 25 114:3,18,23	234:18	72:18
<b>shape</b>	45:17 226:23	115:2,16,18	<b>short</b>	<b>signed</b>
<b>shaped</b>	39:15	116:1,9,12	17:2 34:10 150:4 271:24	262:9 272:25
<b>share</b>	54:2 87:25 90:8	117:20 118:4,6, 12,24 119:1,3,7, 16,18,24 120:5,	<b>short-</b>	<b>significance</b>
	151:17 157:9	11,14,16 121:2, 6,11,19 122:1, 16,20,23 123:2,	87:9	179:23
<b>sessions</b>	177:18 180:7	6,8,12,15,19	<b>shortcuts</b>	<b>significant</b>
42:10,13,19 44:2 88:7 106:4 129:14 172:2	207:5 226:15	124:12,17,25	274:19	109:25 180:16
	270:18 296:21	126:4,7,10,12,	<b>shot</b>	<b>signify</b>
	<b>shared</b>		22:9	6:9 8:6,7,13,25
	253:3 292:7		<b>shoulder</b>	9:11,23 10:4,10, 16 11:1,2,14
	<b>Sharepoint</b>		294:8	192:22
	25:18,19		<b>show</b>	<b>signing</b>
			97:14 166:5 180:11,12	274:17
			245:18 262:16 268:20 272:2,19	<b>similar</b>
			284:5	288:15,17 296:14
			<b>showing</b>	<b>similarly</b>
			7:10 191:7 275:15	172:3 266:20
			<b>shown</b>	<b>simple</b>
			272:14	157:17
			<b>shows</b>	<b>simply</b>
			90:4 164:14	17:22 37:5 87:10 132:6

251:17 259:20	137:1,8 139:3	241:10,18	203:15 249:12	<b>sons</b>
<b>simultaneously</b>	141:25 143:23	<b>sixth</b>	250:1	134:24
277:24	145:19,24	231:8	<b>socioeconomic</b>	<b>sort</b>
<b>sincerity</b>	146:7,12,17,21	<b>skewed</b>	250:19	42:17 64:1,3
251:18	147:2,9 148:8,	233:18	<b>solace</b>	65:1 85:9 96:2,
<b>single</b>	19,22 149:17,22	<b>skies</b>	6,9 97:21	
163:21 185:3	150:2,6 151:15	297:3	<b>sold</b>	106:16 141:1
194:1 201:7	152:14 153:3	<b>skill</b>	268:11 269:9	149:7 223:11
<b>sir</b>	182:7,18,23	140:1	<b>sole</b>	233:13 247:9
12:2,4,9,15,19,	184:21 185:15,	<b>skills</b>	144:9	251:6
22 13:7,12 14:7	19 199:7 200:5,	30:8 35:6 77:7	<b>solely</b>	<b>sorts</b>
20:11,14,18	24 201:5,24	87:4 187:5	295:10	104:22 181:9
21:2,17,21	202:8 206:3,12	<b>slammed</b>	<b>solicitor</b>	247:25
22:24 23:6	211:1,11	234:7,8,22	88:3 113:4,17	<b>SOS</b>
24:14 25:11	212:10,14,17,21	<b>SLED</b>	115:24 117:12	72:18
26:10,14 27:1,4,	214:4 227:14	36:10,21 191:19	119:1,15,20,21	<b>sought</b>
9,21 28:14,21	230:4,11 242:13	<b>sleep</b>	120:25 121:17	20:24 38:16
29:18 30:1,5,12	247:7 254:10	277:8	123:10 126:21	62:13 80:24
31:5,6,22,23	255:8 256:13,20	<b>slots</b>	128:10 130:6	101:13 146:9
32:15,18,22	258:2 264:1,2	178:3,4,6,9	132:12 134:7	162:10 196:11
33:23 37:13	270:22 276:9	<b>small</b>	<b>solicitor's</b>	221:2 286:14
41:21 55:18,25	278:13 287:10	34:18,19 96:12	114:21 129:25	<b>sound</b>
56:10,23 57:2,5,	293:22 298:2	111:5	131:19 132:3	63:13 89:25
8 63:25 72:10	<b>sister</b>	<b>smaller</b>	216:8	90:1 204:2
73:2,18,21,24	228:1	40:2	<b>solicitors</b>	298:17
82:4 83:21	<b>sit</b>	<b>smart</b>	43:20 131:16	<b>sounded</b>
87:14 91:9 92:2,	16:12,23 53:9	71:4 77:13,15	110:10	110:10
4,22 93:1,4,7	66:11 68:21	89:24 104:17,19	<b>solicits</b>	<b>sounds</b>
105:8,21	144:21 177:3	124:7 142:24	275:8	148:21 201:10
106:20,25	218:11 223:3	150:17,24	<b>solidified</b>	238:10,11,13
107:5,8,12,22,	<b>sitting</b>	151:24,25	247:12	<b>source</b>
24 108:1,3,5	44:19 60:10	217:11	<b>soliloquy</b>	104:8
110:2,9,12	86:22 104:21	<b>smiling</b>	87:15	<b>South</b>
111:11 112:14,	111:16 128:9,10	74:22	60:19 166:24	15:6,24 21:8
18,24 113:2,9,	129:3,5 179:6	<b>smooth</b>	207:11	27:13 31:9
12,19 114:18	294:3,7	42:15,22 149:21	<b>Solutions</b>	34:17 38:8 39:4,
119:24 120:11,	<b>situation</b>	149:19	191:22	20 62:23 65:24
14,16 124:17	43:1 68:24	<b>smoothly</b>	<b>solve</b>	80:16 81:13
126:10,12,18,23	118:19 168:25	133:6	190:15 207:18,	101:5 102:2
127:2,7 128:6,8,	230:25 233:18	<b>society</b>	21	142:8 145:22
12,23 129:15	283:23		<b>solver</b>	146:19 151:1
130:8,14,16,18	<b>situations</b>		190:12	161:23 162:20
135:18 136:12	60:3,5 68:14			

185:7 194:7,8 195:24 196:21 210:23 220:15 221:12 254:12 265:10 268:14, 15 271:2,19 272:15 273:4,21 274:10 275:4,17 277:3 280:1 286:25 298:4	<b>specialize</b> 65:15 <b>specialty</b> 65:5 <b>specific</b> 141:23 272:18 273:22 288:1 290:17 293:1 <b>specifically</b> 125:23 141:23 <b>spades</b> 28:11 71:16 <b>spanning</b> 271:22 <b>Spartanburg</b> 227:21 228:14, 19,25 229:7 <b>speak</b> 12:7 32:3 56:15 64:20 73:7 75:16 92:14 120:16,20 131:1 136:18 154:7 182:10 188:22 211:16 222:3 224:2,16,23 230:22 242:7 255:13 258:16 279:11,20 292:20 <b>Speaker</b> 52:5 <b>speaking</b> 163:14 188:16 <b>speaks</b> 134:12 266:12 <b>special</b> 143:19,24 144:2,7,14 158:17 188:12 <b>specialist</b> 66:2	<b>springing</b> 169:2 <b>stability</b> 19:19 37:19 61:16 79:15 100:8 145:4 161:3 193:22 194:12 219:22 285:8 <b>staff</b> 6:25 13:7 14:3 26:17 33:4 39:9 57:9 58:13 74:6 75:14 76:18 81:21 89:22 93:17 94:8 102:7 137:18 155:7,23 183:15 184:5 213:6,19 225:16 256:21 <b>spend</b> 88:4 89:6 95:19 96:11 <b>spent</b> 76:24 79:5,9 95:20,22 97:9 216:12 <b>spirit</b> 30:21 55:8 71:25 90:25 135:10 152:18 180:25 210:8 253:24 297:14 <b>splendid</b> 126:24 <b>spoke</b> 120:24 126:20 127:20 <b>spoken</b> 232:14 261:6 <b>spring</b> 149:1	131:9 191:11 271:25 274:2,14 <b>standing</b> 68:18 191:16 203:15 250:19 263:14 277:3 <b>standpoint</b> 125:19,21 235:7 <b>stands</b> 252:4 <b>star</b> 125:16 171:2 <b>start</b> 59:1 94:18 115:9 125:9 148:1 167:15 177:4 184:22 261:24 <b>started</b> 27:5 43:6,10 82:10 95:12 97:12 105:23 <b>stage</b> 280:25 <b>stakes</b> 225:22 <b>stamp</b> 83:10 <b>stamped</b> 264:5,15 <b>stamping</b> 266:7 <b>stance</b> 250:20 <b>stand</b> 46:6 56:2 91:20 132:19 133:11 248:13 254:19 <b>standard</b> 269:13 <b>standards</b> 89:25 104:25	140:2,25 141:11 142:3 146:10 154:10 155:15 156:5 172:21 174:13 182:12 183:22 185:23 187:10 188:20 199:18 200:13 205:16 210:23 211:18 213:13, 22 214:18 218:24 219:1 222:14 230:6 235:6,11 239:4 254:12 255:15 256:4 257:18 258:18 267:19 268:1,14 280:1 298:4 <b>state's</b> 14:25 135:10 152:5,18 <b>stated</b> 19:23 36:7 79:19 189:19 194:1 219:22 261:16 267:2 281:22 283:12 285:12 <b>statement</b> 12:17 13:6 14:1 32:13 33:3,17 56:25 57:20 58:12 73:16 74:5,21 75:12 92:24 93:16 94:7 137:3,17 138:8,23 139:2 154:17 155:6,21 174:22 182:20 183:14 184:4 212:12 213:5 214:10 249:7
--	--	--	---	--

252:3 257:8	15,21 240:2,6	252:20	<b>stressors</b>	<b>stuff</b>
283:8	242:16 243:2	<b>Stephanie</b>	240:22	104:18 267:6
<b>statements</b>	244:7,16 245:19	9:7,10	<b>Strickland</b>	<b>stupid</b>
28:19	246:8,12	<b>Stephen</b>	41:2,3,8,11,13,	174:17
<b>status</b>	287:12,13,15,	10:24 11:9	20 222:9	<b>style</b>
48:13 97:17	17,20 288:7,9,	<b>stepping</b>	275:3 277:5	<b>subject</b>
111:21,22	19 289:1,8,11,	226:11	<b>strictly</b>	68:9
<b>statusing</b>	18,24 290:5,7,9	<b>steps</b>	223:25	<b>submit</b>
24:10	291:3,9,11,17,	110:4	<b>strike</b>	18:14 271:24
<b>statute</b>	20 292:1,12,16,	<b>Steven</b>	243:4	283:7,17 288:21
78:23 179:12	19,23 293:4,7,	56:14,19	<b>strikes</b>	<b>submitted</b>
289:23	11,14,18,21	<b>sticks</b>	84:22 223:12	12:18 17:11
<b>statutes</b>	295:22 298:21	82:21	<b>stiff</b>	32:14 57:1
49:15	<b>stay</b>	132:22	<b>strive</b>	73:16 92:25
<b>statutorily</b>	97:19 141:16	<b>stop</b>	240:12 295:4	137:4 154:18
238:1	219:2,6 240:24	152:12 174:20	<b>strong</b>	179:23 180:9
<b>statutory</b>	249:21 260:14	216:17,18 236:3	19:25 96:25	182:21 212:13
14:16 34:7	288:5,24 289:2,	<b>story</b>	99:22 276:13	223:25 259:8
75:23 95:5	9,12,16 290:1,3	98:14 245:22	292:3	261:14,18,20
139:15 156:14	291:1	<b>straight</b>	<b>strongest</b>	262:8 264:5
186:9 215:2	<b>stayed</b>	58:13 214:14	96:17	272:21 274:6
258:25	42:6 111:23	<b>straightened</b>	<b>strongly</b>	283:4
<b>Stavrinakis</b>	236:4	192:3	273:11	<b>submitting</b>
7:17,22 24:3,4,	<b>staying</b>	<b>strains</b>	20:15,23 38:11,	20:15,23 38:11,
7,15,25 25:12	153:7 250:15	96:12	15 62:4,12	15 62:4,12
51:11,12 53:22	<b>Stegmaier</b>	<b>stream</b>	80:19,23 101:8,	80:19,23 101:8,
54:21 83:6	14:10 41:1,22,	20:6 37:23	12 114:23	12 114:23
112:21,22,25	23,25 147:3,4,6,	61:21 80:5	145:25 146:8	145:25 146:8
113:3,10,13,20	10,14,16 153:13	100:19 145:12	162:1,9 196:2,	162:1,9 196:2,
114:2,15,19,25	227:4,6,9,13,15,	195:13 220:5	10 220:18 221:1	10 220:18 221:1
115:13,17,19	24 228:3,7,12,	285:22	286:5,13	286:5,13
116:7,11 117:6,	17,21,23 229:5,	<b>Street</b>	<b>subparagraph</b>	<b>subparagraph</b>
24 118:5,10,22,	11,13,19,21,23,	199:17	269:1	269:1
25 119:2,4,11,	25 230:2,7,10,	<b>strenuous</b>	<b>subscribe</b>	<b>subscribe</b>
17,20,25 120:8,	12 234:25	277:20	248:16	248:16
12,15,22 121:5,	<b>stellar</b>	<b>stress</b>	<b>substantial</b>	<b>substantial</b>
7,17 122:4,13,	54:11	225:14 232:10	277:9	277:9
17,21,25 123:4,	<b>step</b>	241:3,7 296:16	<b>subtracting</b>	<b>subtracting</b>
7,10,13,16,20	109:19 124:18	<b>stressful</b>	168:12	168:12
236:15,16,18	125:17 127:11	225:10 241:18	<b>success</b>	<b>success</b>
237:1,3,8,11,24	193:3 212:2		23:16	23:16
238:13 239:9,	231:24 246:20			

<b>successful</b> 69:1 105:7 109:7 131:12 172:6,18 201:8 235:25	144:6 148:18, 24,25 149:8,24 150:18,21	173:6 <b>survey</b> 13:18 33:9 58:3 <b>sunny</b> 138:18,19,21	211:15 212:12 213:5 255:12 257:8 258:15 <b>system</b> 15:1 42:15 43:7, 15,17,18 69:16, 20 83:16,18	<b>talked</b> 67:21 103:25 108:7,8,13,14, 17,18,19,21,22, 23 121:1,2,3 124:20 176:8
<b>sudden</b> 277:24	<b>superb</b> 59:22	96:23 137:24 142:20 151:19	15:14 159:3 177:18 183:20	<b>talking</b> 22:6 83:12 112:3 115:24
<b>suddenly</b> 277:10	<b>superlative</b> 48:11 86:3	189:16 197:21	84:14,24 85:3, 12,13 86:4	166:19 168:14
<b>suggest</b> 24:22 87:7 172:23 266:3	<b>supervisor</b> 119:9	213:12 221:25 257:17 281:20	95:24 98:20 115:12 131:7 163:23 238:20 275:10 296:18	200:3 202:20 230:20 237:2 293:5
<b>suggested</b> 177:2 288:2	<b>support</b> 134:1 159:15 291:5	296:2 <b>surveys</b> 15:17,18 28:19	<b>systematic</b> 266:10	<b>talks</b> 234:2
<b>suggestion</b> 23:13 86:16 105:2	<b>suppose</b> 65:21	35:24,25 36:9 59:19 77:10,11	<b>systems</b> 84:14	<b>taller</b> 184:18
<b>suggestions</b> 69:4	<b>supposed</b> 115:6,9 175:5 177:9	96:22 142:18 159:2 189:15 202:10 217:8,9		<b>Tarita</b> 254:25 255:12, 17 271:3 282:15
<b>suggests</b> 262:18 274:21	<b>supposition</b> 129:12	275:18 281:19 <b>survivor</b> 142:13	<b>table</b> 97:9	<b>tarnishes</b> 275:17
<b>suicide</b> 225:3,5	<b>suppress</b> 117:18	<b>Susan</b> 75:7	<b>takes</b> 78:23 116:22 241:5	<b>tasks</b> 77:6
<b>suit</b> 144:9 192:8	<b>suppression</b> 118:8,14,15,17	<b>suspect</b> 104:23	<b>taking</b> 64:7 75:16	<b>taste</b> 209:22
<b>suited</b> 35:6 59:4	<b>Supreme</b> 8:23 23:2 118:2 191:6	<b>sustains</b> 277:20	<b>sustains</b> 97:12 104:18 136:4 150:20	<b>taught</b> 40:11 147:20 173:7 216:16
<b>summary</b> 19:23 34:11 78:14 79:19 145:9 194:1 219:22 222:11, 13,16,19 285:12	<b>surely</b> 241:18	<b>swear</b> 257:24	<b>swore</b> 266:11	<b>teacher</b> 95:14
<b>summation</b> 252:6	<b>surgery</b> 191:24 208:10	<b>surprise</b> 64:15,20 67:19	<b>sworn</b> 12:6,17 13:6	<b>teams</b> 149:25
<b>summer</b> 97:9 124:22 125:2	<b>surprised</b> 143:6 290:11	<b>surprised</b> 32:2 33:3 56:14, 25 57:20 73:6,	<b>talent</b> 178:18	<b>teenage</b> 125:9
<b>Sumter</b> 39:23 40:4 139:10 140:19 142:7 143:18	<b>surprises</b> 69:4	<b>surprises</b> 15 74:5 92:13, 24 93:16 136:17	<b>talented</b> 124:7 151:24	<b>teenagers</b> 108:11
	<b>surprising</b> 190:20 194:23	<b>surprising</b> 137:3,17 154:6, 17 155:6 182:9,	<b>talents</b> 253:11	<b>telling</b> 54:3 203:15 205:13,22
	<b>surrounded</b>	<b>surrounded</b> 20 183:14	<b>talk</b> 63:21 68:23 102:20 121:23 151:11 249:16 260:22	<b>temper</b> 287:23

<b>temperament</b> 15:25 19:23 20:1 29:2 36:4 37:17 47:20 54:4,8 61:13 77:14,16 79:19 90:1,2 98:6 99:19,25 100:6 145:8 158:7 159:5 161:6 178:15 189:23 193:25 194:13 203:10,22 217:17 219:20, 24 222:6 240:7 276:13 278:5 285:12	<b>tenure</b> 273:5	<b>text</b> 208:4,14	66:2 86:19,20, 22 96:3 97:21	<b>thought</b> 16:6 23:1 35:4 40:6,19 68:23
	<b>term</b> 17:12 48:3 68:16 69:3 87:10 127:18	<b>textbook</b> 44:16 248:24,25	103:10 104:22 110:8,14 122:21 123:3 125:12 127:12 135:20	70:12 78:20 89:3 104:15,19 113:6 180:1
	<b>termination</b> 140:16 157:24	<b>thankful</b> 43:14 149:6,10	147:21,24 148:4,14 163:12	205:20 247:8 259:19 263:15
	<b>terms</b> 18:25 47:19 54:14 171:8 172:3 174:5 199:13 201:17 202:4,9,19 204:1 259:5 264:25 289:13, 20	<b>thankfully</b> 271:14	168:16 174:17 175:9 176:7 177:7 181:9	<b>thoughtful</b> 15:20 170:2
	<b>terrible</b> 17:9	<b>thankning</b> 85:22 281:6	186:22 189:13	<b>thoughtfulness</b> 60:4 100:11
	<b>terribly</b> 207:23	<b>thankless</b> 294:19	195:8 197:17 199:23 203:7, 12,16,21 204:10	<b>thoughts</b> 50:14 270:19
	<b>test</b> 233:13	<b>themselves</b> 164:20	217:23 218:9, 13,14 223:21	<b>threatening</b> 276:17
	<b>testifies</b> 12:8 32:4 56:16 73:8 92:15 136:19 154:8 182:11 211:17 255:14 258:17	<b>theory</b> 63:15	225:19 231:12, 20 235:25	<b>throw</b> 29:19 53:1
	<b>testify</b> 13:25 33:16 58:11 74:19 94:6 138:6 155:20 184:3 213:19 257:24	<b>thing</b> 18:10,12 25:17 28:24 42:2 43:1 49:12 52:12 53:16 59:15 60:25 64:14 65:7 68:20 70:17 89:12 99:11,13 105:22 109:17 144:12 147:23 163:18 179:22 198:19 207:1 224:17,25 228:4 231:2,11, 15 234:15 238:24 243:5,20 250:16 266:24 267:14 284:1 295:8	241:15 242:22 243:2,3 244:1 246:15,25 247:21,25 248:2,11,23 260:16 289:20 291:24 293:8 296:8,16	<b>thrown</b> 208:23 214:1
	<b>temporary</b> 223:22,24 224:18,20,21 242:7,9 244:18 282:16 283:3,5, 6 284:16		<b>thinking</b> 65:22 95:17 102:13 178:6 240:21	<b>tie</b> 273:5
	<b>Ten</b> 77:16	<b>testimony</b>	<b>thinks</b> 103:5	<b>tight</b> 223:11
	<b>tens</b> 199:9,10	14:13 34:4 75:20 95:2 139:12 156:11	<b>third-party</b> 169:9	<b>time</b> 17:3,10 29:9,17, 25 40:8 42:4
	<b>tensions</b> 68:19	186:6 214:24 269:8,17 270:8 277:12 278:24	<b>Thomas</b> 10:3	43:25 46:20 59:2 60:6,20,21
		16:20 29:20 42:22,24 46:18 54:17,18,19 63:17,19 64:18	<b>Thompson</b> 136:22 142:22 152:2	61:2,7 67:3
			<b>thorny</b> 22:17	69:14 70:3 75:16 79:5,9 84:11 87:24 88:4,16,22 89:7, 9,13 90:14
				91:15 94:11,12, 18 95:23 96:11, 15 108:14
				112:11,17,22 116:2 118:7
				120:4 121:13 125:6 131:1,15,

16 134:16 136:5 138:21 140:6 143:10 144:12 149:7,19 150:11 151:2 168:5 171:7,14,20 174:15 175:7, 13,25 181:13 185:10 187:18, 23,25 194:21 198:3,6 200:8 201:21 202:18 207:4 216:23 217:20 218:4,7, 12 219:4,15 222:21 223:8,20 224:23,24 225:24 229:3,7, 9,20 230:23 231:2,16,24 232:12,21 233:20,23 234:19 235:22 239:22,23 245:3,10,16 246:18,23 247:13 249:16 252:16,20 255:25 259:19, 20 260:21 267:19 269:25 270:25 271:8 277:10,24 278:11,21 279:1 280:9 282:14, 22,24 294:5,6	118:16,18 135:4 158:6 168:6 218:1,5 248:1 261:6 <b>tip</b> 29:22 240:23 <b>tips</b> 16:19 <b>tireless</b> 54:9 <b>today</b> 6:5,18 7:21 20:10 21:15 38:1 39:11 61:24 63:4 75:7, 17 80:9 81:22 100:23 102:9 134:16 135:21 145:15 146:25 153:24 161:16 163:1 176:24 190:9 191:17 195:17 197:2 201:23 203:18 208:2 210:24 212:4 213:22 214:6,8 220:8 221:18 245:6 250:11 251:1 252:22 254:15, 24 259:21 278:22,25 279:9 285:25 287:8 298:15 <b>today's</b> 11:24 <b>told</b> 67:3 99:4 108:13 131:10 176:2 177:3 209:18,19 232:16 245:22	282:15 284:19 <b>Tom</b> 147:17 <b>Tommy</b> 30:4 <b>tomorrow</b> 298:16,19 299:1 <b>ton</b> 233:15 <b>tone</b> 68:7 <b>tonight</b> 270:15 <b>Tony</b> 189:19 <b>tool</b> 24:22 <b>top</b> 121:3 268:4 <b>torn</b> 176:2 240:8 <b>tort</b> 78:23 <b>total</b> 128:20,21 202:19,23 206:10 293:15 <b>totality</b> 110:24 <b>totally</b> 116:19 234:21, 24 <b>totem</b> 222:16 <b>touch</b> 66:5 67:11 <b>touched</b> 158:9 186:15 <b>touches</b> 197:20,23	<b>touching</b> 67:17 <b>tough</b> 40:17 233:5 240:22,23 241:1 <b>tougher</b> 59:1 <b>town</b> 34:19 <b>track</b> 43:19 226:23 <b>trafficking</b> 158:4 <b>tragic</b> 201:8 <b>trailblazer</b> 27:10 <b>trained</b> 46:4 <b>training</b> 46:7 96:5 269:16 <b>trajectory</b> 282:21 <b>transcript</b> 207:6 262:13 263:6 267:23 269:8 <b>transcripts</b> 68:1 128:3 <b>transferable</b> 87:4 <b>transform</b> 243:9 <b>transition</b> 59:1 <b>translate</b> 157:16 <b>transpired</b> 233:22 <b>Trask</b>	94:14,21,23 95:1 102:5 <b>Trask's</b> 104:14 <b>travel</b> 135:22 142:3 153:6,8 210:25 218:24 230:5 235:10 254:14 <b>treat</b> 176:22 190:5,6 <b>treated</b> 120:18 165:25 166:3 190:7 225:21 250:17, 21,22 285:16 <b>treatment</b> 278:1 290:20 <b>treats</b> 274:24 <b>tremendous</b> 66:1 131:5,6 <b>tremendously</b> 219:24 <b>trenches</b> 207:9 <b>trend</b> 233:12 <b>trepidation</b> 258:7 <b>trial</b> 18:20 19:11 22:7,12,18 24:9, 13,16,18,19 25:2,13 44:5 46:24 60:7 61:2 68:7 76:9,15,25 77:25 79:7 85:5, 17 95:17,21 96:1 110:5 114:6,8,10 115:6 118:9,13,
---	--	---	---	---

14,16 167:25	260:10 265:19	<b>Umsted</b>	175:10 179:13,	<b>unicorn</b>
168:2,4 172:4	267:15	14:8,9,19 19:15	16 181:9 196:20	42:4
175:7 208:5	<b>turned</b>	21:11	210:19 221:11	<b>uniform</b>
<b>trials</b>	17:5	<b>unable</b>	233:11,24	43:19 128:14
19:3 34:22 68:2	<b>turning</b>	85:10	238:23 239:5,10	<b>Union</b>
79:6 89:3 97:17	284:25	<b>unanimous</b>	246:17 248:12	76:10
103:4 111:16,	<b>turns</b>	8:21 9:2,15	250:2 252:14	<b>unique</b>
17,18,19 171:25	121:22 246:10	10:1,7,13,20	254:8 270:6	44:23 157:15
172:1,3	<b>Twenty-six</b>	11:18	283:25 286:24	174:12 216:6
<b>tribute</b>	217:14	<b>unanimously</b>	295:11 298:1	<b>unlimited</b>
90:5	<b>Twenty-three</b>	8:16 84:19	<b>understanding</b>	259:18
<b>tricky</b>	82:9	<b>unbiased</b>	18:20 36:22	<b>unopposed</b>
60:5	<b>type</b>	49:8 98:5,8	59:23 71:12	128:11 176:25
<b>troubled</b>	15:19 95:24	<b>unbridledly</b>	77:24 78:11,21	236:5
236:21	103:17,21	54:18	85:12 96:16,19	<b>unpaid</b>
<b>troubling</b>	143:11 157:13	<b>uncle</b>	110:5 160:17	277:10
243:14	158:20 205:12	147:13	161:8 229:15	<b>unprecedented</b>
<b>true</b>	<b>types</b>	<b>uncontested</b>	233:22 240:11	128:13
67:8 83:1 84:13	66:7 141:14	274:6	241:25 251:18	<b>unpredictability</b>
85:9 147:10	142:15 180:11	<b>uncontradicted</b>	261:8,21	296:3
204:10 231:21	<b>typically</b>	277:12	<b>understands</b>	<b>unprepared</b>
<b>trust</b>	289:25	<b>uncooperative</b>	28:9 159:11	190:25 191:7,15
168:19 169:1,2,	<b>tyrant</b>	189:25	217:13	<b>unprofessional</b>
9 226:2 271:17	272:15	<b>underlying</b>	<b>understatement</b>	191:15
<b>trusts</b>	<hr/>	67:22	107:10	<b>unqualified</b>
168:16	<b>U</b>	<b>underscore</b>	44:17 210:21	194:8,14,19
<b>truth</b>	<b>U.S.</b>	26:8 86:21	270:17	200:9 203:23
12:7,8 32:3,4	23:2	<b>understand</b>	<b>undertake</b>	204:1 230:24
56:15,16 73:7,8	<b>ugly</b>	21:7 28:10 31:4	86:17	247:5 248:15
92:14,15 136:1,	176:13	35:16 39:3,14	<b>undertaking</b>	<b>unrepresented</b>
18,19 154:7,8	<b>Uh-huh</b>	46:25 51:7	87:13	274:24
182:10,11	236:25	55:17 60:18	<b>undertakings</b>	<b>unresponsive</b>
211:16,17	<b>ultimate</b>	62:22 67:10	124:2	190:25 206:19
255:13,14	18:23 205:3	69:9 71:4 72:9	<b>unduly</b>	208:15
258:16,17	225:21	76:14 77:25	165:11	<b>unsavory</b>
<b>TSP</b>	<b>ultimately</b>	81:12 83:2 89:9	<b>unfair</b>	222:5
142:13	187:9 192:11	91:7 96:12 97:6	249:19	<b>unshakeable</b>
<b>Tuesday</b>	247:5 248:3	98:8 102:1,21	<b>unfairly</b>	189:20
6:5	251:15	103:16 109:14	243:6	<b>untoured</b>
<b>turn</b>	<b>umbrage</b>	127:7 130:19,20	<b>unhealthy</b>	210:17
7:11 14:2 16:21	109:2	131:20 146:18	67:25	<b>unusual</b>
184:5 240:17		153:2 162:19		

60:5	<b>valuation</b>	120:17	<b>vocal</b>	163:25 166:22
<b>unverified</b>	168:7	<b>Vice</b>	119:22	179:15 190:17
190:2	<b>valuations</b>	278:20	<b>vocation</b>	218:6 224:5,6
<b>unwavering</b>	158:24	<b>victim's</b>	139:23	233:4 250:18,20
275:6	<b>valuing</b>	132:24	<b>voice</b>	270:15
<b>updated</b>	189:10,11	<b>victims</b>	29:10 132:8	<b>walked</b>
141:16	<b>Vanessa</b>	99:9	190:8 209:5	230:24
<b>updates</b>	267:1 272:21	<b>view</b>	260:21	<b>Walker</b>
12:20 32:16	<b>variety</b>	23:20 30:22	<b>voices</b>	25:24,25 26:5,
57:3 73:19 93:2	124:1 180:12,13	45:7 55:9 72:1	274:21	11,13,15,21
137:6 154:20	212:3	91:1 98:20	<b>voicing</b>	27:2,5,10,22
182:24 212:15	<b>varying</b>	135:11 152:19	259:23	69:22,25 82:1,2,
256:11	28:22	181:1 197:24	<b>volume</b>	5,9 83:7,22
<b>uphold</b>	<b>vast</b>	210:9 253:24	42:13	86:25 105:11,
49:19 266:4	95:23 99:14,16	281:8 297:15	<b>volumes</b>	12,15,18,22
271:17 273:13	124:1 159:13	<b>viewing</b>	134:12	106:21 107:1,6,
<b>upholding</b>	<b>verbal</b>	203:2	<b>volunteered</b>	9,13,15,21,23,
97:1	165:17	<b>views</b>	25 108:2,4,16	25 108:2,4,16
<b>upset</b>	<b>verbatim</b>	180:5	90:10	109:1,20 119:12
165:8 231:6	272:3	<b>vindictive</b>	<b>vote</b>	150:7,8,15
245:9 250:12,	<b>verdict</b>	244:13	8:3,21 9:20 11:6	177:13,14,17
13,24	25:21	<b>violated</b>	<b>voter</b>	178:9 179:18
<b>upstate</b>	<b>verification</b>	209:6	219:11 235:16	221:21,22,25
79:12 236:7	13:19 33:12	<b>violates</b>	<b>votes</b>	225:2 226:5
239:2 248:16	58:5 74:14 94:2	272:10,15	6:22,23 11:7	<b>Walker's</b>
285:5 294:15	137:25 155:14	<b>violation</b>	153:22 193:10	85:23
<b>urge</b>	183:21 213:12	30:23 55:10	<b>voting</b>	<b>waning</b>
273:11	257:17	72:1 91:1	7:1,10	172:1
<b>utmost</b>	<b>verified</b>	135:11 152:19	<b>vulnerable</b>	<b>wanted</b>
173:9	194:6 201:17	181:1 210:10	157:22 271:20	16:12,14 17:21
<b>utterly</b>	<b>versed</b>	297:17	<b>vyng</b>	21:22 23:7 53:1
284:9	85:3	<b>violations</b>	107:6	74:23 79:1
<hr/>				
<b>V</b>				
<hr/>				
<b>vacation</b>	<b>version</b>	253:25 279:14,	<b>W</b>	88:24 90:12
190:19	272:4,25	18		95:17,18,19
<b>vague</b>	<b>versus</b>	<b>violence</b>		98:17,18 99:4
200:11	241:20	288:4,25 289:4	<b>waive</b>	102:13 109:18
<b>valuable</b>	<b>veto</b>	<b>visitation</b>	58:15 214:11,13	110:7 130:7
46:7 165:17	44:19	157:19	<b>waived</b>	134:11 148:3
186:19	<b>vetoes</b>	<b>visited</b>	275:2	163:8 180:7,11
	35:17	294:11	<b>waiver</b>	218:1 235:17
	<b>vetted</b>	<b>vividly</b>	277:4,14	240:21 262:22
		103:5	<b>walk</b>	270:2

<b>wanting</b> 142:5 236:20 287:20 295:2	<b>Wayne</b> 204:19 205:2	<b>well-</b> 159:7 285:8,13	<b>wide</b> 140:5,22	<b>withering</b> 132:20 133:11
<b>wards</b> 157:13	<b>ways</b> 48:8 50:8 76:8 134:12 135:5	<b>well-qualified</b> 161:3,9 219:17	<b>wider</b> 151:2	<b>witnessed</b> 60:2 176:3 271:2
<b>warmed</b> 105:9	176:13 189:6 190:15 241:8	<b>well-reasoned</b> 15:22	<b>wife</b> 138:15 148:25 149:2 153:5 201:8	<b>witnesses</b> 13:25 33:15 58:10 74:19 94:5 138:5 155:20 184:2 213:18
<b>warned</b> 278:6	253:8	<b>well-rounded</b> 157:11 159:9 188:4	<b>wife's</b> 264:6	<b>women</b> 178:10 179:3,5 208:21,22,24 209:1
<b>warrant</b> 264:23 265:7 279:14	226:25	<b>well-versed</b> 187:1 273:15	<b>wild</b> 103:5	<b>wonderful</b> 14:5 15:3 24:10, 22 31:7,11 32:8 46:15 75:18 94:16 104:8 135:19 142:22 149:2,6 151:12 153:4 170:1 173:8 181:12 184:19 214:15 218:12 224:22, 25 245:22 246:3 298:3
<b>warranted</b> 55:17	<b>wealth</b> 174:2	<b>well-written</b> 180:15,17	<b>Wiley</b> 10:16,21	
<b>warrants</b> 276:18	<b>wealthier</b> 174:7	<b>wellness</b> 176:11	<b>Wilkinson</b> 58:17,19 61:8 63:1	
<b>waste</b> 174:15,16	<b>wear</b> 52:7	<b>whatsoever</b> 12:25 277:14	<b>willful</b> 262:4 272:5 274:1 277:6	
<b>wasting</b> 175:12	<b>wearing</b> 49:18 234:18	<b>Wheeler</b> 31:19,23 32:2,7, 11,15,18,22,25	<b>William</b> 10:15 32:2,7 36:23	
<b>watch</b> 51:10 223:3	<b>wedding</b> 290:24	33:3,20 34:1,6, 10 35:23 36:3, 10,23 37:1,14	<b>willingness</b> 30:10 109:23 197:18	
<b>watched</b> 20:8 37:25 61:23 76:16,21 79:8 80:8 89:2 100:21 129:24 145:14 161:14 195:16 220:7 285:24	<b>week</b> 17:10 45:3 50:2 104:6 115:5,6 158:6 208:6 282:19	39:13,21 41:7, 10,12,15,21,23, 24 42:24 44:16 45:14,21 46:23 47:6 48:4,5 49:9 51:9,13 52:10, 21 53:8,20 54:5 55:18,24 65:23	<b>Wilson</b> 119:21	
<b>watching</b> 20:6 37:22 61:20 67:23 78:24 79:5,9 80:5 100:19 129:24 130:1 132:18 145:11 161:12 195:13 220:4 285:21 294:3	<b>weigh</b> 45:3	<b>Wheeler's</b> 34:5	<b>window</b> 138:20 277:2	<b>wondering</b> 241:17
<b>water</b> 173:2	<b>weighs</b> 45:3	<b>whispers</b> 275:13	<b>wink</b> 213:25	<b>wonk</b> 50:23
	<b>weight</b> 30:24 55:11	<b>white</b> 79:1 225:6	<b>wisdom</b> 36:4 46:19	<b>word</b> 104:16 128:14, 24 129:1,18
	72:3 91:3	<b>wholeheartedly</b> 52:10	<b>wisely</b> 275:8	134:3 177:25 248:5
	106:15 135:12	<b>wholesome</b> 273:2	<b>withdrawing</b> 117:16 119:6	<b>words</b> 46:19 251:25 275:6 297:2
	152:21 181:3		<b>withdrew</b> 125:3 126:5,15 192:16	<b>wordy</b> 248:10
	210:12 297:18			
	<b>welcomed</b> 159:6			
	<b>welcoming</b> 134:8			

## TRANSCRIPT OF PUBLIC HEARINGS

361

<b>work</b>	219:3 227:1	<b>writing</b>	14:17 22:25	<b>York</b>
15:5 17:16		17:19 179:22,25	26:15 28:13	76:10 114:3,13,
19:11 25:10	35:14 44:24	206:9 277:20	34:8,22 40:10	14,15 117:20
27:19 35:16	85:13 89:8	<b>written</b>	46:16 48:6	121:12,14
40:3,16 42:19	290:16	16:2 49:15	49:12 58:22	129:10 131:18,
43:8 46:2 47:2	<b>world</b>	60:14 97:2	61:2,3 63:12,16	20 185:7
54:9,19 64:18	28:3 46:8 51:5	132:1 159:17	75:24 76:15,24	<b>young</b>
84:14,25 89:18	70:19 88:2,3	189:22 205:9	82:6,8,9 84:5,12	24:9 25:8,16,18
94:16 96:1,19,	173:24 204:19	217:15 249:3,7	95:6,20 97:11	138:9
25 103:23 104:4	207:14 208:2	<b>wrong</b>	98:9,12,13	<b>younger</b>
106:7,8 113:14	231:7 246:6	174:10 178:5	103:1,7,12,16	96:5
119:15 129:6	251:10 293:12	295:7	105:16,18,19	<b>youngest</b>
141:24 143:3,7	<b>worried</b>	<b>wrongful</b>	106:5 108:9,10	125:15
147:18,19 149:5	225:16	70:10,22	109:10,15	<b>youth</b>
150:19,22	<b>worry</b>	<b>wrote</b>	116:7,8 117:4,5,	215:24
151:20 158:13	59:10 225:19	151:12 249:10	12 123:24	
159:24 167:10,	241:5		125:7,9 127:14	
12 172:10	<b>worst</b>	<b>Y</b>	131:8 133:5	<b>Z</b>
180:12 186:24	209:1	<b>y'all</b>	139:16 156:15	<b>zealous</b>
188:10 189:25	<b>worth</b>	7:8 25:6 119:5	157:11 160:1	83:25
199:15 204:24	48:22 133:16	139:1 211:20	170:12 171:11	<b>zealously</b>
205:14 207:20	141:9	298:12	173:6 179:4	159:17
215:17,20	<b>worthy</b>	<b>y'all's</b>	184:25 185:1,5,	<b>zeitgeist</b>
216:22 217:25	90:9	89:9 279:1	6,9 186:11,18	177:24
218:23 229:20	<b>Wow</b>	<b>year</b>	188:16 189:20	
236:2,6 238:25	171:1	14:20 41:15,17,	194:24 195:2,3,	
239:1,2,3,4,25	<b>wrap</b>	18 46:9 49:24	7,9 197:8 198:8,	
240:21 244:3,4	131:25	50:12 70:1	10,25 199:2	
274:14,18 280:3	<b>Wrapping</b>	82:15 95:16,18	200:8,15 206:22	
282:13 290:10	185:19	98:16,25 106:21	207:9,16 215:4	
296:24	<b>wrinkle</b>	107:2 112:13	216:12,16	
<b>worked</b>	142:14	114:4 117:2,3	218:21,22 225:8	
17:9 29:11	<b>write</b>	129:9 148:14,	232:13 269:15	
34:20 96:4,6	17:21,24 18:3	18,22 149:9,11	271:22 273:10	
98:24 113:20	29:17 47:13	150:3 175:5,6	275:2,3 276:23	
147:7 161:8	68:1 130:21	187:7,23 188:1	277:9 279:22	
215:11 216:7	203:4 256:15	218:25 219:1,7	<b>yesterday</b>	
<b>working</b>	260:21	231:20 235:23	6:25 7:3 11:22	
17:13 36:3	<b>writer</b>	236:3 276:24	30:6 175:20	
111:4 114:9,12	29:6	277:23	225:2	
125:16 171:11	<b>writes</b>	<b>years</b>	<b>yesterdays</b>	
187:6 192:10	29:6		134:19	
203:18 215:21				