

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

Circuit Court
(Incumbent)

Full Name: Milton Gary Kimpson

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1. Why do you want to serve another term as a Circuit Court Judge?

I have been a Circuit Court Judge for just under thirteen (13) months. In this capacity, I have been privileged to serve South Carolina and its citizens and have tirelessly worked to treat each party fairly and to objectively weigh all sides before reaching a decision. In criminal sentencing, I have tried to carefully weigh the interests of the State and the safety of the community, while at the same time giving due consideration to the circumstances of criminal defendants. Being re-elected to a full term on the Circuit Court will allow me to continue to refine my skills so as to administer justice in an efficient and effective manner.

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

Yes

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

No

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

Yes

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

Ex parte communications should be avoided and further, should not be tolerated. In the event an *ex parte* contact occurs concerning a procedural or non-substantive issue, or, in the case of some emergency, immediate steps must be taken in accord with Canon 3 to allow the opposing party an opportunity to respond. Attorneys who have cases before me guard against improper communications. Pro se litigants sometimes fail to copy opposing parties on email communications but we are generally able to correct these issues by copying the

opposing party on any email response and instructing the pro se litigant to copy the opposition on future communications.

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

Yes, I would grant a motion for recusal unless there were some circumstances, such as the unavailability of another judge, which required me to hear the case. If I determine that an issue had the potential to create an appearance of bias such that I needed to disclose it, I will also be prepared to recuse myself if a motion to recuse is made, even if I believed the issue would not cause me any difficulties in arriving at a fair decision. A litigant must have confidence that he or she is appearing before an unbiased and objective tribunal.

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

While this issue has not presented itself during my service on either the Circuit Court or the Administrative Law Court (ALC), Canon 3 makes recusal necessary in the event a spouse, parent, child or member of the judge's household has an economic interest or any other more than de minimis interest in the subject matter of a proceeding. Full disclosure to the parties is necessary when any potential impropriety exists – which also may mean that recusal becomes necessary because of the social involvement of a spouse or family member. The public's faith in the judiciary requires the highest degree of impartiality.

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

Gifts should not be accepted. Social hospitality should be avoided.

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

If there is reliable evidence of misconduct or infirmity which requires reporting under the Judicial Canons and/or ethical rules, a report to the proper governing body is required.

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

No, I have not engaged in fund-raising activities. Furthermore, I have made it clear to any organization with which I am affiliated that I am unable to solicit funds.

11. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

My family and I own residential rental property as well as a small timber tract (40 acres) in Calhoun County. To the extent time permits, I would continue with these activities.

12. How do you handle the drafting of orders?

Terms of court for civil motions are the sources for the vast majority of written orders. Where a ruling can be issued from the bench, the prevailing party is directed to submit an order. When matters are taken under advisement, issuing an electronic Form 4 order outlining rulings on motions with the instruction to the prevailing party to submit a formal order has shown to be the most efficient way to keep up given the sheer number of civil motions heard during any term. For routine cases, a Form 4 with initial impressions is most often generated the same day and issued as soon as possible after confirming those impressions. More involved cases take longer because of the need for additional review but result in electronic Form 4 orders with instructions to the prevailing party. Once a formal order is submitted, it is then carefully reviewed to ensure consistency with the hearing notes or Form 4 order before signing. In civil non-jury trials, as well as in complex motions, I have requested proposed orders from each side which helps to crystallize the respective positions. I will then modify the submitted order as needed in accordance with my eventual ruling. When I must draft a formal order – such as instances where both parties are pro se or for post-trial motions, I will give instructions to my law clerk for the draft order and then work to finalize the order for issuance.

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

All dates must be placed on a group calendar – ensuring checks and balances – and every attempt must be made to adhere to those dates with automated reminders.

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

Judges must follow the law as enacted by the General Assembly; policy must be left to the legislature and the executive branch. A judge may only promote public policy insofar as his or her decisions are consistent with existing law and thus, further the policy expressed by our legislature when it enacted the law. Judges should not have any role in setting/promoting public policy.

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

I strongly believe that judges should engage in such activities as time permits. As a Circuit Court judge, I have been able to participate on an administrative law continuing legal education panel, serve as a judge for mock trials involving young lawyers and will soon participate in another young lawyers' activity to share my legal experiences. As a judge on the ALC, I also participated in continuing legal education programs. As time permits, I will continue to participate in continuing legal education programs and other events designed to provide information to lawyers.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

I have not experienced additional stress in my personal relationships because of my judicial service. Because of my short tenure, I have not yet heard cases with the potential for great publicity, but I am prepared for this eventuality. In such situations, I will attempt to insulate my family as best I can from any public criticism aimed at me and the decisions that I may render. My wife and I have discussed this potential. The issue also arises when relatives and friends seek legal advice – I carefully explain that I am no longer in the practice of law and that I am prevented from performing legal services or giving legal advice of any kind. I have not had a situation where a friend or relative has not understood this limitation.

17. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders:

Repeat offenders come before a court having been punished for previous crimes and having received opportunities for rehabilitation. While this does not mean that these persons must be issued maximum sentences, repeat offenders must generally be given increased punishments to address their inability to comply with the law as well as the need for safety in the community, especially as it relates to violent crime. The General Assembly has enacted various provisions to enhance punishments for certain repeat offenders and that intent must be honored in sentencing. Mitigating circumstances such as economics and mental health should also be taken into account.

b. Juveniles (that have been waived to the Circuit Court):

The fact that a juvenile has been waived from Family Court to Circuit Court indicates that a serious crime has occurred. Despite his or her age, a sentence for a juvenile convicted in Circuit Court must be commensurate with the crime committed and its effect on the community (including the victim). On the other hand, by virtue of his or her age, a juvenile may not have the same level of mental acuity as an adult and may have greater rehabilitation potential. As with all sentencing issues, a judge must stay abreast of changes in the law, but particularly in juvenile cases where appellate courts routinely consider such matters. All of these considerations must factor into sentencing.

c. White collar criminals:

White collar crimes generally have a reverberating effect on the economy and the lives of victims. I have seen a good number of defendants charged with white collar type crimes. Although restitution is generally a factor in sentencing for these crimes, it is necessary to fashion a sentence that will have a deterrent effect. While factors such as a defendant's education, service to community, previous behavior, and rehabilitation potential must be taken into account, the public's trust in the courts is damaged when white collar criminals are not given sentences appropriate to their crimes.

d. Defendants with a socially and/or economically disadvantaged background:

All factors must be taken into account when considering a defendant's sentence. And, it is possible that economics or past disadvantages may mitigate against harsher sentences. However, a judge must follow the law and decide whether the severity of the crime, circumstances and its effect on the community outweigh such factors.

e. Elderly defendants or those with some infirmity:

As with the sentencing of all defendants, age and/or infirmity are factors that must be taken into account. With such individuals, the cost to the State of lengthy incarceration must also be evaluated. Whether these factors outweigh normal considerations such as the severity of the crime, record of the defendant and community impact, must be considered on a case-by-case basis.

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

No. I, of course, would not hear a case involving a current or former tenant or had anything to do with the rental real estate in which I have an ownership interest.

19. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No. Even if the interest were such that I felt could be impartial, I would certainly fully disclose the matter, meaning the extent of any financial interest, to the parties involved and discuss the need to recuse. I would go forward to hear the case only if each party affirmatively stated that there was no objection to my presiding. This will require review of cases early in the process to identify such interests.

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

No; however, I do belong to two national fraternal organizations, the Omega Psi Phi Fraternity, Inc. and Sigma Pi Phi Fraternity.

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

Yes

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

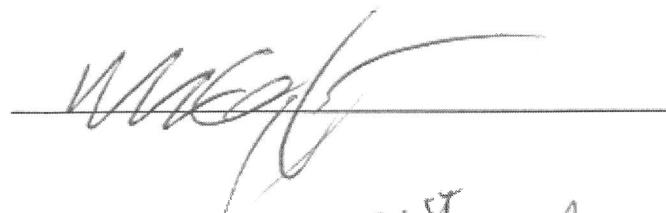
A judge should always strive to have a calm and controlled demeanor, whether in the courtroom, in other professional settings or in social settings. An objective demeanor is particularly important in the courtroom because of the need to avoid the appearance of impropriety. Whether on the bench or not, a judge represents the judicial system so that the judge must always be mindful of demeanor and behavior.

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

No. A proper judicial temperament should always be maintained. As such, it is never appropriate to become angry with a member of the public, a litigant or a criminal defendant. That being said, at times it is necessary to express appropriate moral outrage but only in a calm and controlled manner.

Additionally, attorneys or pro se litigants should not be allowed to engage in behavior which causes disruption in the courtroom or is somehow detrimental to the administration of justice. A judge cannot, however, effectively correct such behavior by becoming outwardly angry.

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



Sworn to before me this 21st day of August, 2025.

Linda J. Hill
(Signature)

Linda J. Hill
(Print Name)

Notary Public for South Carolina
My commission expires: 12-18-2033

