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TRANSCRIPT OF PUBLIC HEARINGS

November 19, 2025

2025 SC Judicial Merit Selection Commission

REPORTER: Donna Currey

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JUDICIAL MERIT SELECTION COMMISSION
TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: REPRESENTATIVE MICAH CASKEY, IV, CHAIRMAN
SENATOR LUKE A. RANKIN, VICE CHAIRMAN
SENATOR GEORGE E. CAMPSSEN
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

* * * * *

DATE: Wednesday, November 19, 2025
TIME: 9:19 a.m.
LOCATION: Gressette Building, Room 105
1101 Pendleton Street
Columbia, South Carolina 29201

REPORTED BY: Donna Currey, Court Reporter

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7 Court Reporters Legend:

8 Dashes [--] Intentional or purposeful interruption

9 [ph] Denotes phonetically written

10 [sic] Written as said

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P R O C E E D I N G S

CHAIRMAN CASKEY: Good morning, ladies and gentlemen. Today is Wednesday, November 19th. My name is Micah Caskey. We will proceed with continued candidate screenings for the Judicial Merits Selection Commission. There is a motion from Representative Jordan to go into Executive Session and receive a legal briefing. That is seconded by Mr. Lay. All in favor, signify by saying aye.

MEMBERS: Aye.

CHAIRMAN CASKEY: Ayes have it. And we will do that now and go into Executive Session for legal briefing. Thank you.

(Executive Session was held from 9:21 a.m. to 9:58 a.m.)

(Off the record)

CHAIRMAN CASKEY: All right. Good morning. The Judicial Merit Selection Commission has now come out of the Executive Session from its legal briefing. For the record, while we were in Executive Session, no decisions were made and no votes were taken. At this point, I'm going to call for a vote on the candidates whom we screened yesterday. We will use the same procedure that we did yesterday to vote. So with that, if I could find my page. The first candidate which the question is determination of qualification, The Honorable Milton G. Kimpson. All in favor of finding him qualified, signify by raising your

1 hand and saying aye.

2 MEMBERS: Aye.

3 CHAIRMAN CASKEY: All opposed, nay. I would note
4 for the record that Mr. Stegmaier did not participate in
5 the screening of Judge Kimpson. So by a vote of 11 to 0 --
6 oh, I'm sorry. Thank you. Correction. By vote of 10 to
7 0, Judge Kimpson is found qualified. The next candidate we
8 have is Will Wheeler. The question is qualification of
9 Will Wheeler for the Circuit Court 3rd Circuit Seat 2. All
10 in favor of qualifications, signify by staying aye and
11 raising your hand.

12 MEMBERS: Aye.

13 CHAIRMAN CASKEY: All opposed, nay. Senator
14 Rankin also votes aye. By a vote of 12 to 0, Will Wheeler
15 is found qualified. The next candidate is The Honorable H.
16 Steven DeBerry IV. The question is qualification for the
17 12th Circuit Seat 3 reelection. All in favor of
18 qualifications, signify by raising your hand and saying
19 aye.

20 MEMBERS: Aye.

21 CHAIRMAN CASKEY: All opposed, nay. The ayes
22 have it. And by a vote of 12 to 0, Judge DeBerry is found
23 qualified and nominated. The next candidate is for the
24 16th Circuit, Circuit Court Seat 2, Melissa A. Inzerillo.
25 The question is qualification of Melissa A. Inzerillo. All

1 in favor of qualification, signify by raising your hand and
2 saying aye.

3 MEMBERS: Aye.

4 CHAIRMAN CASKEY: All opposed, nay. The ayes
5 have it. By a vote of 12 to 0, Melissa Inzerillo is found
6 qualified and nominated. The next candidate for the same
7 seat is Misti Shelton. The question is qualification.
8 Misty Shelton. All in favor signify by raising your hand
9 and saying aye.

10 MEMBERS: Aye.

11 CHAIRMAN CASKEY: All opposed, nay. Ayes have
12 it. And by vote 12 to 0, Misti Shelton is found qualified
13 and nominated for 16th Circuit Seat. That brings us to the
14 next candidate for the Third Circuit Family Court Seat 2,
15 E. Thompson Kinney. The question is qualification of Mr.
16 Kinney. All in favor of qualification, signify by raising
17 your hand and saying aye.

18 MEMBERS: Aye.

19 CHAIRMAN CASKEY: All opposed, nay. The ayes
20 have it, and Mr. Kinney is found qualified and nominated by
21 a vote of 12 to 0. Bringing us now to candidates in the
22 Family Court, Ninth Judicial Circuit, Seat 7. The first is
23 Marissa K. Jacobson. The question is qualification of Ms.
24 Jacobson. All in favor of qualification, signify by
25 raising your hand and saying aye.

1 MEMBERS: Aye.

2 CHAIRMAN CASKEY: All opposed, nay. The ayes
3 have it. And by a vote of 12 to 0, Ms. Jacobson is found
4 qualified and nominated. The next question is
5 qualification of Anthony Phillip LaMantia. All in favor of
6 qualification of Mr. LaMantia, indicate by raising your
7 hand and saying aye. All opposed, indicate by raising your
8 hand and saying no.

9 MEMBERS: No.

10 CHAIRMAN CASKEY: The nos have it. By a vote of
11 12 to 0, Mr. LaMantia is not found qualified. Bringing us
12 to Kelly Pope Black. The question is qualification of
13 Kelly Pope-Black. All in favor of qualification, raise
14 your hand -- signify by raising your hand and saying aye.
15 All opposed, signify by raising your hand and saying no.

16 MEMBERS: No.

17 CHAIRMAN CASKEY: By a vote of 12 to 0, Kelly
18 Pope-Black is not found qualified. Bringing us to the last
19 candidate that we screened yesterday. This is for the
20 Family Court, 13th Circuit Seat 5, re-election, the
21 Honorable Tarita A. Dunbar. The question is qualification
22 of Judge Dunbar. All in favor, signify by raising your
23 hand and saying aye.

24 MEMBERS: Aye.

25 CHAIRMAN CASKEY: All opposed, no. The ayes have

1 it. And by unanimous vote of 12 to 0, Judge Dunbar has
2 been qualified and nominated. Let's take just a moment to
3 clear up some paperwork and then we'll proceed to our
4 screenings. So we'll just stand at ease for just a moment.

5 (Off the record)

6 CHAIRMAN CASKEY: All right, ladies and
7 gentlemen, we will go back on the record. I want to
8 recognize Senator Rankin.

9 VICE CHAIRMAN RANKIN: Mr. Chairman, I was called
10 out by a constituent matter at the first vote, so I would
11 like to be excluded voting qualified and nominated for
12 Judge Kimpson.

13 CHAIRMAN CASKEY: So ordered. All right, that
14 brings us to our first candidate of the morning. Judge
15 Lenski, if you would please come to the podium. Ladies and
16 gentlemen, of course, we have applicant Judge Phillip
17 Lenski, and this is for the Administrative Law Court, Seat
18 6, re-election. Judge, do I have all that right?

19 JUDGE LENSKI: Yes, sir.

20 WHEREUPON:

21 HONORABLE S. PHILLIP LENSKI, being duly
22 sworn and cautioned to speak the truth, the whole
23 truth and nothing but the truth, testifies as
24 follows:

25 CHAIRMAN CASKEY: If you would, please state your

1 full name for the record.

2 JUDGE LENSKI: Sebastian Phillip Lenski.

3 CHAIRMAN CASKEY: There should be some documents
4 there in front of you. If you'll take a moment to review
5 those.

6 JUDGE LENSKI: Yes, sir. I've reviewed them.

7 CHAIRMAN CASKEY: All right. Those are the
8 personal data questionnaire and the sworn statement that
9 you submitted as a part of your application packet?

10 JUDGE LENSKI: They are.

11 CHAIRMAN CASKEY: Are any updates or changes
12 needed?

13 JUDGE LENSKI: Not at this time. I did submit an
14 amendment, and that is included, so it's with the document.

15 CHAIRMAN CASKEY: So do you have any objection
16 Your Honor to our including all that into the record?

17 JUDGE LENSKI: No, sir.

18 CHAIRMAN CASKEY: Let me give staff just a moment
19 to do that.

20 (EXHIBIT NO. 1 MARKED FOR IDENTIFICATION PURPOSES

21 (15 pages) - PDQ)

22 (EXHIBIT NO. 2 MARKED FOR IDENTIFICATION PURPOSES

23 (1 page) - AMENDMENT)

24 (EXHIBIT NO. 3 MARKED FOR IDENTIFICATION PURPOSES

25 (5 pages) - SWORN STATEMENT)

1 CHAIRMAN CASKEY: The Judicial Merit Selection
2 Commission has thoroughly investigated your qualifications
3 for the bench. Our inquiry is focused on the nine
4 evaluative criteria and has included a thorough study of
5 application materials, a ballot box survey, a check for
6 economic conflicts of interest, a search of newspaper
7 articles in which your name appears, verification of
8 compliance with state ethics laws, and the study of any
9 previous screenings. We received no affidavits filed in
10 opposition to your election, and no witnesses are present
11 to testify. If you'd like to make a brief opening
12 statement, we'd be happy to hear from you. Otherwise, I
13 would turn to staff counsel with some questions.

14 JUDGE LENSKI: I do not wish to take up any more
15 of your time. I know you have an overwhelmingly busy
16 schedule, so I'll just -- I stand open to answer any
17 questions that you have at this time. Thank you.

18 CHAIRMAN CASKEY: All right. And Judge, before I
19 recognize Mr. Austin, if you have anybody who's here with
20 you, we -- if you would like to introduce them, we'd love
21 you to do that.

22 JUDGE LENSKI: I am by myself today. Thank you.

23 CHAIRMAN CASKEY: Great. And with that, Mr.
24 Austin.

25 MR. AUSTIN: Thank you, Chairman.

EXAMINATION

BY MR. AUSTIN:

Q. Judge Lenski, good morning.

A. Good morning.

Q. After serving 15 years on the Administrative Law Court, why do you want to continue serving as an ALC judge?

A. Well, I have truly enjoyed my service on the court for the last 15 years. I think that the work that we do at the court is extremely important, and I'm very proud to have been a part of it. I guess, given all that, I would like an opportunity to continue serving in that capacity for another term.

Q. Thank you. Judge Lenski, you've indicated in your PDQ that since your last screening, a lawsuit was filed against you in 2025 in the Fifth Circuit by a prisoner Kevin Harbin. Could you please briefly explain the nature or disposition of the lawsuit?

A. Right. Yes. That suit has been dismissed. The suit involved the inmate's disagreement with a ruling that I had made with regard to a disciplinary proceeding that -- you know, an appeal of a disciplinary action that was taken against him and he was suing me personally for the decision that I made. But the case was dismissed, so.

1 Q. Thank you. Your SLED report and driver record
2 indicated that your driver's license was suspended in
3 September 2023 because they were unable to verify your
4 insurance. Could you please explain the nature and
5 disposition of that license suspension?

6 A. Yes, yes, that was -- that came as quite a shock to
7 me. What had happened was in, I believe it was 2022,
8 I got a new vehicle and I gave my truck to a family
9 member, a person that struggles financially. And so I
10 gave him my truck. And at the time that I gave him my
11 truck, I neglected to remove my license plates from
12 the truck. And he took the truck, he registered the
13 truck in his name and took care of everything. And I
14 didn't give it another thought until I was driving
15 down the road one day and an officer stopped me and
16 said that it was -- it had to do with expired tags and
17 they weren't. But he said, I'm looking at your record
18 here and it says that your license has been suspended.
19 So I went back and I found out exactly what had
20 happened and that was all dismissed and cleared up.
21 But it was an error on my part. I guess the lesson
22 there was when you -- when you give your or sell your
23 car, make sure you turn the tags in. But I, -- I
24 thought that I -- I thought when, I think it was that
25 I had given it to him and he was a family, you know,

1 friend or was a member of our family, my wife's
2 cousin. So when I gave it to him, I just neglected to
3 take those tags off and I didn't give it another
4 thought. And that's the reason why the whole thing
5 happened so.

6 Q. Thank you. Judge Lenski, The Commission received 282
7 ballot box surveys regarding you with 19 additional
8 comments. The ballot box surveys, for example,
9 contain the following positive comments. Judge Lenski
10 is an outstanding jurist who is conscientious, firm
11 and fair. Judge Lenski is highly competent and
12 consistently fair and unbiased in his rulings. I
13 practiced before Judge Lenski several times. His
14 orders are very well crafted. He is very fair and
15 impartial. Four of the written comments express
16 concerns. All four negative comments related to the
17 time it takes for cases to move before you. Judge
18 Lenski, what response would you have to offer for
19 those concerns?

20 A. Well, first of all, I would respond, you know, on a
21 given year, there are probably six or seven hundred
22 cases that I deal with and issue orders on. 99.9
23 percent of those cases, they're handled very quickly
24 and efficiently. You know, there are occasionally
25 complex cases that come before me. And it's, you

1 know, I'm very -- I try to be very careful and very
2 deliberative about the decisions that I make. And so
3 there have been a few decisions, a handful of
4 decisions over the last few years where I have taken
5 more time in my determination. So if those -- and
6 again, it's impossible to know what -- which
7 individuals are making these observations about the
8 timeliness of my orders. But there is, you know, it
9 is possible that these were the one or more of the
10 more complex cases and I took a little bit more time
11 to reach my decision. But again, it was my intention
12 to be thorough. And other than, you know, that,
13 again, it's very important to me to be not only
14 thorough and not only correct in my rulings, but also
15 to be timely because I know that that's -- that's one
16 of the things that I should be. And I strive every
17 day to process the orders and to have my hearings
18 quickly and to reach my conclusions just as quickly as
19 I can. So I can't really address the specifics of
20 those -- of those comments. However, I might offer
21 that that might be the explanation.

22 **Q. Thank you. Judge Lenski, how would you handle a**
23 **potential conflict of interest involving you or a**
24 **member of your family?**

25 **A.** Well, I mean, obviously, if there is a true conflict

1 of interest, I'm going to recuse myself from hearing
2 any matter because even the appearance of impropriety
3 is something that I wish to avoid. And certainly the
4 actual -- any kind of impropriety would be something I
5 could never -- you know, that I would never allow.
6 There -- there are -- I mean, there are oftentimes
7 cases where, you know, there is an issue that I
8 perhaps know someone, not a family member. Of course,
9 if it was a family member, I would never hear anything
10 if it would be a family member. But, you know, there
11 are times where it's -- it's somebody who, you know,
12 you have had a personal relationship with, you know,
13 an attorney that you have had a -- that maybe that I
14 served with in the military or that I, you know, had a
15 friendship with from the past or that I worked with in
16 another job capacity. And you do have to weigh your -
17 - your ability to be fair. So in those situations,
18 what I do is I always disclose to all parties my
19 relationship with that person and ask if anyone has --
20 and inform them that I believe after considering
21 everything, that I can be fair and impartial and make
22 my decision based upon the evidence, but that if there
23 are problems with that, if counsel has an issue with
24 that, that they should raise that at that time. So I,
25 I try to give that over to the -- once I've made my

1 own personal evaluation and determined that I can be
2 fair, then I -- but I do go ahead and disclose those
3 matters to other -- to all the counsel so that they
4 can inform me if they feel uncomfortable with it.

5 **Q. Thank you.**

6 MR. AUSTIN: I would note that the Midlands
7 Citizens Committee found Judge Lenski qualified in the
8 evaluative criteria of constitutional qualifications,
9 physical health and mental stability. The committee found
10 him well qualified in the evaluative criteria of ethical
11 fitness, professional and academic ability, character,
12 reputation, experience and judicial temperament. The
13 committee stated in summary, very impressed with his
14 knowledge, experience and enthusiasm. He is highly
15 qualified and deserves reelection.

16 **Q. Judge Lenski, just a few housekeeping items. JMSC**
17 **Procedural Rule 17 includes a prohibition of any**
18 **candidate from attending or watching any portion of**
19 **the live stream or recordings of the public hearings**
20 **of this cycle until all hearings are concluded. Have**
21 **you watched or listened to any of the hearings before**
22 **your appearance today?**

23 **A. I have not.**

24 **Q. Has anyone -- has any other person relayed any**
25 **information about the proceedings before this**

1 Commission to you?

2 A. No, they have not.

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

6 A. No, I have not.

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

10 A. Yes, I am.

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

15 A. I have not.

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

20 A. No, I have not and I am not aware.

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

24 A. Yes.

25 Q. Thank you.

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

6 CHAIRMAN CASKEY: Thank you, sir.

7 MR. AUSTIN: Thank you.

8 CHAIRMAN CASKEY: Do members of the Commission
9 have any questions for Judge Lenski? Mr. Stegmaier.

10 MR. STEGMAIER: Judge, good morning.

11 CHAIRMAN CASKEY: Good morning.

12 MR. STEGMAIER: I don't think it's a question.
13 I just wanted to -- because over the course of the last
14 three days, I don't think we've spoken to -- if we have,
15 it's been very few veterans. I just wanted to thank you
16 and recognize your service.

17 JUDGE LENSKI: Thank you very much.

18 CHAIRMAN CASKEY: Senator Rankin.

19 EXAMINATION

20 BY VICE CHAIRMAN RANKIN:

21 **Q. Good morning.**

22 **A. Good morning, sir.**

23 **Q. Judge Lenski, I want to disclose to the world, the no**
24 **people watching that would care about this, but your**
25 **work before you ascended to the ALJ bench included a**

1 stint here in the State Senate.

2 A. It did.

3 Q. Describe that for us, if you will, what did you do?

4 A. All right. Yes, Senator. So when I first began
5 working here at the Senate, I worked for the clerk and
6 I was the counsel for the clerk. And then I moved
7 down to the Judiciary Committee and I was on staff of
8 the Judiciary Committee for about seven years. And I
9 worked with, you know, at that time, Chairman
10 McConnell and I drafted legislation and did all the
11 things that a staff attorney did, participated in the
12 judicial merit selection process as a screening
13 attorney. And you know, it was -- it was my great
14 honor to have -- to have worked for the Senate. And I
15 hope I did good work. I tried very hard to do that,

16 Q. And I know that and I know you did do great work. I
17 was a lowly little fella at that point. Now, I'm a
18 lowly little fella still. But nonetheless, I just
19 want to commend you both for the service to our
20 country, but also the service to the public. It is a
21 great known fact, I believe that folks that come up
22 through the ranks that enjoy the academic and
23 intelligence that you have and the gifts that you have
24 easily go to the private sector and earn far more
25 money than you could where you are right here. And so

1 I thank you for that willingness to serve the public.
2 It's good pay, but it's not anywhere near what you
3 could get out in the private market. So to continue
4 to want to serve the public making all but apparently
5 the 282 folks, which is a very high number of people
6 participating in these with only four that are
7 effectively saying to you in regards to timeliness,
8 that would be about 90 percent directed to me if they
9 were commenting about me, particularly my seat mates
10 here. He's always on time. He's punctual. Hush Chip
11 Campsen. Anyway, I want to just commend you again for
12 the way you've done this and the willingness to
13 continue doing this.

14 A. Thank you very much, Senator.

15 CHAIRMAN CASKEY: Senator Campsen.

16 SENATOR CAMPSSEN: I would like to echo the
17 Senator from Myrtle Beach's opinion. Mr. Lenski served
18 very ably as a staff attorney with the Judiciary Committee.
19 I worked on a lot of bills with him, a lot of issues with
20 him. I have no doubt he could make a lot more money in the
21 private sector, but I do think he has a history of public
22 service. I just want to applaud you for that because
23 really state government doesn't work if you don't have
24 people who are committed to public service.

25 JUDGE LENSKI: Thank you, Senator.

1 SENATOR CAMPSSEN: Thank you.

2 CHAIRMAN CASKEY: Judge, I would join in an echo
3 of the compliments and praises and appreciations shared
4 with you by the senators and appreciate you offering for
5 continued service.

6 JUDGE LENSKI: Thank you, Mr. Chairman.

7 CHAIRMAN CASKEY: Judge, this does conclude this
8 portion of our screening process. I do need to take a
9 moment though to remind you that pursuant to the
10 Commission's evaluative criteria, the Commission expects
11 candidates to follow the letter of the ethics laws as well
12 as the spirit of those ethics laws. And we will view any
13 violation or appearance of impropriety very serious and
14 potentially deserving heavy weight in our screening bill
15 durations. And on that note, in the event that some issue
16 were to arise, we would have the ability to call you back
17 at any point up until the final release of the
18 qualification report. You understand all that?

19 JUDGE LENSKI: Yes, Mr. Chairman, I understand.

20 CHAIRMAN CASKEY: Great. I thank you again for
21 all the many things that you've done. And thank you for
22 being here and for your patience in getting to your
23 screening here this morning.

24 JUDGE LENSKI: Thank you, sir.

25 CHAIRMAN CASKEY: Have a good day.

1 JUDGE LENSKI: Thank you, everyone. Good luck
2 and have a good day.

3 (Off the record)

4 CHAIRMAN CASKEY: All right, ladies and
5 gentlemen, we will go back on the record now and proceed
6 with the next screening. Before us we have Judge Matthews
7 who is a candidate for Family Court in the 6th Circuit,
8 Seat 2, re-election. Judge, do I have all that correct?

9 JUDGE MATTHEWS: Yes.

10 WHEREUPON:

11 HONORABLE DEBRA A. MATTHEWS, being duly
12 sworn and cautioned to speak the truth, the whole
13 truth and nothing but the truth, testifies as
14 follows:

15 CHAIRMAN CASKEY: Thank you. And if you would
16 please, state your full name for the record.

17 JUDGE MATTHEWS: Deborah A. Matthews.

18 CHAIRMAN CASKEY: Judge, there should be some
19 documents there in front of you. Please take a look at
20 those.

21 JUDGE MATTHEWS: Yes, sir.

22 CHAIRMAN CASKEY: Are those the personal data
23 questionnaire and sworn statement that you submitted?

24 JUDGE MATTHEWS: Yes.

25 CHAIRMAN CASKEY: Are there any changes or

1 updates that need to be made?

2 JUDGE MATTHEWS: No.

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

6 JUDGE MATTHEWS: No.

7 CHAIRMAN CASKEY: Let me give staff just a moment
8 to do that.

9 (EXHIBIT NO. 4 MARKED FOR IDENTIFICATION PURPOSES
10 (12 pages) - PDQ)

11 (EXHIBIT NO. 5 MARKED FOR IDENTIFICATION PURPOSES
12 (5 pages) - SWORN STATEMENT)

13 (EXHIBIT NO. 6 MARKED FOR IDENTIFICATION PURPOSES
14 (2 pages) - AMENDMENT)

15 CHAIRMAN CASKEY: The Judicial Merit Selection
16 Commission has thoroughly investigated your qualifications
17 for the bench. Our inquiry has focused on the nine
18 evaluative criteria and has included a thorough study of
19 your application materials, a ballot box survey, a
20 verification of your compliance with state ethics laws, a
21 search of newspaper articles in which your name appeared, a
22 study of previous screenings and a check for economic
23 conflicts of interest. We have received no affidavits
24 filed in opposition to your election, no witnesses are
25 present to testify. I understand you may have some guests

1 here with you today.

2 JUDGE MATTHEWS: I do.

3 CHAIRMAN CASKEY: I'd love to meet them.

4 JUDGE MATTHEWS: This is my daughter in law
5 Kelly. Kelly Matthews.

6 MS. MATTHEWS: Hi.

7 CHAIRMAN CASKEY: Hi Kelly.

8 JUDGE MATTHEWS: She is married to my oldest son
9 Raymond. This is my son Jody. He is my youngest son.

10 CHAIRMAN CASKEY: Jody, welcome. Glad to have
11 y'all here. Thank you for being here this morning. Judge,
12 I'd be happy to recognize you for a brief opening statement
13 if you like. Otherwise, I will turn directly to counsel
14 for some questions.

15 JUDGE MATTHEWS: Okay. I do not wish to make an
16 opening statement.

17 CHAIRMAN CASKEY: All right, Mr. Cohl.

18 MR. COHL: Thank you, Mr. Chairman.

19 EXAMINATION

20 BY MR. COHL:

21 **Q. Good morning, Judge Matthews.**

22 **A. Good morning.**

23 **Q. What do you think your reputation is among attorneys**
24 **that practice before you and the court personnel that**
25 **work with you?**

1 A. I think my reputation is in good standing with the
2 attorneys who appear in front of me. I respect my
3 attorneys. I love my attorneys and I treat them just
4 as they treat me.

5 Q. Thank you, Judge Matthews. The Commission received
6 310 ballot box surveys regarding you, with 21
7 providing additional comments. The ballot box survey,
8 for example, contained the following positive
9 comments. Judge Matthews is very cordial to all that
10 appear before her. She has wonderful temperament and
11 is always well prepared. Her rulings are fair and
12 thoughtful, and she is respectful of litigants and
13 lawyers. None of the written comments expressed
14 concern.

15 A. Thank you.

16 MR. COHL: I would note that the Piedmont
17 Citizens Committee found Judge Matthews to be qualified in
18 the evaluative criteria of constitutional qualifications,
19 physical health and mental stability, and well qualified in
20 the evaluative criteria of ethical fitness, professional
21 academic ability, character, reputation, experience and
22 judicial temperament. The committee stated in summary, the
23 panel was impressed by Judge Matthews' continued commitment
24 to public service, her thorough knowledge of relevant legal
25 issues, and her appreciation of the especial sensitivity

1 and weightiness of matters coming before the Family Court.
2 We continue to believe she's an excellent and well
3 qualified judge.

4 Q. Some brief housekeeping issues. Procedural Rule 17 of
5 the Commission prohibits a candidate from attending
6 the hearing of another candidate or from watching any
7 recordings or live stream of the public hearings of
8 this cycle until after all hearings are concluded.
9 Have you watched or listened to any of the hearings
10 before your appearance today?

11 A. I have not and I read the rule and I am in compliance.

12 Q. Has anyone relayed information about any of the
13 hearings before this Commission to you?

14 A. No, sir.

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

18 A. No.

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.

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

1 screening?

2 A. I have not.

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 on
6 your behalf?

7 A. I have not.

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

11 A. I do.

12 Q. Thank you, Judge Matthews.

13 MR. COHL: Mr. Chairman, I would note for the
14 record that any concerns raised during the investigation
15 regarding Judge Matthews were incorporated into the
16 questioning today, and I have no further questions.

17 CHAIRMAN CASKEY: Thank you, sir. Senator from
18 Richland.

19 SENATOR WALKER: Thank you, Mr. Chairman. Good
20 morning, Judge.

21 HONORABLE MATTHEWS: Good morning.

22 SENATOR WALKER: It's good to see you again.

23 HONORABLE MATTHEWS: Good to see you, Attorney
24 Walker.

25 SENATOR WALKER: For those of you who don't know,

1 I have had the privilege of practicing before Judge
2 Matthews, I think now for the past seven to eight years.
3 There's a portion of my practice that is dedicated to
4 indigent defense, specifically handling abuse and neglect
5 cases involving DSS in Family Court. And so I see Judge
6 Matthews at least once, maybe twice a month. And I can
7 tell you that she, in my observation, is paragon of
8 patience, forbearance, calm. Those abuse and neglect
9 cases, they're very emotional, very intense, highly charged
10 and she manages to just calm the waters, if you will. She
11 is firm, but she's understanding. And frankly, I think she
12 is one of our best treasures on the judiciary, just from
13 what I've seen from practicing 20 years, again in
14 courtrooms all around the state. And so Judge, just know
15 that, you know, it's an honor for me to sit in this seat
16 and to actually I guess critique you, but in a way that's
17 positive and not in the majority. And for folks who have,
18 you know, consternation about lawyer legislators who appear
19 before the judges that they vote on, let me just tell you,
20 Judge Matthews has ruled far more against me than she has
21 ruled for me. But those rulings are always -- they are
22 informed by the law, they're thoughtful and those rulings
23 are made notwithstanding the status of the parties who
24 appear before her. And she treats everyone in her
25 courtroom with fairness and with kindness. And I think you

1 exemplify what we want in our judges. So thank you Judge,
2 for being willing to re up another time.

3 JUDGE MATTHEWS: Thank you, Attorney Walker. I
4 love having you in front of me.

5 CHAIRMAN CASKEY: Mr. Lay.

6 MR. LAY: Judge, look, I do a lot of civil
7 litigation, so I've never been in front and I am new to
8 this process but, you know, in reviewing the materials, I
9 did want to make an observation. I recognize because I'm
10 an old man and have been exposed to it at least
11 tangentially, but I know how emotional and significant the
12 issues in Family Court are. And people leave a courtroom
13 because you have to make a decision, and they're not always
14 happy. But what is remarkable is you got a lot of ballot
15 box responses, over 300 responses, which is a lot. And you
16 did not have a single comment that was negative, which is
17 unprecedented in my brief time on this committee. It is
18 remarkable. You are the best of us. You're who we want to
19 be a judge. And I just commend you on that. And thank you
20 for your service.

21 JUDGE MATTHEWS: You're bringing tears to me.

22 SENATOR WALKER: That's my job.

23 JUDGE MATTHEWS: Thank you. Thank you, sir.

24 CHAIRMAN CASKEY: Judge, I would echo Mr. Lay's
25 comments. You know, I can really only think of one judge

1 in the years that I've been doing this who had a -- had a
2 survey participation as high as that with no negative
3 comments. I mean it's just a matter of course that someone
4 is disgruntled and says, you know, terrible, dumb or
5 something, but in your case they did not do that. And I
6 think that is a tribute to the work that you've done
7 because throughout the ballot box survey, and I'm going to
8 share with you some of these comments because I think
9 they're important for you to take away as an affirmation of
10 the work that you have done that your colleagues and
11 members of the bar see you as someone very fair with a
12 professional cordial demeanor. Hard working, thoughtful,
13 caring and compassionate. Confident, common sense,
14 thoughtful, high character, kind, patient, extremely
15 knowledgeable. And she cares about the attorneys and
16 litigants that appear before her. And I can think of no
17 higher compliment than what the people who know say about
18 you. And the people who know about you say these things.
19 And as I mentioned in other hearings, people on the
20 Internet don't have to say nice things. They can say mean
21 things behind that cloak of anonymity. In your case, they
22 chose not to do that. And I think you should be proud of
23 that.

24 JUDGE MATTHEWS: I am. Thank you.

25 CHAIRMAN CASKEY: Representative Jordan wants to

1 participate, and we'll hear him.

2 REPRESENTATIVE JORDAN: I was gonna let the
3 praise stop, but then I came across something that I had to
4 acknowledge largely because it evaded me. As I look
5 through your letters of recommendation, you have one of my
6 mentors, Greg Delleney, who I tried my hardest to please
7 when he was my Judiciary Chairman and never could. But you
8 have. He sings your praises and that's a high compliment
9 to receive these kinds of comments from someone who's such
10 a person of character who I know for a fact would not say
11 what he wouldn't mean so I complement you on that.

12 JUDGE MATTHEWS: Thank you. He's a good man.

13 REPRESENTATIVE JORDAN: I agree. Thank you.

14 SENATOR CAMPSER: I just want to second that. I
15 saw Greg Delleney who I have a tremendous amount of respect
16 for at the top of the list as someone who endorses your
17 candidacy, and that carries a lot of weight.

18 CHAIRMAN CASKEY: I can confirm he does not like,
19 has never liked me. But I don't blame him. All right.
20 Senator Rankin.

21 VICE CHAIRMAN RANKIN: I want to commend you as
22 well, but maybe less you but on behalf of your children who
23 you have brought, your daughter in law and your son,
24 correct?

25 JUDGE MATTHEWS: Yes.

1 VICE CHAIRMAN RANKIN: And I remember your
2 screening before and I am not surprised at the remarks that
3 we've gotten here as you continued and worked in this
4 field. But to those of you who you have brought
5 specifically, as a parent and let me flip it. As a child,
6 the son of a judge, to be able to hear what you just heard
7 about your mother, mother in law, is impactful to you as it
8 is -- it should be to her service because of where and what
9 you all have by way of a legacy in public service, whether
10 you avail yourself of it or not, you are a judge's boy.
11 You're a judge's girl. And I just -- I can relate to the
12 pride that you must feel for what she's done. So good
13 work.

14 JUDGE MATTHEWS: Thank you so much. My oldest
15 son would have been there, but he's in Kansas, bow hunting.
16 Okay.

17 CHAIRMAN CASKEY: All right. Judge Matthews,
18 thank you so much for your participation. As we said,
19 thank you so much for your service mentioned here. It's
20 been impactful, and we're grateful to have you on the bench
21 and appreciate you offering your continued service. This
22 does --

23 HONORABLE MATTHEWS: Thank you.

24 CHAIRMAN CASKEY: This concludes this portion of
25 the screening process. I do need to take a moment to

1 remind you that pursuant to the Commission's evaluative
2 criteria, the Commission expects candidates to follow the
3 spirit as well as the letter of the ethics laws, and that
4 we will view violations or the appearance of impropriety as
5 serious and potentially deserving of heavy weight in our
6 screening deliberations. On that note, and as you know,
7 the record will remain open until the formal release of the
8 qualifications report. And should the need arise, we would
9 have the ability to call you back to address that again if
10 that need were. Do you understand all of that?

11 JUDGE MATTHEWS: I do, sir.

12 CHAIRMAN CASKEY: All right, again, thank you
13 very much. I appreciate your patience here this morning
14 with scheduling, but wish you all the best as you continue
15 about your day. Hope you travel safe.

16 JUDGE MATTHEWS: Thank you. Bye.

17 CHAIRMAN CASKEY: Thank you all for being here.

18 (Off the record)

19 CHAIRMAN CASKEY: All right, we will go back on
20 the record and proceed with our next screening. Before us,
21 we have Judge Frazier, who is a candidate for Seat 3 in the
22 15th Circuit, Family Court. Judge, do I have all that
23 right?

24 JUDGE FRAZIER: Yes, you're correct.

25 WHEREUPON:

1 HONORABLE MELISSA M. FRAZIER, being duly
2 sworn and cautioned to speak the truth, the whole
3 truth and nothing but the truth, testifies as
4 follows:

5 CHAIRMAN CASKEY: If you would please, ma'am,
6 state your full name for the record.

7 JUDGE FRAZIER: Melissa Myers Frazier.

8 CHAIRMAN CASKEY: Before you, there should be
9 some documents. If you would please take a look at those.

10 JUDGE FRAZIER: Yes, sir.

11 CHAIRMAN CASKEY: Those are the personal data
12 questionnaire and the sworn statement that you've submitted
13 as part of your application. Is that right?

14 JUDGE FRAZIER: Yes, sir.

15 CHAIRMAN CASKEY: Okay. Are there any updates or
16 changes that need to be made?

17 JUDGE FRAZIER: No, sir.

18 CHAIRMAN CASKEY: Do you have any objection to
19 our including those as part of the record?

20 JUDGE FRAZIER: Not at all.

21 CHAIRMAN CASKEY: Let me give staff just a moment
22 to do that.

23 (EXHIBIT NO. 7 MARKED FOR IDENTIFICATION PURPOSES

24 (15 pages) - PDQ)

25 (EXHIBIT NO. 8 MARKED FOR IDENTIFICATION PURPOSES

1 (5 pages) - SWORN STATEMENT)

2 CHAIRMAN CASKEY: Okay. The Judicial Merit
3 Selection Commission has thoroughly investigated your
4 qualifications for the bench. Our inquiry has focused on
5 the nine evaluative criteria and has included a ballot box
6 survey, a thorough study of your application materials, a
7 check for your compliance with state ethics laws,
8 verification of your -- I said that. Search of your
9 newspaper -- of newspaper articles in which your name
10 appears, study of any previous screenings and check of --
11 did I say that three times? I'm sorry, Judge.

12 JUDGE FRAZIER: That's okay.

13 CHAIRMAN CASKEY: It's been a morning already.
14 Make sure I say all that for the record. Compliance with
15 state ethics laws, check for economic conflicts interest.
16 I apologize for that. We have received no affidavits in
17 opposition to your election and we have no witnesses
18 present to testify. I noticed that you were followed into
19 the room by these folks behind you. We would love to meet
20 them, if you'd be so kind as to introduce us.

21 JUDGE FRAZIER: Absolutely. This is my son,
22 Colin Frazier. He's a law student at USC this year. And
23 this is my administrative assistant, Tammy Vandell.

24 CHAIRMAN CASKEY: Tammy, Colin, welcome. Glad to
25 have you here today. Colin, what year are you in law

1 school?

2 MR. FRAZIER: I'm a 1L.

3 CHAIRMAN CASKEY: A 1L.

4 MR. FRAZIER: Yes, sir.

5 CHAIRMAN CASKEY: All right. It only gets worse.

6 Best of luck to you. Enjoy the -- enjoy. All right,
7 Judge, I'd be happy to recognize you for any brief opening
8 statement you'd like to make. Otherwise, I'll recognize
9 staff counsel for some questions.

10 JUDGE FRAZIER: All right. Just very briefly.
11 It's been an honor to serve the state and as a Family Court
12 Judge over the last three years and hope that I will
13 continue to be able to do so.

14 CHAIRMAN CASKEY: Thank you. Mr. Austin.

15 MR. AUSTIN: Thank you, Chairman.

16 EXAMINATION

17 BY MR. AUSTIN:

18 **Q. Judge Frazier, good morning.**

19 A. Good morning.

20 **Q. After serving three years on the Family Court, why**
21 **would you want to continue serving as a Family Court**
22 **Judge?**

23 A. Well, I think with my experience, I believe that I
24 have the experience in order to provide a fair,
25 equitable way to resolve differences in the Family

1 Court. I believe that I have the ability to continue
2 to do that. I think I've tried to show that I'm fair
3 and impartial in all of my rulings that I've made thus
4 far. And I hope to be able to continue to do so.

5 Q. Thank you. Judge Frazier, the Commission received 234
6 ballot box surveys regarding you with 67 additional
7 comments. The ballot box survey, for example,
8 contains the following positive comments. Kind,
9 considerate, knowledgeable, even tempered, fair and
10 reasonable, one of the best. Judge Frazier has the
11 highest ethical standards and is an asset to the
12 bench. If every Family Court judge in South Carolina
13 had this combination of intelligence, temperament and
14 diligence, my job would be a lot less stressful. Only
15 three of the written comments express concerns. Those
16 concerns were regarding improper evidentiary rulings
17 or other rulings that did not comport with statute or
18 controlling case law. Judge Frazier, what response
19 would you offer to those concerns?

20 A. With regard to the evidentiary, I always give the
21 attorneys an opportunity to argue on both sides just
22 to make sure that I'm making the right decision. With
23 regard to the evidentiary issues, certainly we make
24 hundreds of evidentiary calls on weekly to monthly
25 basis. And so have I gotten all of them right?

1 Probably not. I'm sure that there has been a time or
2 two that I may have not ruled correctly. But I strive
3 to give the attorneys an opportunity to be heard on
4 that issue, and I do the best I can.

5 **Q. Thank you.**

6 MR. AUSTIN: I would note that Pee Dee Citizens
7 Committee found Judge Frazier qualified in the evaluative
8 criteria of constitutional qualifications, physical health
9 and mental stability. The committee found her well
10 qualified in the evaluative criteria of ethical fitness,
11 professionalism and academic ability, character,
12 reputation, experience and judicial temperament. The
13 committee did not provide any additional summary.

14 **Q. Judge Fraser, just a couple of housekeeping issues.**

15 JMSC Procedural Rule 17 includes a prohibition of any
16 candidate from attending or watching any portion of
17 the live stream or recordings of the public hearings
18 of this cycle until after all hearings are concluded.
19 Have you watched or listened to any portions of the
20 hearings before your appearance?

21 A. I have not.

22 **Q. Has anyone or any person relayed any information**
23 **related to the proceedings to you?**

24 A. No, sir.

25 **Q. Judge Frazier, since submitting your letter of intent,**

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

3 A. I have not.

4 Q. Are you familiar with Section 2-19-70, which includes
5 the 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 this date or pending the outcome of your
11 screening?

12 A. I have not.

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. I have not.

18 Q. Have you reviewed and do you understand the
19 Commission's guidelines on pledging in South Carolina
20 Code 2-19-70, subsection E?

21 A. I do.

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

1 questions.

2 CHAIRMAN CASKEY: Thank you, sir. Do members of
3 the Commission have questions? Well, let me perhaps begin,
4 Judge, if I could say this. As I was reviewing your
5 recommendation, I try to make it a point during these
6 hearings to say that -- share some of the nice things that
7 members of the bar have said about you, and I'll do that as
8 well here, in addition to what Mr. Austin brought up, but I
9 don't know that I've ever seen a letter in which the writer
10 made a point to add a note about her AA ain't bad either.
11 And I think Tammy, you have been singled out for praise in
12 a letter from the Horry County Clerk of Court. And I think
13 that stands uniquely alone in the time that I've been a
14 part of this Commission. And kudos to you ma'am, for
15 having earned such praise. And Judge, I think to keep the
16 spotlight where it should be, credit to you and your wisdom
17 in hiring.

18 JUDGE FRAZIER: Thank you. She was my paralegal
19 for a long time before I took the bench, and I was -- would
20 not be able to do my job with her.

21 CHAIRMAN CASKEY: Any members have anything they
22 want to add? Sometimes more difficult to go about these
23 proceedings when there's less to inquire about and given
24 the successes that you've had and the stellar reputation
25 that you have earned because again in the record here it is

1 replete with comments about you being of the highest
2 quality, brilliant, kind, smart, respectful, prepared, even
3 tempered, considerate, respectful to all who appear in her
4 courtroom. And Judge, I would just say shortly, thank you.
5 Thank you for doing your job as well as you have done it.
6 Your work and your presence on the bench I think provides a
7 real service to the litigants before you but also to the
8 state on a broader level that they can look to the members
9 of our judiciary with pride. And so as a member of the
10 profession, I thank you for that and wish you nothing but
11 continued success.

12 JUDGE FRAZIER: Thank you, sir.

13 CHAIRMAN CASKEY: Senator Rankin.

14 EXAMINATION

15 BY VICE CHAIRMAN RANKIN:

16 Q. Judge Frazier, welcome back and I'm trying to access
17 this. I have looked obviously through your filings
18 for this effort and I well remember you before and I
19 remember a conversation with you years ago before you
20 ever decided to run. Based on my observation as one
21 who has the temperament to serve in public office in
22 the bench and you didn't take the heat from me but you
23 ultimately did run and have served, and I want to go
24 to the ballot box reference that Chairman was
25 referencing and sometimes we focus more on the

1 outliers and the negative than we do the positive. We
2 just had before us another candidate for re-election
3 who has no negative comments about her service on the
4 bench. And it is with great note that you only have
5 three negative. Of the 234 that took the time and the
6 comments by so many, only three. Now those three
7 might have an accurate view of you and they might be
8 spot on and these others are confused and they haven't
9 seen what those few have seen and therefore they
10 should not be as regarded as the negatives should be,
11 but that ain't the way it works, right? And in the
12 day in and day out business of you and your court, as
13 the Chairman says, it's a tough compliment to get from
14 our clerk and those in the clerk's office, they see
15 how people treat people and as far as I'm concerned
16 and what I'm hearing from the people you work with day
17 in and day out, you are wearing the robe perfectly,
18 not too heavy, not too light. So I want to commend
19 you for continuing to do it. Now, to those in Horry
20 in somewhat of a fraught area, not quite like
21 Charleston, but there's a -- there's a kind of a
22 bubbling crude of folks that are not happy with what
23 you do or what any Family Court judge, and I dare say
24 if they were judges themselves, those and the
25 complaints that they would have would be filed against

1 themselves if they were asked to make the hard
2 decisions that y'all do.

3 A. Yes, sir.

4 Q. But you're not supposed to do but what you have before
5 you. My question to you is how do you divine between
6 the folks that are can't and won't ever be happy and
7 those who, whether they smile at you on the way out or
8 they say mean things or give you cross looks at the
9 grocery store when you see them later? How do you
10 divine between making the right call?

11 A. Well, you do the best you can. You have the facts
12 before you. You have to listen to the facts. You are
13 -- I try to always be respectful to whoever is before
14 me, whether they have an attorney with them or they
15 are pro se. And we just have to make some tough calls
16 and not everyone's going to agree with what we -- what
17 our decision is. Typically one side is happy, and one
18 side is not. So take that and you have to move on. I
19 try not to dwell on the decisions that I have to make
20 because you have to move on and you have to make the
21 next decision. So I try not to dwell on those
22 decisions and move on.

23 Q. Tough cases, what are they for you? What are the
24 hard, hard awake at night --

25 A. Juveniles are tough. Some DSS abuse and neglect cases

1 have been tough with regard to the juvenile.
2 Sometimes it's difficult. We don't have as many
3 options available. Alternative placements are scarce.
4 So I think those are the tougher calls. When you --
5 when you have to decide whether or not to send the
6 juvenile home, when you're not sure if the community
7 is going to be protected or if you send them to DJJ.
8 So those are probably the toughest calls.

9 **Q. The best calls, the easiest, the happiest days?**

10 A. Adoptions, hands down. Hands down adoption day. In
11 fact, we're having an adoption day next week. I don't
12 get to preside. I presided a couple of years ago, but
13 it's a fantastic opportunity to just see the good that
14 can come out of Family Court. And adoptions are hands
15 above the best things we do.

16 **Q. Motions are your touch point in Family Court. You're**
17 **assigned a docket. In terms of your running your**
18 **motions roster, in terms of time allowed for your**
19 **reviewing of affidavits or hearing folks, how do you**
20 **run your roster?**

21 A. Well, it's been a little different with Rule 20 -- the
22 new Rule 21 just took effect. And so --

23 **Q. Tell us about that.**

24 A. Okay. So Rule 21, the biggest change in Family Court
25 since I've probably been practicing is that the

1 biggest change that we've had is that now it's not
2 trial by ambush. You don't walk in and hand your
3 affidavits to the other side, which typically was how
4 you handled a motion for temporary relief. And we
5 were having to make decisions on custody and
6 visitation and who's going to get exclusive use and
7 possession of the house at that temporary hearing.
8 And it would be -- basically, we would be reading the
9 affidavits while sitting there, and the other side is
10 just reading the affidavits for the first time while
11 sitting there. So Rule 21 requires more notice to the
12 litigants. They have to give 20 days notice, and then
13 they have -- then they exchange affidavits five days
14 prior to the trial or the hearing. And so that gives
15 the opportunity to have them look at the affidavits
16 ahead of time, make the appropriate objections. If
17 there's things in the affidavits that shouldn't be
18 hearsay, et cetera, they can object and we can deal
19 with that when they first come into the temporary
20 hearing. I found that a lot of them are falling off.
21 So I think it is having the effect that I think they
22 hoped is that people are starting to talk about it
23 ahead of time and realize that not hiding that --
24 hiding the ball and surprising them over there in the
25 temporary hearing for the first time. So I think it's

1 allowing people to settle cases, but it's still very
2 early. We just implemented it beginning whatever was
3 scheduled after October 1st. So it's very new, but I
4 think it's doing what it's supposed to do.

5 **Q. Prior to that, and the genesis of this is hoping to**
6 **get to initial contact, initial appearance before you**
7 **to the final hearing. You don't pick your cases that**
8 **come. Who picks them, who assigns them?**

9 A. The Chief Administrative Judge usually will hold a
10 status conference if there's going to be a couple of
11 days trial and then determine whether or not that is
12 appropriate, the number of days that they've asked for
13 and then it's scheduled. Normally, there's a -- our
14 scheduling clerk is fantastic and she goes down the --
15 down the way and whoever's the next one available or
16 has -- if the attorneys are available the week of
17 December 1st then which judge is here and who's next
18 on the list. So we really don't have much control
19 over what goes on our docket.

20 **Q. And you have a resident Chief Administrative Family**
21 **Court Judge?**

22 A. We do.

23 **Q. And that is assigned by?**

24 A. Chief Justice.

25 **Q. So you're not picking who goes where --**

1 A. No.

2 Q. -- who gets what and you have been the chief for? Or
3 no?

4 A. No. I start in January. I'll be the Chief
5 Administrative Judge for Horry County.

6 Q. And that rotates though.

7 A. It does.

8 Q. Typically every year or six months?

9 A. Every year, I think there's there was a little bit of
10 overlap. One of our other judges was running for the
11 Court of Appeals so there was a little bit of overlap
12 with another judge for a while.

13 Q. And forgive me for going down this road to the members
14 of Commission, but I'm curious. That first
15 interaction with that contested fraught with enmity
16 lawyers, litigants, whatever at the stage five or
17 whatever the number in terms of anxiety. Do you ever
18 see that case at the end? Are you the person that if
19 they cannot resolve it, do you get that final
20 contested hearing?

21 A. It just depends on the luck of the draw. It really --
22 if we had a temporary hearing, we may end up being the
23 final trial judge or it may be that five other judges
24 have touched that. Our resident judges as well as
25 visiting judges may have touched a contentious case

1 and then whoever gets it on the end gets it on the
2 end.

3 **Q.** **So the ultimate question here is how many actually go**
4 **to that length or do --**

5 **A.** To a trial?

6 **Q.** **To the final hearing. They can't resolve, contentious**
7 **motion, motion, motion, practice, lawyer fees and**
8 **lawyer fees on both sides. How many actually go to,**
9 **percentage wise to that?**

10 **A.** If I had to guess, probably 20 percent end up going to
11 the -- to the -- although earlier this week, I had a
12 two day trial that started. We went through a day and
13 then the parties ended up resolving it after. There
14 was an attorney on one side and not an attorney on the
15 other side. But we they ended up settling it after we
16 tried it for a day.

17 **Q.** **And do we have a rule that says it's got to be**
18 **disposed of within a year?**

19 **A.** There's a rule that says you have to dispose within
20 365. Well, it has to be scheduled for trial within
21 365 days. Of course, there's some that slip through
22 the cracks and get a little bit further down the road.
23 But I think it's very important to try to keep that
24 and maintain that 365 rule because just so much
25 happens, especially in Family Court. The longer it

1 goes, the more problems you see.

2 Q. And I'm not demeaning folks that come before Family
3 Court. I have been there and ultimately it was a
4 pleasant experience. Each reigned at the end. But I
5 wonder if you had a megaphone to say to our bar and to
6 the litigants who seem to want to fight over the most
7 minute and spend each other down in a practice of the
8 lawyers ginning it up to keep the angst alive and the
9 fight going. It seems to me, and I'm -- that it may
10 just be the attorneys who see a profit motive. It may
11 be their clients who willingly want to burn the house
12 down. But as a -- do you see that?

13 A. Absolutely. And you know, the litigants are the ones
14 that lose in the long run. They spend a lot more
15 money, a lot more in attorney's fees, guardian fees,
16 and they end up not liking the result in the long run.
17 But that is what happens a lot of times when they take
18 their chances and want -- and aren't able to settle it
19 in advance.

20 Q. I know that before divorce is granted, the judge says,
21 is there anything I can do to bring you folks back
22 together again?

23 A. Yes, sir.

24 Q. And that's for the record, you have to do that.

25 A. Yes, sir.

1 Q. I wonder, do you early effectively tell and remind the
2 parties the inroad and preach to them that peace, not
3 total victory, is in their interest or more
4 importantly the children's best interest? Do you do
5 that? Do you have a responsibility to effectively
6 call a timeout and coach folks to make peace?

7 A. If there -- if the opportunity presents itself, I
8 certainly do. If at a temporary hearing I see that
9 these parties would be much better and the children
10 are going to be much better if they're able to resolve
11 it, I certainly will mention that and encourage them
12 to attend. We're mandatory mediation in Family Court.
13 You have to go to mediation. So I encourage them to
14 try to do mediation sooner as opposed to later.

15 Q. I would ask you to step that up to effectively off the
16 record, perhaps, or I guess it's got to be on the
17 record so you don't get in any trouble. And it's
18 maybe not talking to the lawyers, but you're talking
19 to the litigants. And we all know areas where folks
20 have reputations for churning and burning until, oh my
21 gosh, we're done. Take this deal that's been offered
22 for six months. Take this deal now. And again, I'm
23 not assailing attorneys --

24 A. Sure.

25 Q. -- any more than the litigants. But yours is a

1 context that is fraught with more of the raw emotions
2 that kids are in -- hanging into balance ultimately,
3 who's got more time, shade difference for one or the
4 other. So I'm encouraging you, if you will --

5 A. Absolutely.

6 Q. -- please go out on the limb and be proactively within
7 the confines of the law to try to bring about peace.
8 And some folks like me, I'm an irregular person. It's
9 really no help for people like me. But Family Court
10 is full of irregular people that need to be coached
11 from the bench. So with that, I thank you.

12 CHAIRMAN CASKEY: Representative Stavrinakis.

13 REPRESENTATIVE STAVRINAKIS: Judge,
14 congratulations on the professional career you've built and
15 reputation and work -- your work as a judge. I'm going to
16 be really brief, unlike the Senator. I was -- Chairman
17 Caskey mentioned the letter that -- you know and we see and
18 hear a lot in here as we go through different races.
19 Sometimes people want to know what we're looking for in
20 ideal candidates. Chairman Caskey mentioned the clerk's
21 letter about you and the clerk goes into some detail about
22 you as a person. That's certainly impressive. But the
23 part that particularly stood out to me was a short
24 paragraph after she talked about all your wonderful
25 qualities as a person, many of which are the things we're

1 looking for in general. The paragraph reads, when she puts
2 on that -- puts that robe on, it doesn't change who she is.
3 She knows the law from having practiced it and continuing
4 to study it as she goes. And more of a comment than
5 anything else to anybody that's listening. If anybody's
6 wondering out there what we're looking for in judges, it's
7 people with all the great temperament, experience,
8 intelligence, work ethic, but also that once they become a
9 judge, that this is the standard; they don't change as a
10 person, they continue to work hard and to continue to try
11 to better themselves. So again, congratulations to you.

12 JUDGE FRAZIER: Thank you so much.

13 CHAIRMAN CASKEY: All right, Judge, this brings
14 us to the close of this portion of the screening process.
15 I do need to take an opportunity to remind you that
16 pursuant to the Commission's evaluative criteria, the
17 Commission expects candidates to follow the letter as well
18 the spirit of our state ethics laws and that we will view
19 any violation or appearance of impropriety as very serious,
20 potentially deserving of heavyweight in our screening
21 deliberations. On that note, and as you know, the record
22 will remain open until the formal release of the
23 qualifications report. And should the need arise, we would
24 have the ability to call you back here. Do you understand
25 all that?

1 JUDGE FRAZIER: I do.

2 CHAIRMAN CASKEY: All right. Judge, thank you
3 for your service. Thank you Tammy, for being here and your
4 service. And Colin, wish you all the best in law school.
5 I made a quip earlier but I will share with you one word of
6 wisdom that Professor Martin McWilliams shared with me when
7 I was a 1L. He said just as you head into the Thanksgiving
8 break before you've taken any exams, you will never feel as
9 confident about your understanding of the law as you do
10 today. So enjoy this time. Wish you all the best in
11 enjoying law school and look forward to seeing you down the
12 road. Thank you Judge. Appreciate your service.

13 JUDGE FRAZIER: Thank you very much. I
14 appreciate your time.

15 CHAIRMAN CASKEY: Y'all have a great day.

16 (Off the record)

17 CHAIRMAN CASKEY: All right. Ladies and
18 gentlemen, we will go back on the record and proceed with
19 our next screening. Before us we have Judge West, a
20 candidate for the Master in Equity seat in Berkeley County
21 re-election. Judge, do I have all that right?

22 JUDGE WEST: Correct.

23 WHEREUPON:

24 HONORABLE J. CAMDEN WEST, being duly sworn
25 and cautioned to speak the truth, the whole truth

1 and nothing but the truth, testifies as follows:

2 CHAIRMAN CASKEY: If you would please state full
3 name for the record.

4 JUDGE WEST: James Camden West.

5 CHAIRMAN CASKEY: Thank you, sir. There should
6 be some documents there in front of you. If you would
7 please take a moment to review those.

8 JUDGE WEST: I have Exhibit Number 9, my JMSC
9 personal data questionnaire and Exhibit Number 10, the JMSC
10 sworn statement.

11 CHAIRMAN CASKEY: Are there any changes or
12 updates that need to be made to either of those?

13 JUDGE WEST: No, sir.

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

16 JUDGE WEST: None.

17 CHAIRMAN CASKEY: If you'll just allow just a
18 moment. I'm going to give staff a chance to do that.

19 (EXHIBIT NO. 9 MARKED FOR IDENTIFICATION PURPOSES
20 (15 pages) - PDQ)

21 (EXHIBIT NO. 10 MARKED FOR IDENTIFICATION PURPOSES
22 (7 pages) - SWORN STATEMENT)

23 CHAIRMAN CASKEY: The Judicial Merit Selection
24 Commission has thoroughly investigated your qualifications
25 for the bench. Our inquiry has focused on nine evaluative

1 criteria and has included a ballot box survey, a thorough
2 study of your application materials, verification of your
3 compliance with state ethics laws, a search of newspaper
4 articles in which your name appears, study of previous
5 screenings and a check for economic conflicts of interest.
6 We have received no affidavits filed in opposition to your
7 election and no witnesses are present to testify. Before
8 giving you the opportunity to make a brief statement, I'd
9 love to extend to you the opportunity to introduce the
10 guest or guests. I can't see behind you there how many we
11 have, but love to hear from them.

12 JUDGE WEST: I have one guest with me this
13 morning, my father, John west, who was my law partner for
14 14 years prior to me being appointed to the bench. And he
15 is affectionately known by his granddaddy name of Pappy.

16 CHAIRMAN CASKEY: Well, Mr. West, glad to have
17 you here. Thank you for being here today. And Judge, as I
18 said, I welcome you with an opportunity to make a brief
19 statement if you like. Otherwise, I'll turn it to staff
20 counsel so we can begin with questions.

21 JUDGE WEST: I'll waive any opening and I'm ready
22 for staff counsel.

23 CHAIRMAN CASKEY: Mr. Umsted.

24 MR. UMSTED: I note for the record that based on
25 the testimony contained in the candidate's PDQ, which has

1 been included in the record with the candidate's consent,
2 Judge West meets the statutory requirements for the
3 position regarding age, residence and years of practice.

4 EXAMINATION

5 BY MR. UMSTED:

6 **Q. Judge West, having served as Berkeley County Master in**
7 **Equity since March of this year, why do you want to**
8 **continue serving as a Master in Equity?**

9 A. First and foremost, because I love it. I've fallen in
10 love with the bench. I've fallen in love with the
11 courtroom. Every time you enter the courtroom is a
12 new learning experience. I'm surrounded by good
13 people, by high character people, and those people
14 have been good to me. Most importantly, Judge Van
15 Slambrook, who was our prior Master in Equity, has
16 started a tradition, and I'm sure it's been at the
17 urging of Pappy back here. But it has been a weekly
18 judge's tip, and Judge Van Slambrook has taken the
19 opportunity and time out of his day, almost every week
20 religiously to drop by my office and provide a judge's
21 tip of the week. It has made this transition, as I
22 assume the duties of Master in Equity easy. The court
23 has actually made it very easy and very pleasant for
24 me. I have to thank him for that. And on that note,
25 Berkeley County's been good to me. I want to be good

1 to Berkeley County. Berkeley County is where I was
2 raised. It's where I grew up, my brothers and
3 sisters. It is where I was married. It is where I am
4 raising my three children. Berkeley County has been
5 good to me, and I want to be a good steward to
6 Berkeley County.

7 **Q. Thank you. Judge West, what do you think your**
8 **reputation is among the attorneys that practice before**
9 **you and also court personnel?**

10 A. For attorneys, he's a good person first. He is
11 committed to due process. For the court personnel and
12 for my staff, who is only one, who is Ms. Cheryl
13 Lawrence, who I have to thank. I have tremendous
14 respect for her. She is the reason that I am able to
15 move into this role. This role -- this office would
16 not be functioning without her. And then again, thank
17 Judge Van Slambrook. He has made it a fantastic
18 transition. He's a role model and a guide and an
19 example of what a good judge can be and what a good
20 person can be. Also, I think my reputation is that he
21 is eager and willing to learn. I am constantly
22 talking, constantly asking questions, and I don't
23 think anybody's surprised by that. It has been
24 fantastic. It has been a challenge to learn how to be
25 a judge. It has been a challenge to learn the new

1 intricacies of running an office, but it has been a
2 challenge that I've embraced and one that's kept me
3 going every day. It has been a great experience and I
4 have loved every moment of it. And I look forward to
5 continuing my service to the people of Berkeley County
6 and in my role as a Master in Equity.

7 Q. Judge West, the Commission received 277 ballot box
8 surveys regarding your candidacy with 13 additional
9 comments. The ballot box survey, for example,
10 contained the following positive comments. Judge West
11 has done a very good job taking over the Master in
12 Equity seat vacated by Judge Van Slambrook. He is
13 upright, caring, and a good fit for the position.
14 Judge West has been on the bench since March of 2025.
15 He has demonstrated an excellent grasp of the law. He
16 has an even temperament. He treats lawyers and
17 litigants with respect and civility. He is fair to
18 all. He is an outstanding addition to the judiciary.
19 None of the written comments express concerns.

20 MR. UMSTED: Mr. Chairman, at this time, I would
21 like to request that we now go into Executive Session to
22 handle a matter.

23 CHAIRMAN CASKEY: Senator Rankin moves that we
24 now go in Executive Session. That motion was seconded by
25 Senator Walker. All in favor signify by saying aye.

1 MEMBERS: Aye.

2 CHAIRMAN CASKEY: All opposed, nay. The ayes
3 have it. We will go into Executive session and I would ask
4 all folks not authorized to step out please.

5 (Executive Session was held from 11:18 a.m. to 11:26 a.m.)

6 (Off the record)

7 CHAIRMAN CASKEY: All right, ladies and
8 gentlemen, we are now back on the record and out of
9 Executive Session. For the record, while we were in
10 Executive Session, no decisions were made, no votes were
11 taken. And now I'll recognize staff counsel again.

12 MR. UMSTED: Thank you.

13 EXAMINATION CONTINUES

14 BY MR. UMSTED:

15 Q. Judge West, I would like to note also that the Low
16 Country Citizens Committee found Judge West qualified
17 in the evaluative criteria of constitutional
18 qualifications, physical health and mental stability.
19 The committee found him well qualified in the
20 evaluative criteria of ethical fitness, professional
21 and academic ability, character, reputation,
22 experience and judicial temperament. The committee
23 stated in summary, Judge West is well suited for the
24 position, empathetic, has positive energy for the
25 position, is well qualified, and relishes working as a

1 Master in Equity. Housekeeping issues, JMSC
2 Procedural Rule 17 includes a prohibition of any
3 candidate from attending or watching any portion of
4 the live stream or recording of the public hearings of
5 this cycle until after all hearings are concluded.
6 Have you watched or listened to any of these hearings
7 before your appearance today?

8 A. I have not.

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

11 A. No.

12 Q. Judge West, since submitting your letter of intent,
13 have you contacted any members of the Commission about
14 your candidacy?

15 A. No.

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

20 A. I am.

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

25 A. I have not.

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

5 A. No, I have not and I'm not aware.

6 Q. Have you reviewed and do you understand the
7 Commission's guidelines on pledging and South Carolina
8 Code Section 2-19-70, Subsection E?

9 A. Yes.

10 MR. UMSTED: Mr. Chairman, I would just note for
11 the record that any concerns raised during the
12 investigation regarding the candidate were incorporated
13 into the questioning of the candidate here today. Mr.
14 Chairman, I have no further questions.

15 CHAIRMAN CASKEY: Thank you. Mr. Lay.

16 MR. LAY: Good morning.

17 JUDGE WEST: Good morning, sir.

18 MR. LAY: I have a couple of comments. You know
19 it strikes me -- I mean, you've been on the bench eight or
20 nine months now. Probably the most difficult time for a
21 judge is finding their sea legs in those first few months
22 and trying to deal with the administrative part of it but
23 also dealing with just making sure you're projecting
24 confidence and doing the right things in making decisions.
25 What strikes me is that you have made quite an impression

1 on the bar. There were a lot of ballot survey responses.
2 They are responding to what the perception seems to be that
3 you're a person of integrity and stability and there really
4 were no negative comments at all, which is also rare. So I
5 congratulate you on the start.

6 JUDGE WEST: Thank you.

7 MR. LAY: I will say that I am familiar with
8 Pappy, and the family that you come from also has integrity
9 and stability. So I'm sure that you have learned that at
10 his knee and that is being revealed with some of these bar
11 ballot box surveys. So you can really take some solace and
12 some pride in the comments that have been received.

13 JUDGE WEST: Thank you. I agree with that.
14 Thank you very much.

15 CHAIRMAN CASKEY: Senator.

16 VICE CHAIRMAN RANKIN: John T. stole my thunder
17 but I'm not gonna not go there. I didn't realize that they
18 called him Pappy. That's an expensive -- expensive -- is
19 it 23, 20 year old. What Pappy are we talking about?
20 Never mind. I got what I wanted.

21 JUDGE WEST: He's Southern Baptist so I don't
22 think he's any Pappy but that Pappy.

23 VICE CHAIRMAN RANKIN: What is his age? He's a
24 72 then, 72. I too want to commend both the legacy here.
25 Obviously, I didn't know that we called him Pappy, but I do

1 know Walt, that he is -- had in the law and in the public
2 and I remember you not about 7 hours ago it seems when you
3 were first here getting screened and him joining you then
4 and the legacy and the following in his footsteps
5 effectively though never a judge and picking up a public
6 service manual and wanting to do it in a way that so far so
7 good distinguishes yourself down there and so kudos to you
8 for continuing to do the good work.

9 JUDGE WEST: Thank you, sir.

10 CHAIRMAN CASKEY: Mr. Protopapas.

11 MR. PROTOPAPAS: I'm not going to be outdone by
12 Senator Rankin and Mr. Lay. You -- one, congratulations on
13 becoming a judge and congratulations on the success you had
14 in your first year. And you have grown up in the shadow of
15 a legendary lawyer, one who had always given his time, his
16 wisdom to young lawyers like myself. I mean, I was a young
17 lawyer. You have, to a credit to your family, you're
18 adding to that legacy. To underscore what Mr. Lay said, on
19 ethical fitness, there were 116 people that responded. Not
20 one had anything negative to say. On professional academic
21 ability, 114 people responded; not one had anything
22 negative to say. On character, 115 people responded; not
23 one had anything negative to say. It's a credit to you.
24 It's a credit to your family. Keep up the good work. We
25 need good judges. Thank you for serving.

1 JUDGE WEST: No, thank you.

2 CHAIRMAN CASKEY: Ms. Craig.

3 MS. CRAIG: Judge West, we haven't met but we do
4 have something in common. I had the privilege of working
5 with my father for over 25 years, and I hope that you
6 enjoyed the 14 years with your father as much as I did.

7 JUDGE WEST: I've enjoyed every moment of it.
8 Good, bad and the ugly. I worked with him for 20 years.
9 March of 2005 until March of 2025. It was a long and
10 arduous journey, but it was a fun journey and I enjoyed
11 every minute. I'm very thankful for his teaching and his
12 guidance.

13 CHAIRMAN CASKEY: All right. Seeing no other
14 members of the Commission indicating their desire to speak,
15 Judge I'll echo the positive comments you've heard from
16 other Commission members. I appreciate your patience today
17 in getting to the screening. Thank you for serving the
18 state and continue to offer. I do need to note as we
19 include this portion of the screening process that pursuant
20 to the Commission's evaluative criteria, the Commission
21 expects candidates to follow the spirit as well as the
22 letter of our ethics laws and we view any violation or
23 appearance of impropriety as very serious and potentially
24 deserving of heavyweight in our screening deliberations.
25 And as you know, the record will remain open until the

1 formal release of the qualifications report and should the
2 need arise, we would have the ability to call you back for
3 further conversation. Do you understand all that?

4 JUDGE WEST: Acknowledged and understood.

5 CHAIRMAN CASKEY: All right, sir. Thank you again
6 for being here. Appreciate as I said your service and for
7 offering for future continued service and wish yourself
8 Judge a happy and a very safe drive home. Thank you.

9 JUDGE WEST: Thank you everyone.

10 CHAIRMAN CASKEY: Thank you.

11 (Off the record)

12 CHAIRMAN CASKEY: All right, ladies and
13 gentlemen, we'll go back on the record and resume our
14 screenings. Before us, we have Judge York who is a
15 candidate for Seat 3 in the 4th Judicial Circuit Family
16 Court. Judge, do I have all that right?

17 JUDGE YORK: Yes, sir.

18 WHEREUPON:

19 HONORABLE ELIZABETH BIGGERSTAFF YORK, being
20 duly sworn and cautioned to speak the truth, the
21 whole truth and nothing but the truth, testifies
22 as follows:

23 CHAIRMAN CASKEY: Thank you, ma'am. If you would
24 please, state your name for the record.

25 JUDGE YORK: Elizabeth Biggerstaff York.

CHAIRMAN CASKEY: Judge, if you would please, there should be some documents in front of you. If you would take a moment to review those.

JUDGE YORK: Yes, sir.

CHAIRMAN CASKEY: Are those the personal data questionnaire and the sworn statement that you submitted as part of your application materials?

JUDGE YORK: Yes, they are.

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

JUDGE YORK: No.

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

JUDGE YORK: No objection.

CHAIRMAN CASKEY: Just give me one second and I'll mark those.

(EXHIBIT NO. 11 MARKED FOR IDENTIFICATION PURPOSES
(16 pages) - PDQ)

(EXHIBIT NO. 12 MARKED FOR IDENTIFICATION PURPOSES
(1 page) - AMENDMENT)

(EXHIBIT NO. 13 MARKED FOR IDENTIFICATION PURPOSES
(5 pages) - SWORN STATEMENT)

CHAIRMAN CASKEY: The Judicial Merit Selection Commission has thoroughly investigated your qualifications for the bench. Our inquiry has focused on the nine

1 evaluative criteria and has included a ballot box survey, a
2 thorough examination of your application materials,
3 verification of your compliance with state ethics laws,
4 search for newspaper articles in which your name appears, a
5 study of any previous screenings, and a check for economic
6 conflicts of interest. We have received no affidavits
7 filed in opposition to your election and there are no
8 witnesses present to testify. Before proceeding to
9 questions, I noticed that you were followed into the room
10 by these young people. We would love to get to know them
11 if you'd be kind enough to introduce us.

12 JUDGE YORK: Thank you. On the end, that's my
13 son, Will York. He's a sophomore at Carolina. And that's
14 my paralegal and dear friend, Shannon Perry.

15 CHAIRMAN CASKEY: Thank you both for being here
16 today. Glad to have you. Judge, at this point, I would be
17 happy to invite you to make any brief opening remarks you
18 may want to make. Otherwise, I'd recognize staff counsel
19 to go straight into some questions.

20 JUDGE YORK: I would just like to thank each of
21 you for serving on this Commission. I know it's an arduous
22 job. I'd also like to thank your staff, which makes this
23 easier for all of us, I think.

24 CHAIRMAN CASKEY: Indeed.

25 JUDGE YORK: But other than that, no opening

1 statement.

2 CHAIRMAN CASKEY: Thank you, ma'am. Mr. Cohl.

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

4 EXAMINATION

5 BY MR. COHL:

6 **Q. Judge York, please state for the record the city and**
7 **circuit in which you reside.**

8 A. I reside in Darlington, South Carolina. That's in the
9 Fourth Judicial Circuit.

10 **Q. Thank you.**

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

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

21 A. Both of my parents were public servants. My mother
22 was a teacher, my dad was in public recreation. They
23 both went above and beyond. So I saw from an early
24 age how important service is. I've been practicing
25 law for 31 years. The majority of that's been in the

1 Family Court. I feel like I've done everything that
2 exists in the Family Court. But I will tell you, as
3 any lawyer will tell you, you never know what's
4 walking in the door next, and I think my experience
5 would lend well hopefully to the bench. Additionally,
6 I've been a litigant in family court, and I have
7 coparented for many years and I think that will also
8 give -- lend itself hopefully very well to the bench
9 if I -- if obviously elected.

10 **Q. Thank you. Judge York, are there any areas of the law**
11 **for which you would need additional preparation to**
12 **serve as a Family Court Judge, and how would you**
13 **handle that additional preparation?**

14 A. I have done some juvenile work. I get appointed a lot
15 as a guardian. Also my years of experience with DSS
16 has lent itself to Juvenile Court. But I would also
17 say that that -- of the parts of Family Court where I
18 could definitely learn, that is where I could learn.
19 I've already spoken to our solicitor's office and also
20 a good friend that does -- works in the juvenile
21 system about hopefully observing learning in that
22 area. I have also spoken to one of our judges who
23 said that my experience in Municipal Court will also
24 help in that area.

25 **Q. Please briefly describe your experience in handling**

1 complex contested Family Court matters and
2 specifically discuss your experience with the
3 financial aspects of Family Court work.

4 A. If it is a complex financial case, I require the
5 client usually at the initial consultation, I let them
6 know immediately that we're going to have to retain a
7 forensic accountant. There are -- there's one in
8 particular I use a lot. But when he's conflicted out,
9 he has a good friend that I also use. I have handled
10 complex financial issues. Some of that is outlined in
11 my PDQ, including one where someone was trying to hide
12 a lot of assets.

13 Q. Thank you, Judge York. The Commission received 342
14 ballot box surveys regarding you with 45 additional
15 comments. The ballot box survey, for example,
16 contained the following positive comments. She has a
17 broad range of experience and an excellent
18 temperament. She's a zealous advocate of her clients
19 and treats opposing counsels and parties with kindness
20 and fairness. She is someone other practitioners turn
21 to when they have a difficult question, and she is
22 always willing to help. None of the written comments
23 expressed concern.

24 MR. COHL: I would note that the Pee Dee Citizens
25 Committee found Judge York qualified in the evaluative

1 criteria of constitutional qualifications, physical health
2 and mental stability, and well qualified in the evaluative
3 criteria of ethical fitness, professional and academic
4 ability, character, reputation, experience, and judicial
5 temperament.

6 Q. Just a few brief housekeeping issues. Procedural Rule
7 17 of the Commission prohibits a candidate from
8 attending the hearing of another candidate or from
9 watching or listening to the recordings or live stream
10 of the public hearings of this cycle until after all
11 hearings are concluded. Have you watched or listened
12 to any of the hearings before your appearance today?

13 A. I have not.

14 Q. Has anyone relayed information about any hearings
15 before this Commission to you?

16 A. They have not.

17 Q. Thank you, Judge York. Are you aware that as a
18 judicial candidate you are bound by the Code of
19 Judicial Conduct as found in Rule 501 of the South
20 Carolina Public Court Rules?

21 A. I am.

22 Q. Since submitting your letter of intent, have you
23 contacted any members of the Commission about your
24 candidacy?

25 A. I have not.

1 A. Are you familiar with Section 2-19-70, including the
2 limitations on contacting members of the General
3 Assembly regarding the screening?

4 A. I am.

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

9 A. I have not.

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

14 A. I have not asked anyone and I am not aware that anyone
15 has done that.

16 Q. And finally, have you reviewed and do you understand
17 the Commission's guidelines on pledging in South
18 Carolina Code Section 2-19-70(E)?

19 A. I am familiar and I do understand.

20 Q. Thank you, Judge York.

21 MR. COHL: I would note for the record that any
22 concerns raised in the investigation regarding Judge York
23 were incorporated in the questioning today. Mr. Chairman,
24 I have no further questions.

25 CHAIRMAN CASKEY: Thank you, sir. Mr. Jordan.

1 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

2 EXAMINATION.

3 BY REPRESENTATIVE JORDAN:

4 Q. Good morning.

5 A. Good morning.

6 Q. I almost said Beth. I've known you for a long time,
7 so.

8 A. That's perfectly fine.

9 Q. I see you at the courthouse and in passing with
10 Darlington and Florence being neighboring counties,
11 the 12th Circuit and 4th Circuit. I want to
12 compliment you. I believe it's a sincere desire on
13 your part to be a Family Court Judge.

14 A. It is.

15 Q. You've been before us before and have always been
16 found qualified but for whatever reason, it hasn't
17 happened, but I also want to compliment you on
18 something that I think is very difficult to do, to
19 have zero negative comments. You know, this isn't a
20 criticism of the Family Court, but it's in my
21 experience one of the most toughest jobs you can find,
22 and to be able to navigate through the Family Court
23 and to be extremely experienced in a Family Court and
24 that be your sort of court of expertise from my
25 experience with you is tremendously -- that's an

1 achievement in my opinion. Also, when you put that in
2 concert with you've been a part time --

3 A. Municipal judge.

4 Q. -- municipal judge for how long now?

5 A. Since 2016.

6 Q. So you've dealt with some folks probably not having
7 their best day.

8 A. That's correct.

9 Q. And some of those situations have set about whatever
10 circumstance and for them to not weigh in, in some
11 form or fashion in that respect, doing that difficult
12 work at times, I think that's a tremendous, tremendous
13 achievement. I wanted to ask you while I've got you
14 because of your experience in Family Court. We had a
15 candidate talk a little bit about this. Actually a
16 candidate, a sitting judge I think. Tell me what your
17 thoughts are in how you dealt with the changes in Rule
18 21 in the last just little bit.

19 A. I personally have not had a temporary hearing since
20 October 1st, when Rule 21 came into effect, but I have
21 attended CLEs and meetings about Rule 21. And I think
22 Rule 21, it may need some tweaks like any new rule.
23 But I think hopefully what it's intent -- what I
24 believe its intention is for the judges to have more
25 time to look at these affidavits and really weigh in

1 on them, but also not be inundated with, you know,
2 tons of pages of -- text messages is what we see a lot
3 of in the Family Court. I also think it will help
4 litigants to feel like they're having their day in
5 court as well and not getting blindsided with the
6 affidavits, knowing kind of where everybody's coming
7 from and stop some of the -- some affidavits, you
8 know, are just kind of, you know, out there. It stops
9 some of that because they know that the other party's
10 gonna have time to really reply instead of it all
11 comes up at once. I think it's going to be a positive
12 change.

13 **Q. I know there was some resistance as there are when**
14 **some of these rules are initially rolled out, and I**
15 **guess you can anticipate that with any new way of**
16 **doing things or amending things but --**

17 **A. As most of us old people -- but yes, you're -- you're**
18 **correct.**

19 **Q. But certainly it's got -- I've always -- again, one of**
20 **the most difficult things I would think from a Family**
21 **Court Judge perspective is that you -- and a**
22 **practitioner is that you will be in a temporary**
23 **hearing, trying to make significant decisions very**
24 **quickly on very limited information. Should this help**
25 **in that situation?**

1 A. I absolutely think it'll help in this situation
2 because it gives -- because they're filed beforehand,
3 the judge can see that before -- you know, they can
4 look at their docket the next day and see what the --
5 you know, what the affidavits are instead of trying to
6 rule from the bench or having to take a lot under
7 advisement and then kind of get the cases mixed up.
8 So I think -- I definitely think it's going to be
9 beneficial for the judges to be able to make these
10 rulings just with a lot more thought because a lot of
11 times with the backlog, a temporary order can stay in
12 place for a year. So it's important to try to get it
13 right as much as possible.

14 **Q. Do you think it'll help lawyers work their -- perhaps**
15 **work their situations out prior to being in front of**
16 **the court?**

17 A. Well, it already has, which is why I haven't had a
18 temporary hearing since after October. I think we've
19 all kind of worked -- I've worked them all out.

20 **Q. Thank you for your desire to serve. Also, I think it**
21 **speaks volumes that you're unopposed.**

22 A. Thank you.

23 **Q. In a situation where these are hard jobs but they're**
24 **sought after jobs.**

25 A. Correct.

1 Q. So it communicates to me that the bar in your circuit
2 says something -- that says something about you, and
3 the other lawyers say, nope, I think she's the one to
4 take this position. So thank you.

5 A. Thank you very much.

6 CHAIRMAN CASKEY: Mr. Lambert.

7 MR. LAMBERT: Good morning.

8 JUDGE YORK: Good morning.

9 MR. LAMBERT: It's been a while since we've seen
10 one another.

11 JUDGE YORK: It has.

12 MR. LAMBERT: Years ago our paths crossed in
13 doing work with the bar. I thank you for your bar service.
14 I piggyback really on Representative Jordan. Your
15 continued giving not only through profession but what we've
16 seen through the public I think is being recognized here,
17 and I applaud you and thank you for your public service and
18 desire to serve as a judge. Thank you for what you've
19 done.

20 JUDGE YORK: Well, thank you. Thank you and I
21 enjoyed serving with you.

22 CHAIRMAN CASKEY: Chairman Rankin.

23 VICE CHAIRMAN RANKIN: Judge, real quick, welcome
24 back and to your son and to your staff member who's not
25 getting overtime to be here, I trust. I hope you get a

1 better meal than the Russell House for lunch today.

2 JUDGE YORK'S SON: That's why I'm here.

3 VICE CHAIRMAN RANKIN: Very good. And you can
4 take a meal to Shane Beamer as well. Two quick things.
5 One, again, welcome back. I remember your screenings.
6 I've seen you at each turn and it just gets better. And
7 secondly, the host of letters of endorsement and
8 recommendation. We know all these folks, these firms who
9 don't have to say yes when they're asked to send or if they
10 give the obligatory letter, they don't go to the degree of
11 detail as you've gotten in yours. And finally to the very
12 point now that you are soon to be absent some calamity
13 ascending to the bench in this unopposed race, one writes
14 of you your ability to talk to even the most difficult
15 people. That is what Family Court seems to be, ground
16 zero. And so that gift will be ever more in demand. And
17 as you presented to us and as I know you somewhat casually
18 moving around this state, you always present yourself in a
19 very light, happy, upbeat, approachable manner. And so I
20 hope that skill only gets better and you succeed in talking
21 to the difficult, not hard of hearing, but hard of
22 listening perhaps litigants and lawyers in your courtroom.
23 So Godspeed.

24 JUDGE YORK: Thank you so much.

25 CHAIRMAN CASKEY: Mr. Stavrinakis.

1 REPRESENTATIVE STAVRINAKIS: Judge, welcome.

2 JUDGE YORK: Thank you.

3 REPRESENTATIVE STAVRINAKIS: Congratulations on
4 your career that you've built and continue to build on. I
5 just wanted to point out, I noticed on your submittal that
6 you were a law clerk for Judge Rushing --

7 JUDGE YORK: I was.

8 REPRESENTATIVE STAVRINAKIS: -- and that you
9 spent some time in Charleston.

10 JUDGE YORK: I did.

11 REPRESENTATIVE STAVRINAKIS: I feel pretty sure
12 that you were there around the same time that I was a young
13 stupid assistant solicitor in Berkeley County. And I think
14 probably we tried some cases in front of Judge Rushing and
15 yourself, and I hope that I didn't embarrass myself.
16 Certainly trying a case in front of Judge Rushing,
17 especially for a young lawyer, was a interesting
18 experience.

19 JUDGE YORK: I'm sure.

20 REPRESENTATIVE STAVRINAKIS: And a learning
21 experience. I'll never forget his admonitions to me about
22 how to properly pronounced Lancaster. He did not like it
23 when you said Lancaster. And also I'll never forget that
24 he refused to allow me to call the lying defendant in the
25 case a liar in front of the jury. I think we got the

1 conviction anyway. But anyway, I just wanted to -- to
2 congratulate you and point out that we probably -- our
3 paths probably overlapped during that time period and wish
4 you the best of luck --

5 JUDGE YORK: Well, thank you.

6 REPRESENTATIVE STAVRINAKIS: -- and congratulate
7 you again.

8 JUDGE YORK: It's Lancaster.

9 REPRESENTATIVE STAVRINAKIS: Yeah, I know. I
10 know now.

11 CHAIRMAN CASKEY: All right. Any other members
12 of the Commission? Well, Judge, I echo in all the positive
13 comments that have been shared today. I want to extend my
14 thanks to you for your dedicated service. It's reflected
15 greatly on you and the profession at large and I extend
16 that even to the judiciary as a whole. And I think the
17 citizens of the state can be proud when we look and see
18 judges like yourself who are doing the hard work day in and
19 day out and treating people like they should be treated.
20 So for all that, I thank you. This will conclude this
21 portion of our screening process. I do need to take a
22 moment to remind you that pursuant to the Commission's
23 evaluative criteria, the Commission expects candidates to
24 follow the letter as well as the spirit of our state ethics
25 laws and that we will view any violation or appearance of

1 impropriety as very serious and potentially deserving of
2 heavyweight in our screening deliberations. As you know,
3 the record will remain open until the formal release of the
4 qualifications report, and you may be called back at such
5 time if the need were to arise. You understand all that?

6 JUDGE YORK: Yes, I do.

7 CHAIRMAN CASKEY: Okay, great. Again, that
8 concludes this portion of the screening process. Thank you
9 very much for your service. Thank you for being here with
10 us today. Certainly appreciate your patience in
11 scheduling. I wish you all the best as you go about the
12 rest of your day and enjoy whatever great meal you may have
13 in front of you.

14 JUDGE YORK: Thank you very much. Thank you all.

15 CHAIRMAN CASKEY: Yes, ma'am. Thank you.

16 JUDGE YORK: Thanks.

17 CHAIRMAN CASKEY: We'll have one more candidate
18 screening before our noon break.

19 (Off the record)

20 CHAIRMAN CASKEY: All right. Good afternoon. We
21 will go back on the record as we proceed with our next
22 screening. Before us, we have Erika Easler, who is a
23 candidate for the Administrative Law Court Seat 4. Ms.
24 Easler, do I have all that correct?

25 MS. EASLER: Yes, sir.

1 CHAIRMAN CASKEY: If you'll pull that microphone
2 down. We have a variety of candidates of all heights and
3 the microphone sometimes get left at an inopportune
4 position.

5 WHEREUPON:

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

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

11 MS. EASLER: Erika Sophia Easler.

12 CHAIRMAN CASKEY: Ms. Easler, there's some
13 documents in front of you. If you'd take a moment and
14 review those.

15 MS. EASLER: Yes, sir.

16 CHAIRMAN CASKEY: Are those the personal data
17 questionnaire and the sworn statement that you submitted as
18 part of your application materials?

19 MS. EASLER: Yes, it is.

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

22 MS. EASLER: No, sir.

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

25 MS. EASLER: No, sir.

1 CHAIRMAN CASKEY: Just give me one minute for
2 staff to mark those.

3 (EXHIBIT NO. 14 MARKED FOR IDENTIFICATION PURPOSES
4 (15 pages) - PDQ)

5 (EXHIBIT NO. 15 MARKED FOR IDENTIFICATION PURPOSES
6 (4 pages) - SWORN STATEMENT)

7 CHAIRMAN CASKEY: The Judicial Merit Selection
8 Commission has thoroughly investigated your qualifications
9 for the bench. Our inquiry has focused on the nine
10 evaluative criteria and has included a ballot box survey, a
11 thorough study of your application materials, verification
12 of your compliance with state ethics laws, search of
13 newspaper articles in which your name appears, study of any
14 previous screenings, and a check for economic conflicts of
15 interest. We have received no affidavits filed in
16 opposition to your election and no witnesses are present to
17 testify. I noted that you came in with a guest. If you'd
18 like to introduce her to the entire commission, I want to
19 present that opportunity to you.

20 MS. EASLER: Yes, sir. I brought my sister, Dr.
21 Michelle Easler. She's a pediatrician at Sumter Pediatrics
22 in Sumter, South Carolina.

23 CHAIRMAN CASKEY: Thank you for being here today.
24 Glad to have you. Ms. Easler, I extend to you the
25 opportunity to make a brief opening statement, if you like,

1 or I can turn over to staff counsel to begin with
2 questions, whichever you prefer.

3 MS. EASLER: I do not have any opening
4 statements. I just want to say thank you to everyone for
5 their service and for being here and for the staff -- to
6 the staff for being so kind and helpful throughout this
7 whole process.

8 CHAIRMAN CASKEY: Great. Thank you for that.
9 Ms. Crater.

10 MS. CRATER: I note for the record, based on the
11 testimony contained in the candidate's PDQ, which has been
12 included in the record with the candidate's consent, Erika
13 Easler meets the constitutional and statutory requirements
14 for this position regarding age, residence and years of
15 practice.

16 EXAMINATION

17 BY MS. CRATER:

18 **Q. Ms. Easler, why do you now want to serve as an**
19 **Administrative Law Court Judge, and how do you feel**
20 **your legal and professional experience thus far will**
21 **assist you to be an effective judge?**

22 **A.** Thank you. So I've been an attorney now for over 16
23 years, the first eight years of which was in the -- I
24 served in the United States Army where I practiced
25 primarily in administrative law. And when I left --

1 when I decided to leave active duty, I wanted to do
2 something I hadn't done before. And I was very
3 fortunate to be able to go into private practice with
4 a well known and seasoned attorney doing criminal
5 defense. But then I got offered the opportunity to
6 clerk at the Administrative Law Court for Judge
7 Lenski, and I'd never done that either. And I'd
8 worked for Judge Lenski before as a law clerk when I
9 was in law school, and he was at the Senate Judiciary.
10 And so I welcomed the opportunity to work for him
11 again. And I've been clerking there for six years
12 now, during which time, you know, I gained extensive
13 experience in administrative law, working with Judge
14 Lenski every day, discussing our cases, managing his
15 docket, drafting orders, sitting in the hearings. And
16 I'm confident that my -- my experience at the ALC
17 mixed with, combined with my knowledge of the law, my
18 legal writing and research abilities, and the
19 leadership skills I learned in the Army will make me
20 an effective ALC Judge.

21 **Q. Ms. Easler, are there any areas of the law for which**
22 **you would need additional preparation in order to**
23 **serve as an Administrative Law Court Judge, and how**
24 **would you handle that additional preparation?**

25 **A. I would say yes, of course. Our laws are always**

1 changing, whether it's through legislation or case
2 law. So I stay up to date reading the advance sheets
3 and the most recent decisions from the Fourth Circuit,
4 -- Fourth Circuit Court of Appeals. Also, as I'm
5 still currently in the Army, I'm still a JAG. Our
6 military regulations and policies are always being
7 updated, so I make sure to stay up to date. And even
8 though I've been at the ALC for almost seven years, we
9 still get cases that I've seen for the first time,
10 like whether it, you know, be like one offs like we
11 just got the Attorney General and some, like, tobacco
12 litigation or like an appeal of a concealed weapons
13 permit denial. When I get those cases I haven't seen
14 before, the first thing I do is go talk to our clerk
15 of court, because she's been there since 1994, you
16 know, to see if it's a case that another judge has had
17 before so I could read their order. And then of
18 course, I look up the applicable statute court rules,
19 and, you know, research case law.

20 **Q. Ms. Easler, can you please explain the types of cases**
21 **that you've handled and how your experiences**
22 **specifically qualify you for service as a judge on the**
23 **Administrative Law Court?**

24 **A.** I'm sure all the members have my PDQ in front of them,
25 so I just kind of wanted to highlight some of the

1 areas. Like I said, I'm still serving in the Army
2 Reserves. I've been in for 16 years now. I've done
3 primarily administrative law, and not only in the US
4 but overseas. When I was stationed in Germany, when I
5 was stationed in Korea, while I was deployed to
6 Kuwait, I gained a lot of experience doing
7 administrative law, whether it goes with international
8 laws, international agreements, being an installation
9 hearing officer. But I've also been able to practice
10 in other positions. I've been a trial counsel, which
11 is a military prosecutor. I've done that in the U.S.
12 Army, but I've also done it in the South Carolina Army
13 National Guard. I've been a defense attorney, which
14 is similar to a public defender for the -- for the
15 Army. I did that in the Reserves. I've also done it
16 in the South Carolina -- South Carolina National Army,
17 South Carolina Army National Guard. I've done
18 criminal defense and private practice. So I've
19 litigated in state courts. Whether it's -- so I've
20 got the experience in federal, state and military
21 courts litigating. I've been at the ALC, like I said,
22 for over six years now, working with Judge Lenski on
23 all his cases. And I think that my combined 16 years
24 of experience in appearing before different tribunals
25 and practicing different areas of law.

1 **Q. Ms. Easler, what is your vision for the Administrative**
2 **Law Court and what changes would you advocate for and**
3 **why?**

4 A. Well, like I said, I've been there for about six or
5 seven years, and I think it runs great. I think the
6 judges, the staff, the court personnel, everyone does
7 a great job of working together and have it run --
8 everything runs smoothly.

9 **Q. Ms. Easler, in what instances is it appropriate for**
10 **the judiciary to work in cooperation with other**
11 **branches of government and in what areas must the**
12 **judiciary stand apart from the other branches?**

13 A. I think the branches should work together for the
14 betterment of the state. So when the judiciary
15 specifically asks for their input, whether it's
16 legislation or I know ARC, the ALC ARC court rules are
17 ratified by the legislators after we go over them. So
18 I think when you know the judiciary is like asked for
19 their input or for it's the betterment of the state,
20 whether it's community outreach like improving access
21 to legal services. Otherwise, I believe in judicial
22 restraints that judges are not there to make law but
23 rather look to statutory, I guess, construction of
24 legislative intent when applying to laws.

25 **Q. Ms. Easler, what do you believe is the proper**

1 temperament for a judge?

2 A. I have been fortunate, like I said, working around ALC
3 judges for so long. What I've seen is patience,
4 kindness, compassion, respect, and also like a
5 firmness.

6 Q. Ms. Easler, the Commission received 54 ballot box
7 surveys regarding you, with nine additional comments.
8 The ballot box surveys, for example, contain the
9 following positive comments. I firmly believe that
10 Ms. Easler's experience as a longtime law clerk for an
11 administrative law judge has prepared her for the
12 rigors of serving on the Administrative Law Court.
13 Additionally, Erika brings a unique, well rounded
14 background, having experience not only from the
15 judicial perspective but also from the standpoint of a
16 litigant. She is level headed, efficient and
17 compassionate, with a depth of knowledge that spans
18 multiple areas of law. A concern raised in the ballot
19 box surveys indicated that you lack experience in
20 litigating before the ALC. What response would you
21 offer to this concern?

22 A. Thank you. I did hear that. Although -- although I
23 haven't specifically litigated in front of the ALC, I
24 have litigated -- I have litigation experience in
25 federal, state and military courts. A lot of what we,

1 -- what I did in the reserves as a defense attorney is
2 administrative law. We did -- I represented soldiers
3 at administrative separation proceedings. Also as my
4 time on active duty, I think at Fort Jackson and at
5 Camp Red Cloud in South Korea, I was also like the
6 installation labor and employment attorney, which
7 deals with employment law, which is -- which goes in
8 front of federal ALJs and uses the federal APA
9 Administrative Procedures Act. So I might not have
10 experience litigating at the ALC, but I do have
11 federal ALJ litigation experience and also I've been
12 at the ALC. You know, I draft the orders, I sit in
13 the hearings, I read the briefs, I communicate with
14 the litigants, I schedule all the hearings. So that
15 would be my response.

16 **Q. Thank you. Ms. Easler, the South Carolina Bar's**
17 **Judicial Qualifications Committee reported you as**
18 **unqualified as to judicial temperament as well as**
19 **overall unqualified. What response would you offer to**
20 **these findings?**

21 **A.** Thank you for asking that. So I do want to -- I do
22 want to say I don't really know how to respond to that
23 because I wasn't provided any context or any basis for
24 which that -- that determination was made. I do want
25 to say when I first got the phone call, I was told

1 that I was found unqualified due to experience because
2 I'd never practiced in front of the ALC. And you
3 know, I thanked him for the phone call. And then
4 about five days later, I got another phone call. So
5 the first phone call was on Wednesday. And then the
6 following Monday, I got another phone call saying that
7 they, you know, noticed I hadn't withdrawn. But you
8 know, they apologized that the bar had made a mistake
9 and it wasn't experience that I was found unqualified
10 on, it was judicial temperament. And so I was kind of
11 surprised. And so I asked, you know, if there was any
12 more information they could provide. And they said
13 no, just, you know, look up judicial temperament. So
14 I said, okay, thank you. But I do want to say given
15 all that, you know, so I -- since there was no other
16 context provided, I've had the privilege of working in
17 a lot of state government offices. I was at the
18 Senate Education Committee, I worked at the Senate
19 Judiciary Committee. I also worked at the Office of
20 Regulatory staff, all as law clerks. And I do want to
21 say, if my temperament was questionable in any way, I
22 don't think I would have been afforded those
23 opportunities or the responsibilities that I had.
24 Additionally, you know, serving in the military, we're
25 told constantly, you know, everything that we do and

1 say is a reflection on the U.S. and the military. And
2 so, you know, we have to treat everyone with dignity
3 and respect. And I believe that I do that. And also,
4 working at the ALC, you know, I understand that
5 everything I do and say is not only a reflection on
6 me, but, you know, Judge Lenski and the court as well.
7 And so I've always made it a point to treat everyone
8 that I interact with, with patience, you know,
9 kindness and respect. So I don't know exactly how to
10 respond.

11 **Q. Thank you.**

12 MS. CRATER: I would note that the Midlands
13 Citizens Committee found Erika Easler qualified in the
14 evaluative criteria of constitutional qualifications,
15 physical health and mental stability. The committee found
16 her well qualified in the evaluative criteria of ethical
17 fitness, professional and academic ability, character,
18 reputation, experience and judicial temperament. The
19 committee stated in summary, very impressive resume and
20 enjoys serving the public. She will be a very good ALJ.

21 **Q. I just have a few housekeeping issues to cover. JMSC**
22 **Procedural Rule 17 includes a prohibition of any**
23 **candidate from attending or watching any portion of**
24 **the live stream of the public hearings of this cycle**
25 **until after all hearings are concluded. Have you**

1 watched or listened to any of these hearings before
2 your appearance today?

3 A. No, ma'am. I have not.

4 Q. Has any other person relayed any information about any
5 of the proceedings before this Commission to you?

6 A. No, ma'am.

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

11 A. No, ma'am.

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

16 A. No, ma'am.

17 Q. Since submitting your letter of intent to run for the
18 seat, have you contacted any members of the Commission
19 about your candidacy?

20 A. No, ma'am.

21 Q. And do you understand that you are prohibited from
22 seeking a pledge or commitment, directly or
23 indirectly, until after the formal release of the
24 Commission's report? And are you aware of the
25 penalties for violating the pledging rules?

1 A. Yes, ma'am.

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

7 VICE CHAIRMAN RANKIN: Thank you. Questions for
8 the Commission members?

9 EXAMINATION

10 BY MR. STEGMAIER:

11 Q. Good afternoon. I had to look at the clock. Is it
12 Major Easler or Lieutenant Colonel?

13 A. Major Easler?

14 Q. Major Easler, good afternoon. You and I actually
15 served together on the Military Veteran Law Section.
16 Let me ask you some questions as it relates to your
17 references. I see that Judge Lenski is one of your
18 references, as well as Dorothy Edgerton at The Fort.
19 And then I note too as well that Deebo Kelly, Colonel
20 Kelly, who is the General Counsel to the Adjutant
21 General is one of your references as well.

22 A. Yes, sir.

23 Q. I do want to ask you just a question here as far as
24 where you started your clerkship with Judge Lenski and
25 then were you mobilized because of COVID where you

1 **went back into the service full time after 2018?**

2 A. No, sir, I didn't go back into service full time. I
3 went from -- I left active duty in 2017 --

4 **Q. Right.**

5 A. -- and then I went into the South Carolina Army
6 National Guard --

7 **Q. Right.**

8 A. -- for about two years and then I transferred to the
9 Reserves.

10 **Q. Okay. So because I saw the judicial law clerk in**
11 **February 2018 to July 2020 and then it says the Army**
12 **Reserve April 20 -- April, I'm sorry, February 2020.**
13 **I just didn't know if you had been mobilized or you**
14 **just went into the Reserve.**

15 A. Oh. I just didn't know how to like space it or how to
16 time it because of the -- the Reserves -- like leaving
17 the Guard and transferring to the Reserves. So I
18 think the timing might have been --

19 **Q. So your service to Judge Lenski has been continuous**
20 **since 2018?**

21 A. Oh no, there was -- oh no, no sir, there was -- I went
22 -- I left in August of 2020 to Fort Jackson as a
23 civilian.

24 **Q. Oh, okay. I understand.**

25 A. And then I came back.

1 Q. And you and I know one another. You and I know people
2 in common. I think both at The Fort, as well as
3 ARCENT in Sumter, who I hear very good things from as
4 it relates to your service. Let me ask you this. As
5 it relates to the ALJ and your service at the ALJ, if
6 you -- being objective with yourself, if you had to
7 give yourself a grade on your understanding of the
8 Administrative Procedures act, how would you grade
9 yourself?

10 A. I would say A.

11 Q. Okay. How about the rules that govern the ALC?

12 A. I would say A.

13 Q. You feel confident about that just by virtue of the
14 clerkship experience?

15 A. Well, yes, sir. Not to diminish anything that Judge
16 Lenski does, but at the ALC, the way we work is, you
17 know, I draft the majority of the orders. I read the
18 briefs as they come in. When we sit -- when I sit in
19 the hearings, it trades off between me and the staff
20 attorney, but whatever attorney sits in the hearings
21 with him drafts the orders. So you know, like I get
22 all the mail, I file, stamp all the briefs. I -- you
23 know, I talk with all the litigants. I schedule all
24 the hearings, whether it's a motion or -- you know, we
25 get all different kinds, like, you know, petitions for

1 injunctive relief stuff. So it's not -- I guess the
2 law clerk experience at the ALC, at least specifically
3 for Judge Lenski is pretty --

4 **Q.** I guess that's my follow up question. Judges do
5 things differently. Some judges have their law clerks
6 in court with them and for some reason, some others
7 don't. But Judge Lenski's practice is for his law
8 clerk to be in court during contested case hearings?

9 **A.** Yes, sir.

10 **Q.** Thank you.

11 **A.** You're welcome.

12 VICE CHAIRMAN RANKIN: Other questions? Mr.
13 Protopapas.

14 EXAMINATION

15 BY MR. PROTOPAPAS:

16 **Q.** Thank you for your service. They told you
17 temperament. Okay. And that was an issue that they
18 had -- that the bar had to find you unqualified. What
19 is temperament to you? Did you look it up?

20 **A.** Yes, sir. It's -- they said -- what was provided was
21 any behavior that seemed arrogant, tyrannical,
22 impatient, disrespectful. And they said -- the
23 definition provided, you know, said that judicial --
24 good judicial temperament includes, you know,
25 compassion, understanding, respect, courteousness,

1 like tact and respectful.

2 Q. So in trying to evaluate those things about you, I
3 would never know any of that from you as a law clerk,
4 because a law clerk does not show compassion. A law
5 clerk does not show courteousness. I don't -- I don't
6 look to a judge's law clerk. I look to the judge.
7 You're asking to be a judge in a court you've never
8 practiced in. You've never had a private client in
9 that court. Make me feel comfortable that somebody
10 who's only experience in that court is as a law clerk
11 can now elevate without clients, without practice,
12 without a history that I can look at to say, oh, you
13 know, that's a good -- good reputation amongst her
14 peers. They practice, she has opponents she's battled
15 with. I can sit here and think of about 15 times I've
16 had cases against lawyers in this room and they can
17 say whether I have good temperament or not. They
18 could say whether I'm courteous or not. But there's
19 nobody in the South Carolina bar -- is there anyone in
20 the South Carolina bar that can say -- have you been
21 in contentious litigation with members of the South
22 Carolina bar in front of a tribunal in South Carolina?

23 A. Yes, sir.

24 Q. What?

25 A. I worked -- when I did criminal defense -- like I

1 said, not specifically at the Administrative Law
2 Court, but when I worked criminal defense, I worked --

3 **Q. With Tom Rutherford's office?**

4 A. Yes. Yes, sir.

5 **Q. And when was that?**

6 A. It was right when I left active duty. So 2017.

7 **Q. And for how long?**

8 A. About eight months.

9 **Q. Okay, so no, you've never represented a South**
10 **Carolinian in any South Carolina court?**

11 A. During those eight months, yes, sir, I did. We were
12 in court every single day. I was in court every
13 single day. Whether it was magistrate, whether it was
14 state, whether it was federal -- federal district,
15 whether -- whether it was municipal. I was at -- I
16 mean, with Columbia. I was at Congaree. I was at
17 Irmo. I was over here at the Richland County Circuit.
18 I was in Lexington. The second month that I worked
19 for him, we had a stand your ground hearing, which has
20 also been in the newspapers recently because there was
21 a second one but -- so that was in August. That was a
22 week long. It was during like the eclipse. I
23 remember that. I have been -- I've been to Orangeburg
24 County. I've been all throughout the state.

25 **Q. When were you licensed?**

1 A. 2008.

2 Q. So from 2008 to today, 2025, there is eight months
3 beginning in 2018. Eight months of your 17 years in
4 practice, eight months where you represented South
5 Carolinians in courts in South Carolina and none of
6 that in the ALJ.

7 A. Correct. If you count the town -- the time in the
8 South Carolina Army National Guard, I did represent
9 South Carolinians when I was defense because you have
10 -- but that wasn't at the ALC. That was for military.

11 Q. So how do I go about -- where do I go to find out if
12 you have the demeanor or the temperament or the
13 ability -- where in South Carolina do I turn? They
14 had trouble finding people to interview at the bar,
15 apparently. And I can see why, because you are not a
16 participating active lawyer in our bar. You're just
17 not. You're an active law clerk, and you're active in
18 the military bar, but you're not an active member of
19 our bar. So for me to know that you're ready for an
20 ALJ judicial spot, where do I go? Do I go to the
21 military reference? Do I go to -- where do I go?

22 A. I believe you could go to the -- the ALC, my
23 coworkers, my colleagues like the military. There are
24 a lot of South Carolina bar members that I've served
25 with in the military that are civilian attorneys that

1 practice in South Carolina. I guess, all my former
2 employers, my law school classmates.

3 Q. Do you think it would be good to have on your resume,
4 experience trying cases in Administrative Law Court in
5 order to be an Administrative Law Court judge?

6 A. I'm sorry, could you repeat the question?

7 Q. Don't you think -- I mean, look, I don't practice ALJ,
8 but even I tried a case there. Okay. Don't you think
9 it would be worthwhile, though, in order to round out
10 your resume, to be the best judge you could possibly
11 be, to take private litigates and go into the ALJ and
12 litigate cases there for a period of time so that your
13 resume is complete? It looks like your resume is
14 empty to me right now. And so I'm wondering why --
15 how you -- if you want to be the best ALJ judge in the
16 world, why haven't you stepped away from the clerkship
17 position, gotten some clients, gone in there and
18 litigating it and from that, having gained that
19 perspective?

20 A. Well, sir, I'd have to respectfully disagree. I don't
21 -- I don't think, you know, not having litigated in
22 front of the ALC would make me any less better of a
23 ALC judge. I've worked there, I've interacted. Like
24 I'm the one that answers the phones, I'm the one that
25 emails, I'm the one that sets up the hearings, that

1 corresponds, you know, writes the orders. I sit in
2 the court, and I do have litigation experience. It's
3 not like I've never been in front of a judge or I've
4 never represented clients. I have.

5 **Q. But just never in the Administrative Law Court for**
6 **which you are applying to be a judge.**

7 **A. Yes, sir.**

8 **Q. Okay. Thank you.**

9 VICE CHAIRMAN RANKIN: Anyone else?
10 Representative Stavrinakis.

11 EXAMINATION

12 BY REPRESENTATIVE STAVRINAKIS:

13 **Q. Ms. Easler, thank you again, was echoed for your**
14 **service. And I, you know, was so impressed to see**
15 **your list of decorations, accommodations. Thank you**
16 **so much. As a citizen for that service, it really**
17 **means a lot. You know, as I looked, you know, through**
18 **your packet, I had some of the same concerns. As I**
19 **dug a little deeper, I mean, you know, there's -- I**
20 **don't really understand the work you did in the**
21 **military. Maybe that would help some if I under --**
22 **and that's -- that's my deficit, not yours. I'm**
23 **trying to -- to give you the benefit of the doubt if,**
24 **you know, on your experience. Certainly you've been a**
25 **lawyer for long enough and you've done some different**

1 things and I appreciate that. But I do have some
2 concerns about not, you know, representing clients in
3 that court. I do think there's a difference between
4 actually practicing in court. Some of it would be
5 benefit if I were, you know, trying to do what you do.
6 I would probably be at a deficit, right? And I can
7 acknowledge that. But maybe -- maybe if you help me
8 with the work. I think I understand the work you did
9 in state courts for that eight month period. I think
10 I understand the work you do now as a law clerk over
11 there, you know, but if you could help me with the
12 work you did in the military, it might be helpful,
13 like --

14 A. Yes, sir.

15 Q. -- I'll give you that opportunity.

16 A. Yes, sir. So I guess specific to like administrative
17 law or just?

18 Q. No, just -- I mean, it looks to me like you
19 represented people there.

20 A. Yes, sir.

21 Q. You had clients.

22 A. Yes, sir.

23 Q. Okay. Help me understand what kind of cases these
24 were, what the work involved. Did you -- you know,
25 were they trials? Were you -- help me understand what

1 **the work was.**

2 A. Yes, sir. So I guess as a -- we're called trial
3 counsels in the military, which is a prosecutor. So
4 the government, you know, you're basically a federal
5 prosecutor. You court martial soldiers convicted or
6 accused of misconduct. So when I was at ARCENT, which
7 is down at Shaw, I was a military prosecutor. So if
8 you're looking for specific litigation experience, we
9 had -- I'm trying to think about how much information
10 I can just -- but we did -- so court martials. Like
11 we had a soldier that was found with child porn, you
12 know, so it's the UCMJ, the Uniform Code of Military
13 Justice. So our articles, that's our criminal code.
14 So we would court martial soldiers. There was a
15 vehicle accident in Qatar that involved four -- two
16 officers and two soldiers where a Pakistani local
17 national was killed. It was -- it was -- there's a
18 lot of back story to that. But so for the --

19 **Q. Not interested so much in the facts these cases, but**
20 **who were your clients?**

21 A. So in that case, when you're a military prosecutor,
22 the army. The federal government is your -- is your
23 client because you're prosecuting soldiers.

24 **Q. You need some water? Take your time.**

25 A. So as a prosecutor, the United States is your client.

1 Q. I don't want to cut you off, but was all of that work,
2 were you a prosecutor or?

3 A. No, sir. So then I was, which is TDS, which is
4 defense counsel. So I was in -- so for the South
5 Carolina Army National Guard, I was also a defense
6 attorney, which like we're public defenders. You're -
7 - you're assigned soldiers that are accused of
8 misconduct. You're assigned to represent them. So
9 when I was in the South Carolina Army National Guard,
10 I was a defense attorney. So I represent soldiers
11 that were either, you know -- well, in the Army
12 National Guard it is the South Carolina Military Code
13 of Justice. But we're -- you know, they were accused
14 of crimes and facing trial or they were getting
15 separated. So I would represent the individual
16 soldiers in that capacity. When I went to the --
17 transferred to the reserves where I was previously,
18 for the last five years, I was a defense attorney. So
19 those five years, that's all I did was represent
20 soldiers. I was assigned counsel to soldiers that
21 were facing any kind of adverse administration action
22 investigations. And so at that time I did -- I would
23 travel and represent my clients which are the soldiers
24 that were -- when like the military was trying to kick
25 them out. When the army was trying to kick them out,

1 I would represent them at the boards and argue for
2 them to get them retained.

3 **Q. How long were you a prosecutor in the military?**

4 A. First time was about a year and a half, two years.
5 And then in the South Carolina Guard, it was over like
6 a year, a year and a half.

7 **Q. And then how long in the military did you do defense**
8 **work?**

9 A. So it'll be combined six years.

10 **Q. Okay. And were most -- was most of the courtroom work**
11 **-- how, like categorize it. How much was, you know,**
12 **involved just a judge, how much -- how much of it**
13 **would have involved military, so to speak?**

14 A. So I didn't have any jury trials, but most of it, I
15 would say is more of an administrative area. Our
16 separation boards have board members. So it's three
17 board members and they decide. But I also represent
18 clients with the security clearance notifications and
19 then defense office of hearing and appeals, which is
20 kind of a new thing. And that was just in front of a
21 hearing officer. That was for the security clearance.

22 **Q. Okay. Your work in the courts of General Sessions,**
23 **magistrates courts that you mentioned, were these the**
24 **full gamut of -- of work that a lawyer generally does**
25 **in these courts? I just want to make sure these are**

1 not just, you know --

2 A. Guilty pleas?

3 Q. Well, you know, or even -- yeah, guilty pleas are
4 important, but also, you know, I know sometimes a busy
5 lawyer will send a staff lawyer to second appearances,
6 first appearances, roll calls, things like that. I
7 just want to make sure it was, you know, actual
8 courtroom work in front of a judge, you know, where
9 dispositive matters were being considered, things like
10 that.

11 A. Yes, sir, there was -- there was a lot of first
12 appearances and roll calls as well. But it was also
13 the guilty pleas. It was also -- I'm trying to think
14 of everyone. You know, I guess, like I said, we had
15 the stand your ground hearing at Lexington that lasted
16 about a week. And Federal Court, it was -- well, the
17 District Court here, it was the preliminary -- yes,
18 sir. So it was, it was everything. It wasn't just
19 first appearances. It was going to proffers with the
20 clients, with the federal clients. It was Richland
21 County General Sessions. I know Court of Common
22 Pleas, we had a case. I represented, I argued like a
23 takings. It was a gentleman that had some money
24 taken, like subject to like a drug, a search. I did
25 that by myself in Lexington County. So it was -- yes,

1 sir. So it was a gamut of everything. It wasn't just
2 going to appearances, it wasn't just going to roll
3 calls. I was at the Decker, the Magistrate Court over
4 on Decker Boulevard for the preliminary hearings quite
5 often, you know, arguing about there not being
6 probable cause or enough evidence to roll over to
7 General Sessions. I did the bond. I was in bond
8 court a lot at the jails on the weekends arguing for
9 bond. I did the jail visits, so I was in jail a lot.

10 **Q. All right, well, thank you for that. I am impressed**
11 **that you were smart enough to get away from Mr.**
12 **Rutherford after only eight months. I wish I had done**
13 **the same thing a long time ago. Little less impressed**
14 **that you remained friends with Bakari Sellers for so**
15 **long. I don't know. Kind of a mixed bag there, but**
16 **I'm just teasing. They are both wonderful guys and**
17 **good friends. And again, thank you for offering**
18 **yourself for service. Thank You for your previous**
19 **service to our country.**

20 REPRESENTATIVE STAVRINAKIS: That's all I have,
21 Mr. Chairman.

22 VICE CHAIRMAN RANKIN: All right. Anything else?
23 Judge.

24 EXAMINATION

25 BY JUDGE STRICKLAND:

1 Q. I want to make sure I understood what you said. You
2 said you're an Installation Hearing Officer?

3 A. Yes, sir.

4 Q. That means you presided over hearings.

5 A. They're quasi hearings, the Installation Hearing
6 Officer. So it's on the base, jurisdictional things.
7 So when we have civilians, you know, they're not
8 subject to the UCNJ, so there's not much -- like it
9 was -- so the installation -- the Garrison Commander
10 has full authority of whether or not to let you on.
11 So it's a lot of, like, bars. Bar to -- bars to
12 installation. Like if for civilian misconduct, like
13 shoplifting at the PX and stuff like. Or driver's
14 license, like speeding tickets, that we would handle
15 those. So I guess, like, you're the hearing officer.
16 I mean, there's very rarely, like, attorneys there. I
17 mean, the government has an attorney, but so it's
18 disposing of issues like that.

19 Q. Thank you.

20 VICE CHAIRMAN RANKIN: Any other questions?

21 Ms. Easler, thank you for your, again, service to the
22 country. Thank you for your work with JAG and your work
23 thus far. You've got a distinguished pedigree, perhaps
24 more to be done, and you were certainly here hoping for
25 more to be done. And so I want to commend you and your

1 sister and Doctor. I may have a customer for you. I don't
2 know if my seat mate has a great pediatrician, but if he
3 doesn't, we might get a card later. All right. And at
4 this point, again, this will conclude this portion of the
5 screening process. You've never done this before, correct?

6 MS. EASLER: Correct.

7 VICE CHAIRMAN RANKIN: So thank you again for the
8 questions and exchange and putting yourself out there in
9 this first experience, but pursuant to our evaluative
10 criteria, you know that we expect you, the candidate, to
11 abide by both the letter and the spirit of the ethics laws,
12 and any violation or appearance of impropriety on your part
13 would be deemed very serious by us, potentially requiring
14 us to bring you back for further questions. You understand
15 that the record is not closed until the final release of
16 the screening report, and that we could do that if that
17 unlikely event were to occur, correct?

18 MS. EASLER: Yes, sir.

19 VICE CHAIRMAN RANKIN: Thank you very much, and I
20 appreciate y'all both being here. We will now go in
21 executive session on the motion of Judge Strickland,
22 seconded by Mr. Stegmaier.

23 (Executive Session was held from 12:36 p.m. to 2:06 p.m.)

24 (Off the record)

25 VICE CHAIRMAN RANKIN: All right. We are back on

1 the record. And for the record, during executive session,
2 no votes were cast, only legal issues discussed, no actions
3 were taken. And we are back on the record. And before us
4 is Jason P. Luther.

5 WHEREUPON:

6 JASON P. LUTHER, being duly sworn and
7 cautioned to speak the truth, the whole truth and
8 nothing but the truth, testifies as follows:

9 VICE CHAIRMAN RANKIN: You have before you the
10 PDQ and the sworn statement. Are those ready to be entered
11 into the record or do you need to amend them?

12 MR. LUTHER: I think so. And there is a -- I
13 had an amendment to the PDQ which is up here as well.

14 VICE CHAIRMAN RANKIN: All right. So we will
15 without objection enter those into the record.

16 (EXHIBIT NO. 16 MARKED FOR IDENTIFICATION PURPOSES

17 (20 pages) - PDQ)

18 (EXHIBIT NO. 17 MARKED FOR IDENTIFICATION PURPOSES

19 (2 page) - AMENDMENT)

20 (EXHIBIT NO. 18 MARKED FOR IDENTIFICATION PURPOSES

21 (6 pages) - SWORN STATEMENT)

22 VICE CHAIRMAN RANKIN: As you know, we have
23 investigated your candidacy here. And our focus includes
24 the nine evaluative criteria which includes the ballot box
25 survey, a thorough study of your application materials,

1 verification of your compliance with state ethics laws,
2 search of newspaper articles in which your name appears,
3 study of previous screenings, check for conflicts --
4 economic conflicts of interest. No affidavits have been
5 filed in opposition to your election. No witnesses are
6 here to testify. And I did note that you brought with you
7 someone. And at this time, if you'd like, you can
8 introduce your guest.

9 MR. LUTHER: I will. This is my favorite part.
10 It's her least favorite part. This is my wife, Emily
11 Luther. She's here to support.

12 VICE CHAIRMAN RANKIN: Welcome Ms. Luther. And
13 we will put you under oath if we deem it necessary. Molly
14 will be doing the questions then. All right. You have the
15 opportunity to make an ever so brief opening statement that
16 you know might be a poor use of time. We'll offer you the
17 opportunity at the end to offer statements if you like,
18 areas that have not been covered. Otherwise we'll turn it
19 over to Mr. Umsted for questions.

20 MR. LUTHER: No opening statements other than
21 just thank you for the opportunity to be here and of
22 course, I always like to thank the JMSC staff because
23 they're wonderful to work with, very much appreciate
24 everything they do so -- but thank you.

25 MR. UMSTED: I note for the record that based on

1 the testimony contained in the candidate's PDQ, which has
2 been included in the record with the candidate's consent,
3 Jason Luther meets the constitutional and statutory
4 requirements for this position regarding age, residence and
5 years of practice.

6 EXAMINATION

7 BY MR. UMSTED:

8 **Q. Mr. Luther, why do you now want to serve as an**
9 **Administrative Law Court Judge and how do you feel**
10 **your legal and professional experience will assist you**
11 **to being effective in that?**

12 A. I've shared with this Commission before that I felt
13 led to be a judge for a long time. It's actually why
14 I went to law school to begin with. And so I've
15 always seen my career in the context of public
16 service, and particularly as a judge, hopefully one
17 day. And so the last two years, I've -- I've run and
18 ran for the Court of Appeals. That was a very good
19 and educational experience for me. I learned a lot
20 about myself in that process, but also having the
21 opportunity to talk with members of the General
22 Assembly and figure out where I can best serve. And
23 so as I look at the Administrative Law Court, it feels
24 like a very natural fit for my skill set, my
25 experience, and the interest I have. Administrative

1 law touches on pretty much every facet of everyday
2 life for a lot of folks, and it's at a critical
3 juncture. And so the ALC is uniquely situated because
4 that's where a lot of citizens get a chance to
5 interact with their government. So I would love to be
6 a part of helping the ALC succeed in its mission. You
7 asked about experience. Very briefly, I have spent
8 most of my career as a litigator and trial and
9 appellate attorney, both in private practice and since
10 2017 for the state. So I understand what it's like to
11 be in the trenches of that. I also spent two years
12 clerking for Judge Shedd on the Fourth Circuit. And I
13 learned from him sort of the other side of what it
14 means to be prepared, engaged, ready for a case or an
15 oral argument as a judge, and I'll try to bring that
16 as well. At the Department of Revenue, where I've
17 served as the General Counsel, we review hundreds of
18 administrative appeals a year. Many of those never
19 make it to the Administrative Law Court. But our --
20 our job in the Office of General Counsel is always,
21 we're not just trying to get an answer, but the right
22 answer for each of these disputes that come before us.
23 And recognizing that for most taxpayers, this -- the
24 case they have is the most important case they'll ever
25 have. So you want to make sure they feel like they

1 have an opportunity to be heard, that they're treated
2 with courtesy and respect. And I think that's
3 something that's important for the ALC as well. Last
4 I would just say, before I went to law school, I spent
5 a little over a year and a half running a small
6 business with my best friend. So we were on the other
7 side of it. It was a construction business in South
8 Florida. So the other side of red tape and
9 regulations and government action. So I understand
10 that dynamic, and I think that really motivates me,
11 even in my current job, to be responsive to the
12 stakeholders, timely, efficient, and trying to do the
13 best for them. And so that would be -- I think help
14 prepare me for my role as an ALJ.

15 **Q. Are there any areas of the law for which you would**
16 **need additional preparation in order to serve as an**
17 **Administrative Law Court Judge? And how would you**
18 **handle that additional preparation?**

19 A. I'm certainly very familiar with the Administrative
20 Procedures Act, the Revenue Procedures Act that
21 applies to the Department of Revenue and the contested
22 case process at the ALC. That's what we do all the
23 time at the Department of Revenue. I certainly am not
24 as familiar with some of the intricacies of other
25 agency practice. So those would be things that as

1 those cases came along, I'd certainly have to learn up
2 on that, but I'm confident I can do that. I had no
3 background in tax when I came to the Department of
4 Revenue almost nine years ago, but I'm not afraid to
5 roll up my sleeves and go figure it out.

6 **Q. Mr. Luther, please explain the types of cases that**
7 **you've handled before the Administrative Law Court**
8 **thus far.**

9 A. They probably fall in two categories. So what I
10 consider revenue or the tax side, and then regulatory,
11 so a lot of licensing issues. On the tax side, I've
12 been very fortunate. We've got a great litigation
13 team and we have had our hand in a lot of very
14 interesting, complicated, frankly novel tax issues in
15 the last seven, eight, nine years. The kind of things
16 that get a lot of attention at the national
17 conferences we go to. So some complex corporate
18 income tax cases with multi state taxpayers, sales tax
19 matters, property tax matters, licensing issues, deal
20 with the state's three tier system, enforcement,
21 administrative summons and that process for government
22 agencies. And a lot of those cases end up having a
23 constitutional element, whether it be a due process
24 challenge, an equal protection challenge, dormant
25 commerce clause. I never thought I would hear that

1 again after law school, but we get those as well. And
2 so those have been some of the cases I've been very
3 fortunate to be a part of.

4 **Q. Mr. Luther, what is your vision for the Administrative**
5 **Law Court and what changes, if any, would you advocate**
6 **for and why?**

7 A. My vision would be stay focused on the mission. So
8 the mission of the ALC is to provide a neutral forum
9 for just efficient and objective hearings for those
10 citizens who are affected by the action of an agency
11 or the proposed action of a state agency. And I think
12 that's -- that's a critical mission. And frankly, we
13 are living through an era where there's a lot of
14 scrutiny on the judiciary as an institution and also
15 on the idea of the administrative state, the fourth
16 branch of government, so to speak. And so I think
17 having that ALC, which is uniquely situated as a quasi
18 judicial body, that's the place, as I said earlier,
19 that's where citizens interact with their government.
20 So staying on task, on mission to provide that forum
21 for them so they have an opportunity to be heard.
22 Beyond that I think about in my experience in the last
23 nine years, I think Judge Anderson in particular has
24 really led the ALC well in terms of modernization. So
25 we're now rolling out E-filing at the ALC and website

1 and sort of online docket management. I think that's
2 an important thing as we stay on our mission, but also
3 be more available and accessible and transparent for
4 those people that need the ALC.

5 Q. Thank you Mr. Luther. The commission received 181
6 ballot box surveys regarding your candidacy with 44
7 additional comments. The survey's comments were
8 overwhelmingly positive and as an example include the
9 following positive comments. I have a high opinion of
10 his ethical standards, temperament and intellectual
11 ability. Mr. Luther would make an excellent judge.
12 Jason Luther is an outstanding candidate for this
13 position. He has all the experience, knowledge and
14 resources to be an excellent ALJ. Finally, given his
15 current position as General Counsel for the South
16 Carolina Department of Revenue, he is the most well
17 qualified candidate of the individuals listed. Two of
18 the written comments expressed grievances or concerns,
19 but these grievances appear to be individualized in
20 nature and not reflective of any general trend or
21 widespread concern. Just a few housekeeping matters.
22 JMSC Procedural Rule 17 includes a prohibition of any
23 candidate from attending or watching any portion of
24 the live stream or recordings of these public hearings
25 of this cycle until after all hearings are concluded.

1 Have you watched or listened to any of these hearings
2 before your appearance today?

3 A. No.

4 Q. Has any other person relayed any information about any
5 of the proceedings before this Commission to you?

6 A. No.

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

11 A. No.

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

16 A. No to both.

17 Q. Since submitting your letter of intent to run for this
18 seat, have you contacted any members of the Commission
19 about your candidacy?

20 A. No. With one exception. If I may explain. I sent an
21 email to a list of family, friends, professional
22 colleagues back in September just announcing my
23 candidacy that I was going to run for the ALC. This
24 is something I have done the last two years and when I
25 went to send it out in September, I just hit reply all

1 to the last email I had sent back in January and
2 completely forgot that one of the recipients of that
3 email had recently been appointed to this body. So
4 unfortunately, Mr. Lambert received this letter or
5 email from me, and I didn't even realize it. But I
6 think, as I understand it, he reached out to the staff
7 at the JMSC. The staff then reached out to me and let
8 me know what had happened. So I've taken him off the
9 listserv and he won't get any more of those. But I do
10 have that one incident I wanted to report.

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

14 **A. Yes.**

15 **Q. Do you understand that you are prohibited from seeking**
16 **the pledge or commitment directly or indirectly until**
17 **after the formal release of the Commission's report?**
18 **And are you aware of the penalties for violating these**
19 **pledging rules under South Carolina Code Section 2-19-**
20 **70?**

21 **A. Yes.**

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

1 question.

2 VICE CHAIRMAN RANKIN: Okay. Members of the
3 Commission. Questions? Comments?

4 EXAMINATION

5 BY MR. LAY:

6 Q. Good afternoon, Mr. Luther.

7 A. Good afternoon.

8 Q. I just wanted to make sure I understand what your role
9 is in litigation. You're called the chief legal
10 officer, is that right?

11 A. Correct.

12 Q. At the Department of Revenue?

13 A. That's correct.

14 Q. That's some sort of title change, as I understand it?

15 A. It's changed a couple times since I've been there. It
16 was general counsel and now chief legal officer.

17 Q. As chief legal officer, when you are involved in
18 litigation, either regulatory or in actual litigation,
19 what is your involvement as the chief legal officer?

20 A. It varies. So my primary role is to manage our Office
21 of General Counsel. So we have about 26 employees,
22 lawyers and staff. Depending on the cases we have and
23 the complexity of the case, either I'm sitting there
24 in advisory supervisory capacity so fielding questions
25 from the lawyers, developing strategy. We round table

1 a lot of stuff internally, or I handle my own cases
2 and I do a lot of the appellate work that we have. We
3 also have an appeal section that is situated within
4 the Office of General Counsel. They review any
5 administrative appeal that comes through our system
6 internally. And I'm frequently meeting with them to
7 review cases. The goal is to try to resolve them
8 without litigation. But sometimes we have to evaluate
9 is this a case the department really needs to
10 litigate? What is our position? Is our position
11 correct? That sort of thing. So mixed bag.

12 **Q. So, and when you're involved in something that is**
13 **regulatory, for example, you're -- you're spending**
14 **your time at the administrative law court?**

15 A. Yes.

16 **Q. Okay. And so you're supervising cases at the**
17 **Administrative Law Court, and you're also**
18 **participating, leading first chair on cases at the**
19 **Administrative Law Court?**

20 A. Correct.

21 **Q. Okay. And then you also are doing cases in Circuit**
22 **Court, is that right?**

23 A. Most of the Circuit Court cases I handle. Of the
24 attorneys on our staff, no one else has experience in
25 Circuit Court besides me.

1 Q. In full disclosure, I mean, some of these cases are
2 substantial. For example, we're involved and I --
3 well, we're not going to get into the details of the
4 parties. But what is effectively an attack on the
5 three tier system in South Carolina, the alcohol
6 system, is that right?

7 A. We have a case involving that. Yes, sir.

8 Q. Ms. Craig and I are involved in that litigation as
9 well.

10 A. Correct.

11 Q. And what I have appreciated, and I just want to say
12 this, is we've had a lot of conversations about
13 strategy and those sorts of things. And you have been
14 heavily involved and I've been very impressed with
15 your skills as a litigator in that process.

16 A. Thank you.

17 Q. That's all I have. Thank you.

18 VICE CHAIRMAN RANKIN: Senator Walker.

19 SENATOR WALKER: Thank you, Mr. Chair.

20 EXAMINATION

21 BY SENATOR WALKER:

22 Q. It is a pleasure to see you, Mr. Luther. It's good to
23 see you, sir. But I have to be very candid with you.
24 I'm even more delighted to see your lovely wife,
25 Emily. This is for the group's edification, but Emily

1 is a fine and dynamic attorney in her own right. I
2 met her and had the opportunity to work with her
3 during my time at Richland County Council. And she
4 and her law partner, Ray Jones, they advised the --
5 advised the county on some pretty complex issues, from
6 economic development to bonding. And so just from
7 being around her for, you know, close to a little over
8 four years, actually, I know that she would not marry
9 a slouch or a laggard who considered themselves a
10 candidate for a judicial seat. So it's good -- good
11 to see you, Emily. As for you, Mr. Luther, your
12 experience, I've noticed 15 years practicing law, 10
13 out of the 15 years have been in public service. And
14 you've actually worked in the private sector for some
15 pretty prominent law firms here in South Carolina. So
16 what that says to me is that you are not driven by
17 money. Certainly you have -- you've had the
18 opportunity to work in some rather lucrative positions
19 in the private sector, but you are still willing to
20 serve the people of South Carolina. And so I want to
21 commend you for that. I want to ask you, though,
22 because you've run for Court of Appeals previously,
23 and to me, your experience suggests that you would be
24 a very capable Appellate Court Judge, but you'd also
25 be a very capable Administrative Law Court Judge. Why

1 **the ALC over Court of Appeals this time around?**

2 A. It's a good question. Again, part of going through
3 this process is you learn a little bit about yourself.
4 And I certainly have always gravitated towards
5 appellate work in part, but the ALC has that. ALC
6 judges sit on some of their cases in an appellate
7 capacity, and I also realize that I've got a lot to
8 learn and a lot of the feedback I got said, you know,
9 you would be a better appellate judge perhaps one day
10 if you had some experience at the trial level. And
11 again, the ALC is a natural segue from where I am and
12 what I've been doing and talking to people and even
13 speaking with a number of the administrative law
14 judges and learning more about what they do. And I
15 see a small slice of it, but I don't see the whole
16 spectrum. I just think, again, it's a really good fit
17 for me.

18 Q. **Just as an aside, just know that you are not alone as**
19 **an attorney who has to jump inside that time capsule**
20 **and go back into time, you know, 20 years or so**
21 **whenever you come across an issue, it takes you back**
22 **to law school. I think you mentioned the dormant**
23 **clause, if you will. Well, recently I had a similar**
24 **experience where I found myself arguing a religious**
25 **liberty defense on behalf of a church here in Richland**

1 County, dealt with the noise ordinance. But the way,
2 like you, I had to hop inside that time capsule, go
3 back 20 years and learn about strict scrutiny or what
4 have you. So, but again, good to see you and thank
5 you for offering yourself again.

6 A. Thank you.

7 VICE CHAIRMAN RANKIN: Other members?

8 MR. LAMBERT: Mr. Luther, it's good to see you.

9 MR. LUTHER: Good to see you.

10 MR. LAMBERT: And I just want to clarify the
11 record just a little bit. I have the pleasure of knowing
12 Mr. Luther as a lawyer, but even more so outside of the
13 legal profession. And I know him to be a man of character,
14 integrity, wonderful temperament. And I was on his email
15 list from before because he was letting me know about his
16 candidacy. So there was nothing more to that than letting
17 me know, and I stand up for him today as well on the person
18 that he is. If he brings that person to the bench, we will
19 have a fine judge. Thank you, Mr. Chairman.

20 VICE CHAIRMAN RANKIN: All right. Other
21 questions or comments? Do we need to put something in the
22 record, Mr. Umsted?

23 MR. UMSTED: Yes, I apologize I missed this
24 section, but I would also like to note for the record that
25 the Midlands Citizens Committee found Mr. Luther qualified

1 in the evaluative criteria of constitutional
2 qualifications, physical health and mental stability. The
3 committee also found him well qualified in the evaluative
4 criteria of ethical fitness, professional and academic
5 ability, character, reputation, experience and judicial
6 temperament. The committee stated in summary, Mr. Luther
7 is very organized, intelligent, great temperament, well
8 qualified to be an ALJ. They also noted Mr. Luther is a
9 great candidate with significant experience in the ALC
10 arena. He will be a great ALJ. Thank you.

11 EXAMINATION

12 BY VICE CHAIRMAN RANKIN:

13 Q. Mr. Luther, Senator Walker asked a little about this,
14 and I remember you. I remember bringing your A game
15 with you when you came before. Twice you ran for the
16 Court of Appeals. And now a shift. And in terms of
17 your philosophy, your attitude, your preparation for
18 that -- this seat versus the other Court of Appeals,
19 anything different that you would like --like to tell
20 us that the prior transcripts of which you were found
21 nominated rather qualified in both of those ones as I
22 recall, anything different that you see here and what
23 would be asked of you if you were successful?

24 A. Nothing comes to mind. I understand it's a very
25 different seat. I mean, if nothing else, the ALC is,

1 I think I mentioned this quasi judicial branch,
2 executive branch agency. So there are -- there were
3 questions you asked last time about things like
4 judicial philosophy, that would be the same. I think
5 some of the issues that we deal with in the ALC versus
6 the judiciary, that's different. But I think by and
7 large it's the same approach, same judicial philosophy
8 for me, same first principles of separation of powers,
9 et cetera. And just operating in that very unique
10 capacity as the ALC is. I'm not sure if that answers
11 your question.

12 Q. It does. And you're -- to the degree that you
13 understood my question, so many don't. So thank you.
14 You did beautifully. For the record, excellent job.
15 ALC will have issues that involve barter of revenue,
16 correct?

17 A. Well --

18 Q. A lot of those. Much of their docket -- much of their
19 roster is focused on work that you're prosecuting and
20 are involved with to some degree or another, correct?

21 A. Correct.

22 Q. Are you going to have to opt out of cases that involve
23 perhaps any work with -- that you are now chairing and
24 leading? And if so, how do you -- we know how
25 conflicts work. We know how you recuse yourself. But

1 seems to me you are going to have a lot of areas where
2 you're going to have to step aside.

3 A. Well, I certainly think, as I understand it, that the
4 ALC has a -- some internal rules about a time period
5 after which you've left your agency before you're
6 going to hear cases involving them. My predecessor,
7 Judge Kimpson, went from my seat to the ALC before he
8 then went to the Circuit Court. And I believe there's
9 a year or more that he did not hear any Department of
10 Revenue cases at all. Certainly if there are specific
11 matters that are pending now, I couldn't hear those.
12 But I do think down the road, once those matters have
13 percolated through and are gone, just because I've got
14 some knowledge about how the process works and the
15 body of law that we administer, I don't think that
16 would disqualify me from hearing those cases. In
17 fact, I would argue it would make me stronger suited
18 to hear those and understand some of the
19 idiosyncrasies of what those cases are.

20 Q. And if cases where your would be brothers, sister on
21 the ALC bench as an ALJ, did they ever rule against
22 you?

23 A. All the time.

24 Q. And did they get it right?

25 A. Sometimes.

1 VICE CHAIRMAN RANKIN: Ma'am, you have coached
2 him so well. Spoken like a proud husband learning from the
3 great tutelages of his wife.

4 **Q. And finally, I guess with -- with regard to work**
5 **outside of your role as revenue lawyer, the revenue**
6 **lawyer, you have appeared before the ALJ and have an**
7 **active practice there, correct?**

8 A. Yes, I will -- just to clarify, certainly over the
9 last few years, as we have restructured internally,
10 some of that has tapered off. There's also a life
11 cycle with our audits and complex cases that we've --
12 so the last year or more, it's not been as frequent.
13 But yes, throughout the course of my career, I've been
14 up there a lot.

15 **Q. And do you all hire outside counsel in some of those**
16 **cases or?**

17 A. We do on occasion. We've done it once since I have
18 been there. Outside of a whole separate area of like
19 employment law, we have outside employment lawyers
20 that help us on HR matters. But in terms of the
21 litigation side, one time we've hired outside counsel.

22 **Q. Hartley writes a note for you. I looked at your --**
23 **one of your children's middle names. It's Harley, not**
24 **Hartley. Right?**

25 A. No connection, though. Yeah, a grandfather name.

1 Q. It's a great name. I, as my Chair knows, will be
2 going to Chattanooga, Tennessee for a wedding this
3 weekend. And I can't claim credit for finding this
4 pearl, but you in your work life history in 2003,
5 waited tables at the Tortilla Factory Restaurant in
6 Chattanooga, Tennessee.

7 A. I did.

8 Q. Tell us, is it still open? Will I go there this
9 weekend?

10 A. I don't think it's still open. If it were, I would
11 not recommend you go there.

12 Q. Was that from a cleanliness standpoint or -- don't
13 answer that.

14 A. There are much better options. If I were not
15 precluded from talking to you, I'd be happy to share
16 them with you.

17 Q. You're not precluded. Give me three. I'll speak to
18 your wife afterwards. We want three of where to go
19 afterwards. All right. And then did that segue have
20 anything to do, mine included, from your cleaning
21 vehicles at the Enterprise Rent a Car cleaning
22 service? Which came first the clean tortillas or the
23 clean Enterprise rental cars?

24 A. Enterprise was a job during college, one summer in
25 between college. I think Tortilla Factory was after

1 college.

2 **Q. You show summer of 2003 for both. So I wondered maybe**
3 **it was the work back and forth. Either way.**

4 A. I think at one point I might have been doing both at
5 the same time.

6 VICE CHAIRMAN RANKIN: All right, anything else
7 folks? Trip -- travel tips, Tennessee, anything? All
8 right. You now have an opportunity to make a closing
9 statement if you need to. Otherwise this will conclude
10 this portion of the screening. I'll offer it to you if
11 you'd like.

12 MR. LUTHER: I don't think I need to. Again,
13 just appreciate the opportunity to be here.

14 VICE CHAIRMAN RANKIN: Very well and thank you
15 for your wife joining us as well. And as you know,
16 pursuant to our evaluative criteria, we view both the
17 letter and the spirit of the ethics law very important.
18 Any violation on your part or the appearance of
19 impropriety, you understand we would have the right to call
20 you back because the record is not closed, the final report
21 is not issued. We can call you back. You affirmatively
22 will acknowledge that you know that, correct?

23 MR. LUTHER: I do. Yes.

24 VICE CHAIRMAN RANKIN: Thank y'all. Have a good
25 day. Thank you so much.

1 MR. LUTHER: Thank you.

2 (Off the record)

3 VICE CHAIRMAN RANKIN: We are back on the record,
4 and Ms. Kelly Rainsford, is that correct?

5 MS. RAINSFORD: That is correct.

6 VICE CHAIRMAN RANKIN: I'm pronouncing that
7 correctly.

8 MS. RAINSFORD: You are. It's Rainsford.

9 VICE CHAIRMAN RANKIN: Rainsford. Very well.
10 WHEREUPON:

11 KELLY RAINSFORD, being duly sworn and
12 cautioned to speak the truth, the whole truth and
13 nothing but the truth, testifies as follows:

14 VICE CHAIRMAN RANKIN: You have some documents,
15 the PDQ and sworn statement. Are those ready to be entered
16 into the record?

17 MS. RAINSFORD: They are.

18 VICE CHAIRMAN RANKIN: All right. We will do
19 that without objection.

20 (EXHIBIT NO. 19 MARKED FOR IDENTIFICATION PURPOSES

21 (17 pages) - PDQ)

22 (EXHIBIT NO. 20 MARKED FOR IDENTIFICATION PURPOSES

23 (5 pages) - SWORN STATEMENT)

24 VICE CHAIRMAN RANKIN: And you know in this
25 process, which is your first, correct?

1 MS. RAINSFORD: It's actually my second.

2 VICE CHAIRMAN RANKIN: Forgive me. So you
3 definitely know that our focus in evaluating your candidacy
4 is -- focuses on the nine evaluative criteria which
5 includes the ballot box survey, a thorough study of your
6 application materials, a search of articles in which your
7 name appears in the newspaper, verification of your
8 compliance of state ethics laws, study of your previous
9 screening and the check for economic conflicts of interest.
10 No affidavits have been introduced or filed in opposition.
11 No witnesses are here to testify and you have the
12 opportunity for an ever so brief opening statement which
13 you can invoke at the end if you think you'd like for us to
14 hear anything else. Otherwise Ms. Baker will take it away.
15 So you have that option.

16 MS. RAINSFORD: Okay. I will be happy to wait
17 until the end to see if I have anything to add.

18 VICE CHAIRMAN RANKIN: Before I turn it over to
19 her, you have a guest with you. Would you like to
20 introduce --

21 MS. RAINSFORD: I do. My husband, Matthew
22 Rainsford.

23 VICE CHAIRMAN RANKIN: Welcome, sir.

24 MR. RAINSFORD: Thank you.

25 MS. BAKER: Thank you, Mr. Chairman. Good

1 afternoon. I note for the record that based on the
2 testimony contained in the candidate's PDQ, which has been
3 included in the record with the candidate's consent, Kelly
4 Rainsford meets the constitutional and/or statutory
5 requirements for this position regarding age, residence and
6 years of practice.

7 EXAMINATION

8 BY MS. BAKER:

9 **Q. Ms. Rainsford, why do you now want to serve as an**
10 **Administrative Law Court Judge, and how do you feel**
11 **your legal and professional experience thus far will**
12 **assist you to be an effective judge?**

13 A. So as I mentioned, this is actually my second time
14 running. The first time I ran was in 2008 for this
15 very seat. Judge Durden ultimately won the seat, and
16 thankfully she did a great job. She served well on
17 the bench, and I had the opportunity to appear in
18 front of her -- in front of her during that time.
19 During the 17 years since I ran the last time, I have
20 had an opportunity or many opportunities to grow both
21 personally and professionally. And those I think have
22 contributed to my decision to run again and also would
23 make me a better judge than possibly I would have been
24 17 years ago. I worked in private practice for a
25 couple years. I was not a fan of private practice,

1 but I did do some DHEC work, which was administrative
2 law based. Then for -- I've also worked at the
3 Administrative Law Court twice for a total of three
4 years. I was hired by the original Chief Judge and
5 also Chief Judge Anderson, and have had an opportunity
6 to work with them closely. So I've worked behind the
7 scenes. I have worked at the retirement systems. I
8 did contested cases there and took those before the
9 Administrative Law Court. They were basically mostly
10 disability related cases, but we had some retirement
11 eligibility cases as well. And I learned a lot there
12 by managing caseloads and all of that. And then I
13 worked at the Employee Insurance Program and was able
14 to do some -- help with some appeals that we had at
15 the Administrative Law Court during that time. For
16 the past 11 and a half years, I've worked at Consumer
17 Affairs, and there I've actually learned a lot and had
18 a lot of opportunities to have practiced in Federal
19 Court a couple of times, which was a huge benefit. I
20 enjoyed doing that, but I'm fine having it limited to
21 those couple of times. And so about a year ago,
22 whenever I heard Judge Durden was retiring, just
23 something in me said it's time; you want this seat,
24 you need to run. And so I've just been planning kind
25 of hopefully to do that and everything has worked out

1 where I was able to file and hopefully run and get
2 elected for this seat. And I think that everything
3 I've done up until now, I've improved my writing
4 skills. I have through my supervision, which in the
5 last 11 years has been more than 20 people on my
6 staff. I've learned a lot about listening, actually
7 hearing people, letting people give their input,
8 listening to both sides of an argument, thinking about
9 things that I have to contribute and then before I
10 become -- come to a decision. So deliberation has
11 become much easier. I also have gotten more patient
12 and I've just grown in all of my skills that I think
13 will contribute to making me a good administrative law
14 judge now.

15 **Q. Thank you. And Ms. Rainsford, are there any areas of**
16 **the law for which you would need additional**
17 **preparation in order to serve as an Administrative Law**
18 **Court Judge, and how would you handle that additional**
19 **preparation?**

20 **A.** I don't know that there are any areas of law in
21 particular. I did touch on a lot of the laws when --
22 a lot of the areas whenever I worked there before and
23 I've worked in several of them or at least touched on
24 them in the past. I think every case, because it is
25 such a diverse array of subject matters, I think every

1 case you're just going to have to dig in and study the
2 law, listen to the arguments on both sides, look at
3 the, you know, any pleadings or briefs or anything
4 that are prepared and submitted, and do your
5 additional research. I don't know that it's possible
6 to -- to have a mastery of all of the areas that the
7 Administrative Law Court covers.

8 **Q. And Ms. Rainsford, please explain the types of cases**
9 **that you have handled before the Administrative Law**
10 **Court. You've touched on this some. And what**
11 **experiences specifically qualify you for the**
12 **Administrative Law Court?**

13 **A.** So as far as cases, I mentioned the contested cases,
14 the appeals that I've also helped work on up to even
15 the Supreme Court level. I had some Supreme Court
16 reported cases and Court of Appeals reported cases
17 from the Administrative Law Court that I had worked
18 on. And I've also, during this time frame, since
19 2002, I've been a member of the South Carolina
20 Administrative and Regulatory Law Association. And
21 since 2003, I've been on the actual board of
22 directors. Whenever I worked for Chief Judge
23 Kittrell, he started -- he kind of initiated that
24 association, and so I've been lucky to have been
25 involved in that the entire time that it's been out

1 there. And then also I've been on the Administrative
2 Law Court Rules Committee since 2010. So I've kept my
3 hands in administrative law. Even whenever I was kind
4 of doing some other things, I still was able to be
5 involved with administrative law, kind of the
6 development. I've always watched the development of
7 the jurisdiction over the years, and so I feel like
8 I'm very in touch with administrative law in general.

9 **Q. Ms. Rainsford, what is your vision for the**
10 **Administrative Law Court, and what changes would you**
11 **advocate and why?**

12 A. So I think it runs well. I know that there are
13 efforts on the Chief Judge's part to become more
14 electronic. We have the new E-filing system that
15 they've rolled out for attorneys and are going to
16 continue hopefully rolling out for litigants as well
17 in the future. So I would support becoming more
18 electronic. I think it -- making the Administrative
19 Law Court and its decisions available to the public as
20 much as possible, given that there is a large
21 population who end up going over there pro se being
22 readily available electronically, and I would support
23 that. And that's kind of my -- something that I enjoy
24 doing anyway. So I would do anything I could to help
25 with that.

1 Q. Ms. Rainsford, in what instances is it appropriate for
2 the judiciary to work in cooperation with other
3 branches of government? And in what areas must the
4 judiciary stand apart from other branches?

5 A. So the separation of powers is very important
6 obviously to our government in general and -- but the
7 judiciary to a certain extent, specifically with the
8 Administrative Law Court, obviously for budgetary
9 reasons we have to, you know, interact with the
10 legislative branch. But we also -- sometimes there
11 are ideas about jurisdiction to transfer to the
12 Administrative Law Court or even figure out if there's
13 another place for it to go instead. So working on
14 those kinds of things about how to maybe just improve
15 the jurisdiction of the court, expand or limit the
16 jurisdiction of the court, and improve the law and the
17 legal system in general.

18 Q. Ms. Rainsford, the Commission received 52 ballot box
19 surveys regarding you with 12 additional comments.
20 The ballot box surveys, for example, contained the
21 following positive comments. Ms. Rainsford is a wise,
22 experienced attorney with a deep understanding of
23 administrative law. She's extremely hardworking, wise
24 beyond her years, and imbued with a sense of fairness.
25 Kelly's prior experience has ideally prepared her for

1 the role of Administrative Law Judge. Her unique fits
2 and talents include her deep understanding of
3 administrative law and exceptional work ethic make her
4 an outstanding candidate equipped to successfully
5 manage the requirements of the bench. In the course
6 of our staff investigation and in review of your SLED
7 report, we did not find any lawsuits in which you have
8 been named as a party, only lawsuits where you were
9 participating as an attorney, is that correct?

10 A. That is correct.

11 Q. How would you handle a potential conflict if interest
12 involving potential conflicts of interest involving
13 you or a member of your family?

14 A. If it directly involved a member of my family,
15 obviously I would disqualify myself because I don't
16 think there's any way to appear not -- or to appear
17 impartial in that situation. Other potential
18 conflicts, I would consider the amount of the
19 relationship and the amount of involvement that I've
20 had in the situation. If it's anything I've been
21 involved with, obviously I would disqualify myself as
22 well. But if there was something where I thought
23 there was an appearance of impropriety, I would just
24 disclose that to the parties and give them an
25 opportunity outside of my presence to discuss it and

1 let me know. The parties with their attorneys discuss
2 it and let me know if they want -- if they believe
3 that it's possible to waive it, and I would just take
4 their decision at whatever that might be. And if they
5 decide to waive it, then I think best practices is to
6 make sure to get everyone on the record as agreeing
7 with that.

8 **Q. And I just have a few more housekeeping issues. JMSC**
9 **Procedural Rule 17 includes a prohibition of any**
10 **candidate from attending or watching any portion of**
11 **the live stream or recordings of the public hearings**
12 **of this cycle until after all hearings are concluded.**
13 **Have you watched or listened to any of these hearings**
14 **before your appearance today?**

15 **A. No, I have not.**

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

18 **A. No, I actually put a sign on my door at work that**
19 **said, don't tell me. Don't talk about it around me.**
20 **Don't let me overhear anything. So I've made it clear**
21 **to everyone.**

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

1 A. No, I have not.

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

6 A. No, I'm not.

7 Q. Since submitting your letter of intent to run for the
8 seat, have you contacted any members of the Commission
9 about your candidacy?

10 A. I've only sent my packet. Sorry, not the Commission.
11 I apologize. No one on the Commission.

12 Q. Do you understand that you're prohibited from seeking
13 a pledge or commitment directly or indirectly, until
14 after the formal release of the Commission's report?
15 And are you aware of the penalties for violating the
16 pledging rules?

17 A. Yes, I am.

18 MS. BAKER: I would note that the Midlands
19 Citizens Committee found Ms. Rainsford qualified in the
20 evaluative criteria of constitutional qualifications,
21 physical health and mental stability and well qualified in
22 the evaluative criteria of ethical fitness, professional
23 and academic ability, character, reputation, experience,
24 judicial temperament. The committee commented, great
25 candidate, substantial experience in the ALC, smart, well

1 organized, can do lots to improve the ALC with her
2 math/computer background. I would just note for the record
3 that any concerns raised during the investigation regarding
4 the candidate were incorporated into the questioning of the
5 candidate today. Mr. Chairman, I have no further
6 questions.

7 VICE CHAIRMAN RANKIN: All right. Questions by
8 members of the Commission.

9 EXAMINATION

10 BY VICE CHAIRMAN RANKIN:

11 Q. I Wanted to start off real quick and I've looked at
12 your work history and you have been in and around
13 various agencies, state government, consumer affairs
14 now for the last --

15 A. 11 and a half.

16 Q. -- 11 years or so with a stint sometime back at the
17 ALJ itself, the ALC, correct?

18 A. Yes, actually I worked there for two years with Chief
19 Judge Kittrell, and then later I worked for about 13
20 months with Chief Judge Anderson and Judge Lenski.

21 Q. Then back Judge Goolsby days, I remember him well.
22 You clerked there for the Board of Appeals and him?

23 A. I was. Actually, I was lucky enough -- I didn't have
24 a job. I was planning a wedding, getting out of law
25 school and had not found employment yet. So I was

1 lucky enough to get a clerkship with him to finish out
2 a three month -- three months of the last portion of a
3 someone else's clerkship where they had left because
4 they had already had a job. And then I worked for
5 him. I worked for Chief Judge Morehead -- I'm sorry,
6 Chief Judge Howell. And then I worked for Judge
7 Morehead when he came on temporarily while they were
8 hiring or electing another judge for the court. So, I
9 got experience with several different people. Judge
10 Goolsby, he was amazing. He was a huge contributor to
11 my growth in writing.

12 **Q. Budget Control Board retirement and Department of**
13 **Revenue.**

14 A. So I worked at Department of Revenue, but that was
15 more with Dean Secor, who was an Assistant Attorney
16 General. And I thought I was going to do criminal
17 law, but that -- that actually -- that's not where I
18 was meant to go. I ended up in administrative law
19 instead, which was great, but it was great working
20 with Dean Secor. And we prosecuted failure to file
21 taxes or he prosecuted them. And I helped him with
22 his docket, drafting letters, things like that
23 whenever I was a clerk and then also whenever I was
24 looking for a job after I passed the bar.

25 **Q. In terms of your practice now with Consumer Affairs,**

1 **does that take you to the Administrative Law Court?**

2 A. We do have cases at the Administrative Law Court. I
3 did represent the department at the court in the last
4 couple of years on a case that was a kind of a
5 friendly case with the Department of Revenue where we
6 were trying to get some records related to a funeral
7 home where the director had passed away and had not
8 put the funds into a pre-need trust fund or into
9 insurance. So I represented the department in that
10 situation. For the most part, I have attorneys who
11 are ready to get in to court every single day. So I
12 just assist. I provide oversight. I review pleadings
13 and documents before they are filed typically, and I
14 try to educate them whenever they don't know the
15 nuances of the Administrative Law Court that are
16 different from Circuit Court.

17 **Q. And you said, and I did not recall this, you had**
18 **screened some years ago. Did you say 17?**

19 A. It's been 17 years. That was 2008 was when I had my
20 hearing.

21 **Q. I was nowhere near that hearing so forgive me for. I**
22 **was walking through the hall that day. Tell me that**
23 **period out of this process and now sticking your toe**
24 **in the water again, why now?**

25 A. Like I said, just I had contemplated a couple times

1 over the years, I thought about running for the
2 various seats that had come open. And a year ago I
3 remember sitting at lunch with some people when I
4 found out that Judge Durden was retiring and just kind
5 of a -- had a flame that kind of lit back up and I had
6 kind of a physical gasp where I was like I think this
7 is what I'm supposed to do. What is happening to me
8 right now? So I went home, talked to my husband and
9 just started thinking this is -- this is my next step.
10 This is what I'm supposed to do.

11 Q. And forgive me. You did plow that a little bit, but
12 hearing it the second time makes it a little better
13 for me. I paid a lot more attention this time. And
14 did your husband have the same this is it moment you
15 agree with?

16 A. He did. I hope he's shaking his head. He did.

17 Q. He is standing applauding.

18 A. Yes, he did. He was very supportive from the moment I
19 mentioned it, which was nice.

20 Q. So you were running to succeed someone who I did have
21 contact with years later during her service and always
22 was -- my view of her though never appearing before
23 her had a light effect, didn't take it too seriously
24 or at least projected she's got this. What would you
25 bring to this role that would distinguish you if we're

1 talking about you after one term or after many as you
2 mentioned?

3 A. So I believe that I am at a point in my life where I'm
4 not taking things as seriously. I've grown. That's
5 part of the personal growth over the years is that,
6 you know, going into the office, doing my job and
7 going home. Obviously you think about things
8 afterwards, but try not to take them as personally or
9 let them impact other parts of your life.
10 Compartmentalizing those. And then also just having
11 learned patience and listening skills over the years,
12 just I feel better prepared to go in and listen to
13 both sides of arguments and do my research and come up
14 with my decision after deliberation and not jump to
15 conclusions, not feel the need to jump in and provide
16 my opinion before I know all the facts or the law.
17 And just helping people, especially because there are
18 so many pro se people who do come to the
19 Administrative Law Court, I think it's important to
20 help them feel comfortable. People are intimidated
21 and you want to help them to feel comfortable, whether
22 they're coming in as a witness or just coming in as a
23 party and just feel like they can have their day in
24 court, and it's fair and unbiased and they at least
25 get a fair day in court. I think that's what I would

1 like to portray. I'm not in any way saying that that
2 was different from Judge Durden. I just -- that's
3 what I envision as my approach.

4 VICE CHAIRMAN RANKIN: Any further questions? If
5 not, I mentioned at the outset you have the opportunity to
6 state anything in the closing that you'd like that we
7 haven't already covered.

8 MS. RAINSFORD: I just appreciate all of the
9 time. I know that this takes a lot of time and effort to -
10 - that you all put into this process. And we appreciate
11 it. Thank you very much for listening.

12 VICE CHAIRMAN RANKIN: All right, well, this will
13 conclude this portion of the screening. As you know, we
14 deem very serious, both the letter and the spirit of the
15 state ethics law. Any violation or appearance of
16 impropriety by you would be taken very seriously by us and
17 potentially requiring us to call you back. This record is
18 not closed until the final release of the report of
19 qualifications. All I need from you is an affirmative.
20 Yes, I know.

21 MS. RAINSFORD: Yes, I know and I understand.

22 VICE CHAIRMAN RANKIN: And I don't think we'll
23 see you otherwise until later on. Thank you both for being
24 here.

25 MS. RAINSFORD: Thank you.

1 VICE CHAIRMAN RANKIN: Happy day and
2 congratulations on a well planned wedding way back. Still
3 smiling.

4 MS. RAINSFORD: He's still here. Thank you.

5 (Off the record)

6 VICE CHAIRMAN RANKIN: If you will, please state
7 your name for the record.

8 MR. TRAYNHAM: Michael Smoke Traynham.

9 WHEREUPON:

10 MICHAEL S. TRAYNHAM, being duly sworn and
11 cautioned to speak the truth, the whole truth and
12 nothing but the truth, testifies as follows:

13 VICE CHAIRMAN RANKIN: You have before you the
14 documents you've prepared, the PDQ and the sworn statement.
15 Are those ready to be entered into the record?

16 MR. TRAYNHAM: Yes, sir.

17 (EXHIBIT NO. 21 MARKED FOR IDENTIFICATION PURPOSES

18 (19 pages) - PDQ)

19 (EXHIBIT NO. 22 MARKED FOR IDENTIFICATION PURPOSES

20 (7 pages) - SWORN STATEMENT)

21 VICE CHAIRMAN RANKIN: All right. And I noticed
22 you brought someone with you or you're accompanied with
23 someone. Would you like to introduce to the Commission who
24 that is?

25 MR. TRAYNHAM: Yes, this is my wife, Ashley

1 Traynham.

2 VICE CHAIRMAN RANKIN: Very well. Welcome, Mrs.
3 Traynham.

4 MRS. TRAYNHAM: Thank you.

5 VICE CHAIRMAN RANKIN: You, sir, have not
6 screened before this committee?

7 MR. TRAYNHAM: This my first time.

8 VICE CHAIRMAN RANKIN: Welcome.

9 MR. TRAYNHAM: Thank you.

10 VICE CHAIRMAN RANKIN: I hope it'll be a pleasant
11 experience for you. In our efforts to investigate your
12 candidacy, you know that we focus on the nine evaluative
13 criteria, which includes the ballot box survey, a thorough
14 study of your application materials, check for economic
15 conflicts of interest, search of newspaper articles in
16 which your name appears, and verification of your
17 compliance with the state ethics laws. No affidavits have
18 been filed in opposition to your campaign or candidacy. No
19 witnesses are here to testify. You have the opportunity to
20 make an ever so brief opening statement, or I will offer to
21 you the opportunity to make a closing statement, if you so
22 choose.

23 MR. TRAYNHAM: I will waive the opening statement
24 and just say, thank you for having me. It's my pleasure to
25 be here.

1 VICE CHAIRMAN RANKIN: Very good. Given that we
2 are exactly on time at 1:45, but the clock says 3:00, we
3 will proceed to Ms. Hall's questions of you. Thank you.

4 MR. TRAYNHAM: Thank you.

5 MS. HALL: Thank you, Mr. Chairman. I note for
6 the record that based on the testimony contained in the
7 candidate's PDQ, which has been included in the record with
8 the candidate's consent, Michael Traynham meets the
9 constitutional and statutory requirements for this position
10 regarding age, residence and years of practice.

11 EXAMINATION

12 BY MS. HALL:

13 **Q. Mr. Traynham, why do you now want to serve as an**
14 **Administrative Law Court Judge, and how do you feel**
15 **your legal and professional experience thus far will**
16 **assist you in being an effective judge?**

17 A. Thank you for the question. I think my resume
18 demonstrates that public service has been important to
19 me for a very long time. But serving as a judge
20 specifically has been something that has kind of
21 percolated in the back of my mind since very early in
22 my career. I started as an attorney with the
23 Department of Revenue, and even before I was licensed
24 to practice, I was observing cases at the ALC. I saw
25 exactly how important it was to have a fair forum

1 where citizens who felt aggrieved by state agencies
2 could go and have their voices heard. I've
3 represented several agencies, and I understand how
4 important it is to have a relatively specialized group
5 of judges who can render decisions on complex
6 statutory and regulatory decisions by those state
7 agencies. So I feel that the work that is done at the
8 ALC, as with all of our courts, is very important,
9 very worthwhile, and it's something I'd like to
10 dedicate the balance of my career toward. As far as
11 my experience, what qualifies me for this role? I
12 like to tell people that my wife and I have three
13 girls at home. So we adjudicate disputes all the
14 time. But on a professional basis, as I said, my
15 first job out of law school was with the Department of
16 Revenue, and I represented that agency at the ALC in
17 tax disputes, alcohol licensing cases, and enforcement
18 actions. I did general litigation in private practice
19 for a while doing insurance defense, and eventually
20 ended up at DHEC before it was DES doing some
21 environmental permitting cases, some relatively
22 complex ones, as well as some additional enforcement
23 cases. And I've been in private practice now since
24 2020, doing some of the same type of work I did for
25 state agencies, including taking cases at the ALC.

1 Just been representing individuals and private
2 businesses rather than state agencies. And I think
3 that perspective that I have represented both agencies
4 and private entities would be very useful as a judge
5 of the ALC. I've also been very active with the Bars
6 Administrative and Regulatory Law Committee. I
7 chaired that committee for several years a while back.
8 I've been involved with SCAARLA, and I have taught,
9 I've honestly forgotten how many CLEs on a variety of
10 topics that fall within the ALC's jurisdiction, all of
11 which I think contribute to my qualification for the
12 seat.

13 **Q. Thank you. Are there any areas of the law for which**
14 **you would need additional preparation in order to**
15 **serve as an Administrative Law Court Judge, and how**
16 **would you handle that additional preparation?**

17 **A.** Absolutely. I think you'd be very hard pressed to
18 find a practicing attorney who has had substantive
19 experience in every area that the ALC covers. I've
20 represented two agencies. I've handled roughly six
21 types of cases as the ALC categorizes them out of the
22 roughly 40 that they see on a regular basis. So I
23 think I'm doing pretty well as a starter. But any --
24 any new judge that gets sent over there, I think is
25 going to have a little bit of a learning curve. What

1 my experience has taught me, for better or for worse,
2 is that I can pivot from one relatively complex
3 statutory regime to another. Did state tax law, then
4 did state securities law, then did insurance law, and
5 I've been most recently doing environmental law
6 school. So I'm not intimidated by learning new areas
7 of the law. I think how you handle those cases is you
8 start with the statutes and regulations that apply to
9 the controversy in front of you. You read them on
10 their face, you go to the case law that addresses
11 them. You lean on your colleagues who've been there
12 before, of course. And I think my familiarity with
13 the procedures of the ALC and with the rules of
14 statutory interpretation would lend themselves quite
15 well to handling those situations.

16 **Q. Thank you. You have kind of touched on this a little**
17 **bit so far. But can you explain the types of cases**
18 **you've handled before the Administrative Law Court and**
19 **what experiences specifically qualify you for**
20 **Administrative Law Court?**

21 **A.** Certainly. At Department of Revenue, my litigation
22 practice was a lot of alcohol regulatory work. So,
23 you know, protest cases, permitting cases, but also
24 enforcement cases where business was accused of
25 violating some provision of their alcohol license on

1 behalf of the state. At DHEC, and in private
2 practice, it's been kind of a mix of permitting cases
3 where a client is seeking a permit and it's either
4 being denied by the state or the state is granted a
5 permit and a third party is challenging it. And I've
6 done that on both sides. I've represented the state
7 and private sectors in those situations, as well as
8 handling violations of state or alleged violations, I
9 should say, of state environmental laws at the ALC.
10 So it's been a variety of cases and a variety of
11 complexities. Some cases certainly take more
12 resources than others.

13 **Q. Mr. Traynham, what is your vision for the**
14 **Administrative Law Court and what changes would you**
15 **advocate for and why?**

16 A. I think it's probably presumptuous of me, not having
17 sat on that side of the bench to have too broad a
18 vision for changes at the ALC. But I will say that
19 the challenges that I've observed at the ALC are very
20 similar to challenges all of our courts face. They
21 have a very robust roster of cases. They have a lot
22 of matters before them. They have to handle them
23 efficiently, they have to handle them fairly, and they
24 have to uphold the public's perception that justice is
25 being served. So they've got to do all of what they

1 do very well. I think the ALC does a better than
2 average job actually, of getting through their cases
3 in a timely manner. So there's always room for
4 improvement, obviously, in roster management. I think
5 the new E-filing system that they are in the process
6 of implementing is something that most practitioners
7 over there are very optimistic about, including
8 myself. I think it's going to be a huge benefit to
9 roster management. Based on my experience with other
10 state agencies making electronic transitions like
11 this, I would expect there to be a little bit of a
12 growing pain period before we see the full benefit of
13 that. So my short term vision would be to assist in
14 any way that I can in kind of calibrating that system
15 and in making sure that there's continuous improvement
16 in how the roster of cases is handled at the ALC.
17 Longer term vision, again, probably presumptuous of me
18 to advocate for too many changes until I have the
19 opportunity to sit in that seat.

20 **Q. In what instances is it appropriate for the judiciary**
21 **to work in cooperation with other branches of**
22 **government, and in what areas must the judiciary stand**
23 **apart from other branches?**

24 **A.** I would take that in reverse order where the judiciary
25 must stand apart is in the setting of policy. It is

1 not the Court's purview to create law, it's the
2 Court's purview to interpret it. And that's something
3 I know the ALC feels very strongly about, is giving
4 effect to the intent of the legislature and the
5 elected branches of government in terms of public
6 policy. Where the judiciary should work with other
7 branches, I think in matters of procedural rules,
8 changes to the administration of the court system and
9 in how public access is handled, there obviously has
10 to be a lot of conversation back and forth on how
11 those things are best managed.

12 Q. We're going to move on to the ballot box. Mr.
13 Traynham, the Commission received 93 ballot box
14 surveys regarding you, with 17 additional comments.
15 The ballot box survey, for example, contained the
16 following positive comments. Probably the most
17 qualified of the candidates with practice experience,
18 both as an agency attorney as well as an applicant's
19 attorney, and Michael Traynham possesses exceptional
20 character and is a compassionate and careful legal
21 practitioner who would represent the Bar very well as
22 a judge. None of the written comments express
23 concerns. After that, we just have some housekeeping
24 issues. JMSC Procedural Rule 17 indicates a
25 prohibition of any candidate from attending or

1 watching any portion of -- any portion of the live
2 stream or recordings of the public hearings of this
3 cycle until after all hearings are concluded. Have
4 you watched or listened to any of these hearings
5 before appearing today?

6 A. I have not.

7 Q. Has any other person relayed any information about any
8 of the proceedings before this Commission to you?

9 A. No, and I took the precaution of telling anyone I
10 thought might be interested to leave me alone until at
11 least this weekend.

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. I have not.

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. I have not asked and I am not aware.

22 Q. Since submitting your letter of intent to run for the
23 seat, have you contacted any members of the Commission
24 about your candidacy?

25 A. I have not.

1 Q. Do you understand that you are prohibited from seeking
2 a pledge or commitment, directly or indirectly, after
3 -- until after the formal release of the Commission's
4 report, and are you aware of the penalties for
5 violating the pledging rules?

6 A. I am aware and I am -- and I am aware.

7 MS. HALL: Onto the Citizens Committee. I would
8 note that the Midlands Citizens Committee found Michael
9 Traynham qualified in the evaluative criteria of
10 constitutional qualifications, physical health and mental
11 stability. The Committee found him well qualified in the
12 evaluative criteria of ethical fitness, professional and
13 academic ability, character, reputation, experience and
14 judicial temperament. The committee stated in summary,
15 great experience, very smart, well rounded. The committee
16 was very impressed. He has all the tools to make a great
17 ALJ. I would just note for the record that any concerns
18 raised during the investigation regarding the candidate
19 were incorporated into the questioning of the candidate
20 today. Mr. Chairman, I have no further questions.

21 VICE CHAIRMAN RANKIN: All right. Questions by
22 members of the Commission? Judge?

23 EXAMINATION

24 BY JUDGE STRICKLAND:

25 Q. There's an open letter that you signed regarding the

1 **attack on the rule of law. Could you explain what**
2 **that was all about?**

3 A. Yes, sir. My understanding of that open letter, which
4 was presented as part of the Law Day at the Federal
5 Courthouse earlier this year, was -- and as I
6 understood it, and I did read the letter, it was an
7 effort to get support from members of the bar for the
8 judicial, which at that point there had been a great
9 deal of media -- negative media attacks on judges,
10 primarily federal judges, but related to a variety of
11 issues that were going on in the world. And I wasn't
12 so much concerned with the individual issues as I was
13 on the attacks on the judiciary and the fact that our
14 judges are -- they are an apolitical body and they
15 deserve respect and protection.

16 **Q. I think -- I think two members of the Commission**
17 **signed that letter as well.**

18 VICE CHAIRMAN RANKIN: Mr. Stegmaier.

19 EXAMINATION

20 BY MR. STEGMAIER:

21 **Q. I did sign that letter and I believe Judge Anderson**
22 **was there, and I believe Judge Benjamin was at that**
23 **function, too.**

24 A. Correct.

25 **Q. Let me ask you a question, since you're here, and I'd**

1 be interested to know your opinion about this. My
2 administrative law work is related to two different
3 agencies, the Department of Revenue, basically with
4 ABL and then DHEC on the health services side. So
5 septic tank permitting, food service permitting,
6 licensure issues, things like that.

7 A. Right.

8 Q. And a lot of times, you know, when we have a client
9 where the administrative agencies work very hard to do
10 the inspection and come back with a proposed penalty
11 because of alleged violations, more times than not,
12 you know, we're able to work it out by way of consent
13 order, and I'm sure that's probably been your
14 experience both on the private side as well as the
15 public side. The thing I'm interested to hear from
16 you about is, as you well know, a lot of times the
17 folks in the agencies are dealing with end up being
18 pro se. So they might not have as much familiarity
19 with the way we do things, we being the lawyers to
20 where we call up our counterparty at the agency and
21 say, what can we do to work it out? Because
22 admittedly, like for example, on the ABL side, SLED
23 has done a good job identifying the violation, and
24 they've got us dead to rights and we don't -- we don't
25 want our license taken away so we figure out what can

1 do and get a consent order in. I'm thinking about
2 judicial economy, especially as it relates to
3 contested case hearings. What would be your attitude
4 or idea about some sort of like, mandatory requirement
5 under the rules, whether it be a settlement conference
6 or facilitated mediation, especially when you have a
7 pro se on the other side to where, like before we
8 spend three days in a contested case hearing, let's
9 sit down, let's talk about all of this, the evidence
10 that exists, and see if there's a mechanism to get to
11 some sort of consent order. I'd be interested to hear
12 your ideas on that.

13 A. That's an excellent question. It's actually something
14 that I have -- I have thought about as well, you know,
15 the efficiency of some sort of a mediation program for
16 the ALC. I have certainly seen plenty of cases,
17 plenty of complex cases where there was very little
18 middle ground. And I have also seen cases where there
19 appeared to be very little middle ground, where the
20 parties of their own volition got together to kind of
21 discuss, okay, what can we do to figure this out and
22 have in fact figured out a way to settle it. So you
23 can be surprised sometimes at what cases can resolve
24 without actually going to a full trial. It would
25 certainly be worth exploring what that would look

1 like, particularly where you've got pro se litigants.
2 I'm not sure. Back when I was doing more traditional
3 civil litigation in the Magistrate's Court, I know
4 they had sort of volunteer mediators who would sit
5 with you and they'd kind of cattle call everybody in
6 to have short mediation sessions. I don't know if
7 that would be something to start with, but, you know,
8 certainly as a -- as a docket management tool,
9 anything you can do to encourage the parties to talk
10 to each other reasonably before spending all the time
11 necessary to get through discovery and spend, you
12 know, several days in a contested case hearing, it's
13 going to speed up the administration of justice.

14 **Q. Thank you. Now, I want to make clear what I -- when**
15 **we were talking about Judge Benjamin and Judge**
16 **Anderson that was referencing Judge Joe Anderson, the**
17 **district judge, correct?**

18 **A. Correct.**

19 **Q. I'm sorry, I was looking at the letter. My apologies**
20 **for that and I appreciate your bringing that to our**
21 **attention and gentlemen signing that letter as well.**
22 **And I'm curious, does that have anything to do with**
23 **your ability to serve, or do you believe that that is**
24 **relevant to your role as a Administrative Law Judge**
25 **should you be successful?**

1 A. I don't think it affects my ability to serve. It's
2 relevant in the sense that I believe that the role of
3 a judge is incredibly important and that we have a
4 system in place and we have appeals in place that if
5 you disagree with the decision, they allow you to take
6 up an appeal and to follow that process. Attacking
7 judges is simply not the appropriate way to handle
8 disagreement with the judiciary.

9 EXAMINATION

10 BY VICE CHAIRMAN RANKIN:

11 Q. And you know, in our state that that seems to be
12 somewhat in favor, not physical assault, but certainly
13 derision by some in the right channels, perhaps, but
14 more so in evermore day in and day out now, the
15 political realm of taking issue with judges. And do
16 you see that in your practice? Do you see that
17 affecting South Carolina's judiciary?

18 A. Not personally in my practice, you know, I think
19 there's -- there's a fine line between advocating for
20 your client in a public venue and taking direct aim at
21 a judge that you disagree with. But I have not
22 personally had any cases where I felt like anybody
23 crossed that line, and I would hope not to. But
24 judicial ethics require judges to kind of refrain from
25 making any sort of public comments. It's difficult

1 for them to defend themselves in those instances where
2 people do take direct aim at them. They have to let
3 their orders speak for themselves, so to speak.

4 **Q. And in your walk of service, and you've got -- been**
5 **doing a lot here. It looks like you've worn many hats**
6 **in terms of your work and now of counsel, which means**
7 **what in your current employment with -- is it Nexsen**
8 **Pruet or?.**

9 A. Maynard Nexsen.

10 **Q. Maynard Nexsen, yeah.**

11 A. Yes, sir.

12 **Q. Tell me what that entails of counsel for you.**

13 A. As I understand the title, it means that you are
14 skilled in a particular area of law. You're not
15 necessarily a partner or member, depending on whatever
16 the firm happens to call you, but you are -- you are
17 an experienced, skilled attorney who's been practicing
18 a little bit longer than the average associate if that
19 makes sense.

20 **Q. You've never screened before, never run before.**
21 **You're young, but you've done a lot. At this young**
22 **affected point of your career, why would you tact to**
23 **the public service lane versus continuing to grow your**
24 **family and grow your financial independence?**

25 A. Sure. Well, I appreciate you saying that I'm young.

1 I don't always feel that way.

2 **Q. I'm speaking more to your wife, actually.**

3 A. Appreciate that.

4 **Q. She's nodding.**

5 A. The simple answer is that this has been something that
6 has been on my heart and on my mind for a very long
7 time. And the reason why I have waited this long is
8 simply because the season of life that my wife and I
9 find ourselves in now lends itself to the effort that
10 a campaign requires a little bit more than past
11 seasons have. Our kids are not out of the house, but
12 they are a little bit more independent than they were
13 the last several times there was a seat available. My
14 wife kindly took several years off to be at home with
15 the kids, but is now reestablished in a public school
16 as a full time teacher. And I don't feel like it is
17 quite as much to ask of the family for me to run and
18 make this pivot back into public service at this
19 point. I hope that answers your question.

20 **Q. It does.**

21 VICE CHAIRMAN RANKIN: All right, Chairman
22 Caskey.

23 CHAIRMAN CASKEY: Thank you, Mr. Chairman.

24 EXAMINATION

25 BY CHAIRMAN CASKEY:

1 Q. I want to make sure I follow the dialog about the
2 letter that the judge brought up. This is the letter
3 for members of the South Carolina Bar dated April 24,
4 2025. Is that right?

5 A. That sounds correct.

6 Q. I want to be clear. I don't think there's any
7 violation or infringement on any rules or canons that
8 preclude your participation in this sort of thing.
9 But as a reality, I think it is the case that people
10 could read this and note your participation and divine
11 from that a political valence. And so I want to ask
12 you the same question that I have asked to candidates
13 that have appeared before us this week and in previous
14 iterations of the Commission about a question which I
15 think can be reasonably foreseen by potential future
16 litigants, which is to the extent that some will again
17 divine, and I think it is a matter of course that that
18 will happen just by nature of the subject matter here
19 and the other signatories that people will interpret
20 this as a statement of Democratic as a party,
21 Democratic affinity. And as a result, when persons or
22 other litigants appearing before you who subscribe to
23 different political perspectives, what assurances can
24 you deliver to them that you will treat them fairly
25 and with justice, given the tensions that I think are

1 undeniably present in the state of our state and
2 country today? Bear in mind, before you begin, let me
3 just say this. This is the sort of thing again, I
4 think to a man and woman have asked of everyone who
5 has actively participated in politics. And I ask it
6 because it is a pressing question on the mind of the
7 public. And should you be successful as someone who
8 is bound by the judicial canons, you will be precluded
9 from talking about it henceforth. So this is a moment
10 for you to tell the 12 of us, the 42 of them who are
11 online now watching and into the future, those who
12 come back and find this tape, what do you have to say
13 to that concern?

14 A. Sure. And I think you're correct that in our current
15 climate, you can find in the sea of political leaning
16 if you look hard enough for anybody. And that can be
17 misleading. I do not consider myself Democrat or
18 Republican. I consider myself fairly apolitical. If
19 anything, I'd probably lean Libertarian for whatever
20 that's worth. So what -- what assurance could I offer
21 litigants? I think -- I think my professional record
22 working with and for all manner of interests and --
23 and serving them, advocating for them admirably. I
24 work well with opposing counsel in all of my
25 litigation. I have represented state interests and

1 have, I think, got an excellent record there. And
2 I've represented private interests and got an
3 excellent record there. I don't consider standing up
4 for the judiciary to be a political issue. I
5 certainly didn't at the time that I signed that
6 letter. I don't know if that would provide enough
7 assurance to everyone. But I hope that given the
8 opportunity, my record as a judge would stand on its
9 own two feet.

10 Q. Again, I don't think it is enough issue necessarily of
11 qualification, which of course is the charge of this
12 Commission. And so I take that answer for what it is.
13 I think it is the case as an ontological matter that
14 there will be the potential for future concern based
15 on this just looking at the subject matter and again
16 the names I see here. But again we found qualified in
17 public session a former Republican member of the House
18 who participated in overt political activity. And we
19 found qualified a former Democratic member of the
20 legislature who engaged in overt political activity.
21 So again, it's not a matter of disqualification or
22 qualification. Rather to me it's just I want to
23 afford you the opportunity to have addressed that
24 because again, in the future the opportunities will be
25 more limited if you're successful.

1 A. Sure. Thank you.

2 Q. Thank you, sir.

3 VICE CHAIRMAN RANKIN: All right. Anything else?
4 If not, Mr. Traynam and your wife, thank y'all both for
5 being here. And sir, to you particularly, you know that we
6 as a Commission deem very seriously both the letter and
7 spirit of the ethics law. Any violation by you or
8 appearance of impropriety by you hereafter would allow us
9 to call you back for further questioning under oath. This
10 record is not closed until formal release of the report of
11 qualifications. You know that, correct?

12 MR. TRAYNHAM: Yes, sir.

13 VICE CHAIRMAN RANKIN: All right. Thank you all
14 very much. And it is now ten after two. Y'all have a
15 great day.

16 MR. TRAYNHAM: Thank you very much.

17 (Off the record)

18 VICE CHAIRMAN RANKIN: All right. Welcome, Ms.
19 Nicole T. Wetherton, is that correct?

20 MS. WETHERTON: Yes, that's correct.

21 WHEREUPON:

22 NICOLE T. WETHERTON, being duly sworn and
23 cautioned to speak the truth, the whole truth and
24 nothing but the truth, testifies as follows:

25 VICE CHAIRMAN RANKIN: Thank you very much. You

1 have before you two forms, the PDQ, the sworn statement.
2 Are those ready to be entered into the record?

3 MS. WETHERTON: Yes, I believe they are.

4 VICE CHAIRMAN RANKIN: All right. And we'll do
5 that.

6 (EXHIBIT NO. 23 MARKED FOR IDENTIFICATION PURPOSES

7 (13 pages) - PDQ)

8 (EXHIBIT NO. 24 MARKED FOR IDENTIFICATION PURPOSES

9 (10 pages) - SWORN STATEMENT)

10 VICE CHAIRMAN RANKIN: And you have come with
11 some folk -- somebody. Would you like to introduce who is
12 with you today?

13 MS. WETHERTON: Yes, I brought today, my son,
14 Aidan Wetherton.

15 VICE CHAIRMAN RANKIN: Welcome.

16 MR. WETHERTON: Thank you for having me.

17 VICE CHAIRMAN RANKIN: Thank you very much for
18 being here. Both of you.

19 MS. WETHERTON: Thank you.

20 VICE CHAIRMAN RANKIN: All right, Ms. Wetherton,
21 as you know, we in this process, in this portion of our
22 JMSC work, we are focusing on the nine evaluative criteria,
23 which includes ballot box survey, thorough study of your
24 application materials, verification of your compliance with
25 state ethics laws, a search of newspaper articles in which

1 your name appears, a check for economic conflicts of
2 interest. You've not screened before, unless I'm mistaken.
3 Correct?

4 MS. WETHERTON: That's correct.

5 VICE CHAIRMAN RANKIN: Okay. And then finally,
6 no affidavits have been filed in opposition. No witnesses
7 are here to testify for or against you. We have Ms.
8 Wilkinson ready to ask questions of you. I'll offer you
9 either the beginning or the end, the opportunity for any
10 opening or closing remarks for areas that we haven't
11 covered. Given the fact that these folks have made me so
12 late in starting, why don't I suggest we go to Ms.
13 Wilkinson and then come back with opportunity for you to
14 close it up later?

15 MS. WETHERTON: That's fine with me.

16 VICE CHAIRMAN RANKIN: All right. Thank you.

17 MS. WILKINSON: Thank you.

18 EXAMINATION

19 BY MS. WILKINSON:

20 **Q. Good afternoon.**

21 A. Good afternoon.

22 **Q. Good afternoon, Ms. Wetherton.**

23 MS. WILKINSON: I note for the record that based
24 on the testimony contained in Ms. Wetherton's PDQ, which
25 has been included in the record with her consent, Ms.

1 Wetherton meets the constitutional and statutory
2 requirements for this position regarding age, residence,
3 and years of practice.

4 **Q. Ms. Wetherton, why do you want to serve as an**
5 **Administrative Law Court Judge, and how do you feel**
6 **your legal and professional experience thus far will**
7 **assist you in being an effective judge?**

8 A. Thank you. Currently, I am the Chief Hearing Officer
9 at the South Carolina Department of Health and Human
10 Services, which means that I oversee the
11 administrative appeals process for the Medicaid
12 program for the State of South Carolina. Although I
13 enjoy my current position and I definitely enjoy the
14 agency that I work for, my favorite part of my job is
15 to adjudicate hearings. I enjoy having hearings. I
16 also enjoy writing very much. I also have a
17 background -- I started my career in Pennsylvania
18 working in the appellate unit in the District
19 Attorney's office in Pittsburgh. And one of those
20 things I did is I argued a death penalty case in front
21 of the Supreme Court. So I have background in
22 writing. Also, as part of my job, anytime there's
23 ever a hearing, a Medicaid hearing, in front of any of
24 the hearing officers, I have to review, edit, and
25 approve all those decisions. So last year, for

1 example, for the calendar year of 2024, I reviewed 250
2 orders. So I believe that with my experience, I do
3 have experience in the administrative realm. Also, I
4 worked in the General Counsel's office. So I actually
5 have the advantage of working, being a party, also an
6 adjudicator as well. And so I believe that my
7 experience would allow me to very easily become an
8 Administrative Law Court Judge. I would get back to
9 doing more hearings and writing, which I enjoy more.
10 And the Administrative Law Court would be the next
11 step in the progression of my career.

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

16 A. Well, I certainly have a lot of experience in
17 Medicaid. Medicaid is a very complex area of the law.
18 You have state regulations, federal regulations,
19 policies, there's also contracts. And I've been doing
20 that for the past nine years. But what that has
21 taught me to do is learning how to study and apply
22 complex rules. So in the Administrative Law Court,
23 you're going to have upwards of 20 different state
24 agencies. Do I have knowledge of all 20 areas of the
25 law? No, I don't. But what I do also as part of my

1 job as the Chief Hearing Officer, is I do review the
2 decisions of the Administrative Law Court. And so
3 when I'm looking at them, I'm looking at them more
4 from a procedural standpoint. For example, I was
5 looking at something from a different state agency and
6 the judge was talking about a proper finding of fact.
7 And so I would review that. And although the
8 decisions of the Administrative Law Court are not
9 precedential unless they're en banc, the authority
10 that they are relying on is precedential. So when I
11 see things, when I'm reviewing, that could be applied
12 in helping the hearing officers, say, in writing
13 decisions, I will do that. So I have been reviewing
14 the different state agencies, their decisions. Also,
15 I do have some experience -- I worked very briefly at
16 the Department of Probation and Parole, and I've had
17 some exposure as well in the environmental context. I
18 worked at the Attorney General's Office. I worked and
19 did some -- it was criminal but environmental and had
20 some exposure as well. But I do believe my experience
21 and also reviewing past decisions and also having to
22 apply complex regulations before gives me a skill set
23 to go ahead and do that going forward in the future.

24 **Q. Is there anything else you would like to add regarding**
25 **the types of cases that you have handled before the**

1 **Administrative Law Court and any other experiences**
2 **specifically that qualify you for the Administrative**
3 **Law Court?**

4 A. I think that as part of my role in the Administrative
5 Law Court, excuse me, as a Chief Hearing Officer, even
6 if I have not adjudicated the case specifically, I
7 often help a lot of the hearing officers with their
8 writing. I sit in on their hearings. I help with
9 complex questions. Medicaid in general, you know, you
10 have eligibility, you have beneficiary issues, you
11 have very different aspects of Medicaid. In addition,
12 I've also, with that appellate experience and that
13 writing, I have a background doing trial work, which
14 is a different skill set. I've worked for the
15 Attorney General's office, and I've also, again, like
16 I said, worked for the District Attorney's office in
17 Pittsburgh, Pennsylvania. That requires a whole
18 different set of skills of being on your feet and that
19 type of thing. And when you're an adjudicator in a
20 hearing, when someone, for example, has an objection,
21 you have to be able to make a decision. And so I had
22 that -- I think that trial experience has also helped
23 me be able to think better on my feet and make those
24 decisions.

25 **Q. What is your vision for the Administrative Law Court,**

1 **and are there any changes for which you would advocate**
2 **and why?**

3 A. One thing that I've noticed is -- here's what I know.
4 In 1993, it's my understanding, the General Assembly
5 created the Administrative Law Court. And one of
6 those reasons was because the Administrative Law Court
7 deals with decisions of state agencies, its
8 regulations. And I noticed that sometimes there are
9 some types of cases that might still be in the Circuit
10 Court that could be sent over to the Administrative
11 Law Court. What's coming to mind as I'm standing
12 here, for example is FOIA. FOIA could be moved over
13 to the Administrative Law Court. Administrative law
14 has expanded so much over the past few years. And so
15 something like FOIA, those are decisions from state
16 agencies. I know that the public is looking for more
17 transparency. I think the public would benefit
18 because those cases could be heard faster. The
19 Circuit Courts, I mean, they are so busy right now.
20 That would relieve maybe some, a little bit of that
21 burden from the Circuit Courts. And while I'm up here
22 and having a wish list, should the General Assembly
23 agree, that they can maybe have another seat open up
24 in the Administrative Law Court as well. So I think
25 that might help in a lot of different areas as far as

1 moving cases up, which maybe are more better suited;
2 they're regulatory, they deal with state agencies,
3 could be moved over to the Administrative Law Court
4 realm.

5 **Q. In what instances is it appropriate for the judiciary**
6 **to work in cooperation with other branches of**
7 **government, and what areas must the judiciary stand**
8 **apart from other branches?**

9 A. I think my judicial philosophy is a little bit more of
10 a judicial restraint. There is a separation of
11 powers. You know, the General Assembly creates the
12 laws and then what the courts do is they interpret it
13 and they enforce the laws. And so to that extent, I
14 think that there definitely should remain a separation
15 of powers in that the laws as they're written -- and
16 you should really look to when you have a law, what
17 the intent was of the lawmakers when they drafted
18 those decisions. I guess to the sense that would be,
19 I don't know if would be per se cooperation, but I
20 think you need when you're a judge to uphold what the
21 underlying -- the spirit of the law and what the
22 General Assembly was looking at when they were
23 creating the laws, I guess to that extent.

24 **Q. Moving on to the ballot box, Ms. Wetherton, the**
25 **Commission received 31 ballot box surveys regarding**

1 you with seven additional comments. The ballot box
2 survey, for example, contained the following positive
3 comments. Nicole's work ethic, legal knowledge, sense
4 of fairness and temperament will make her an excellent
5 judge. I have the utmost respect for Nicole based on
6 my firsthand experience working with her. Having
7 worked with Ms. Wetherton for eight years in multiple
8 capacities, I am confidently -- I can confidently
9 state that she has the knowledge, work ethic,
10 temperament and compassion to serve in this position.
11 Under her tutelage, she genuinely made me a better
12 lawyer and hearing officer. Based on my lengthy
13 professional experience with Ms. Wetherton, I believe
14 she will make an exceptional Administrative Law Judge.
15 Ms. Wetherton is well qualified to serve as a judge on
16 the South Carolina Administrative Law Court. Her
17 experience as an attorney and particularly her
18 practice in administrative law makes her the ideal
19 candidate to fill the vacant seat on the
20 Administrative Law Court. There were no negative
21 comments regarding Ms. Wetherton's candidacy. SLED
22 and Ms. Wetherton in her PDQ reported that she was
23 named as one of many defendants in her official
24 capacity as an Assistant Attorney General in a case
25 several years ago. The case was dismissed and Ms.

1 Wetherton states that she was never served in this
2 instance. Ms. Wetherton, how would you handle a
3 potential conflict of interest involving potential
4 conflicts of interest involving you or a member of
5 your family?

6 A. If it involves -- pursuant to the canons, it has to
7 have more than a de minimis interest in order for a
8 judge to necessarily recuse themselves. However, the
9 canon also states that you want to maintain always
10 confidence -- the public to remain -- to have
11 confidence in the judiciary. So when looking at that,
12 if there was ever a good faith motion filed where
13 there was a concern about a conflict of interest, I
14 would look at that and I would consider weighing that
15 even if I myself knew that there really wasn't a
16 conflict of interest or if it was even de minimis, I
17 would probably recuse myself because I think the most
18 important thing is that the public retains confidence
19 in the judiciary.

20 Q. We now have a few housekeeping issues to go over. The
21 JMSC Procedural Rule 17 includes a prohibition of any
22 candidate from attending or watching any portion of --
23 any portion of the live stream or recordings of the
24 public hearings of this cycle until all hearings are
25 concluded. Have you watched or listened to any of

1 these hearings before your appearance today?

2 A. No.

3 Q. Has any other person relayed any information to you
4 about any of the proceedings before this commission to
5 you?

6 A. No.

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

11 A. No.

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

16 A. No.

17 Q. Since submitting your letter of intent to run for this
18 seat, have you contacted any members of the Commission
19 about your candidacy?

20 A. No.

21 Q. Do you understand that you are prohibited from seeking
22 a pledge or commitment, directly or indirectly, until
23 after the formal release of the Commission's report?
24 And are you aware of the penalties for violating this
25 pledging rule?

1 A. Yes, I am.

2 MS. WILKINSON: I would note that the Midlands
3 Citizens Committee reported Ms. Wetherton to be well
4 qualified as to the evaluative criteria of ethical fitness,
5 professional and academic ability, character, reputation,
6 experience and judicial temperament. Ms. Wetherton was
7 also found qualified as to the evaluative criteria of
8 constitutional qualifications, physical health and mental
9 stability. The committee states that she has significant
10 experience and knowledge of running court. I would note
11 for the record that any concerns raised during the
12 investigation regarding her candidacy were incorporated
13 into the questioning of her today. Mr. Chairman, I have no
14 further questions.

15 VICE CHAIRMAN RANKIN: Representative
16 Stavrinakis.

17 EXAMINATION
18 BY REPRESENTATIVE STAVRINAKIS:

19 Q. Welcome.

20 A. Thank you.

21 Q. Thank you for offering for this position. Can you
22 help me understand a little bit better your work,
23 current work? I don't know much about how that system
24 operates and what rules you're enforcing there, what
25 procedures those hearings are operated by. Sorry,

1 **that I don't know.**

2 A. It's okay.

3 **Q. But if you could help me understand that a little bit**
4 **better, first off.**

5 A. Sure, under the federal regulations, when a person is,
6 there's a suspension, termination, reduction in
7 services for the Medicaid program or a provider is
8 denied a claim, a provider -- we have a division
9 called Program Integrity. So that they go through and
10 they review the provider, make sure they're following
11 all the rules and regulations of the program.
12 Sometimes they have to go back and recoup money.
13 There's an appellate, right. And so what that is, is
14 every Medicaid agency in the country, they have to be
15 designated a single state agency that runs the
16 Medicaid program. So that's the South Carolina
17 Department of Health and Human Services. And part of
18 that requirement is that they have to develop what's
19 referred to as a fair hearing system. Now, different
20 states run it differently. Sometimes those cases
21 actually go directly to the Administrative Law Court.
22 Here they're held at the Department of Health and
23 Human Services, but they are very similar -- well,
24 they're contested case hearings. Normally, the
25 Administrative Law Court would handle the contested

1 case hearings. For the Medicaid program, they're
2 actually held at the Department of Health and Human
3 Services. So the rules for contested case hearings,
4 the Administrative Law Court rules, they're very
5 similar. Rule 9 is very similar to what we do. If
6 you look at the rules regarding the order of hearings,
7 like the actual procedure of hearings, it almost
8 completely mirrors at the hearings we have here for
9 Medicaid, because the judge can determine order of
10 witnesses, they rule on objections, evidentiary
11 issues, things of that nature. That's the same thing
12 that a hearing officer would do in the Medicaid cases.
13 And then once they're through with the hearing, they
14 have to write a decision that's usually pretty
15 lengthy, much like an Administrative Law Court Judge.
16 And you have to have findings of facts and conclusions
17 of law. So it's very similar to what the contested
18 cases are in the Administrative Law Court. And also,
19 in a sense, we sit in an appellate capacity because we
20 review the decisions made by the agency. So that's
21 like decisions from state agencies, that portion of
22 the Administrative Law Court rules. We do that in a
23 sense as well. We sit as a fact finder, more in a
24 hearing level, but also we look at it in an appellate
25 capacity as well. So I'm not sure. Would you like me

1 to elaborate on my specific job, like what I do or?

2 **Q. Sure, yeah.**

3 A. Okay. Well, as Chief Hearing Officer, I have to
4 oversee to make sure that the cases are, for example,
5 moved in a timely manner. So for eligibility
6 beneficiary service cases, the federal regulations
7 require the cases need to be adjudicated within 90
8 days. There is an exception should the petitioner put
9 in an extension. So last year there were 5,400
10 appeals, and there are six hearing officers. So one
11 of the things I do is when I receive the case, I have
12 an administrative staff that comes in, they put
13 everything into our case management system. It's sent
14 to me. I review it, I assign it to the case -- the
15 hearing officers, I make sure that everyone has an
16 equal amount of cases in their caseload. Also, if
17 someone's life/safety would be in jeopardy if the case
18 ran the normal 90 day period, they can request
19 expedited status. I review that at that time and I
20 make that determination as to whether or not they need
21 expedited status, and I assign those cases and then I
22 also keep up with those cases to make sure I meet with
23 the hearing officers to make sure the cases are being
24 timely adjudicated. If they're not, we figure out the
25 reasons why. But also I have some of my own cases

1 that I handle, but I oversee to make sure the cases --
2 the entire appeal process is moving smoothly. I have
3 to report data. I, you know, I answer questions. If
4 hearing officers are having issues with research,
5 things like that, they come to me with a complex
6 question, I help them come to the answer. We do -- we
7 do things like that. I sit in on hearings, I do the
8 hiring, any type of employee things like that. And I
9 just basically oversee that entire program or process.

10 **Q. Okay, and you do keep a caseload yourself?**

11 A. I do. I don't -- I wish I had -- could have a larger
12 caseload, which is why I'm looking more to the
13 Administrative Law Court. What my role is now, and
14 I'm -- I understand that I'm not a judge. I haven't
15 been through this screening process, but I guess to
16 help explain what I'm doing, it's more like a chief
17 admin judge versus an actual judge because I have to
18 oversee and do some administrative tasks and I would
19 like to move towards, you know, the next higher court
20 and actually have my own caseload and be adjudicating
21 cases.

22 **Q. What do you have? You have petitioners?**

23 A. Yes.

24 **Q. Are they typically represented? I'm not sure what**
25 **kind of -- probably not if --**

1 A. No. It's about 85 percent is pro se litigants.

2 **Q. These are actual hearings?**

3 A. Yes.

4 **Q. In a hearing room?**

5 A. Yes.

6 **Q. A pro se petitioner usually against agency officer or**
7 **an agency lawyer?**

8 A. Not an agency lawyer. It's usually an agency
9 personnel. We have about -- the majority of our cases
10 are eligibility cases, and we have what's referred to
11 as an eligibility respondent coordinator. And so they
12 are not attorneys. They will take everything that's
13 in the system regarding that person and kind of
14 shepardize that information. They'll create an appeal
15 summary and then when it goes to a hearing, they'll
16 present it, the information to the hearing officer.
17 But they're not attorneys. And then you would have a
18 pro se litigant on the other side.

19 **Q. Okay. And after a decision's rendered, if someone --**
20 **what do the petitioner's appellate rights look like in**
21 **that scenario? Where do they go?**

22 A. They can appeal to the Administrative Law Court.

23 **Q. Okay, so they go into the court.**

24 **Q. Yes.**

25 **Q. Okay. All right. And looks like you had a brief**

1 stint in private practice. Can you tell us a little
2 bit about what that work was like and actual courtroom
3 activity?

4 A. Sure. That was the very, very beginning of my career.
5 I worked private practice for a criminal defense
6 attorney. He was an excellent appellate lawyer. One
7 of the things that I did is I second chaired him in a
8 homicide trial where the person was actually
9 acquitted. That's where I began my appellate work. I
10 would help write and draft briefs. I would go and do
11 oral argument representing the defendant. And so the
12 majority of what I did was appellate writing, criminal
13 law, for the most part, when I did it, during that
14 time.

15 Q. All right, and the DA's office, tell us about that
16 work.

17 A. I started in the appellate post conviction unit. So I
18 started there. That would -- cases that -- it was
19 called the Superior Court, which would be the Court of
20 Appeals here. We would write briefs, and then we
21 would go and do oral arguments. Like I said, I did
22 argue one death penalty case in front of the
23 Pennsylvania Supreme Court. I did that for a few
24 years. The difference in Pennsylvania is there's
25 indicting grand juries here. The counties had

1 investigating grand juries. And so in Allegheny
2 County, they had a grand jury unit. They had 42
3 investigators. I was moved over there. We had a case
4 where I was one of four attorneys. I'll be completely
5 honest with you. We indicted a state senator,
6 Republic corruption. And I handled that case solely
7 for a year, and that's what I worked on. And it's an
8 investigating grand jury. You know, we had to
9 interview witnesses. We had grand jury proceedings,
10 and then -- which then led to an indictment.

11 **Q. All right, thank you.**

12 A. Thank you.

13 VICE CHAIRMAN RANKIN: Further questions by
14 members of the Commission?

15 CHAIRMAN CASKEY: Oh, Mr. Protopapas.

16 MR. PROTOPAPAS: Thank you.

17 EXAMINATION

18 BY MR. PROTOPAPAS:

19 **Q. Thank you for being here.**

20 A. Thank you.

21 **Q. So I just -- excuse my ignorance.**

22 A. No, it's okay.

23 **Q. I don't know a lot about the area you practice in. So**
24 **there are nine hearing officers?**

25 A. There's six.

1 Q. Six. The hearing officers, they're not lawyers.
2 They're just folks who are familiar in that area?

3 A. Oh, no, they're attorneys.

4 Q. They're attorneys, okay.

5 A. Yes, four of them are attorneys. One has about 21
6 years of institutional knowledge in a certain area.
7 And another one, she has a master's degree from a law
8 school. It's public health and policy. And then she
9 also basically did very similar to what I did in the
10 Medicare side. She retired from the pro -- from
11 Medicare. So she has a lot of institutional
12 knowledge, understands a hearing's process. And so --
13 but the other remaining hearing officers are all
14 attorneys.

15 Q. So all six are attorneys.

16 A. All four. Four of the six are attorneys.

17 Q. And the other two have experience in the law field.

18 A. Yes.

19 Q. I got you.

20 A. Yes.

21 Q. And so they're responsible, those six responsible for
22 moving 5,400 cases on an annual basis?

23 A. Yes.

24 Q. All right. So these hearings are, my guess, is very
25 kind of just to document having the person come in

1 with their eligibility paperwork and then it gets
2 reviewed?

3 A. Well, not all 5,400 cases go to hearings. So out of
4 the 5,400 last year, I would say 250 went to a
5 hearing. So that would depend on sometimes we have
6 situations -- here's an example. Income cases. The
7 way that income runs with Medicaid in some areas is
8 gross income. And so they'll come back and say this
9 person's over income. The hearing officer can issue
10 an interlocutory order and say they're saying you make
11 this much money over the income limit, explain to us
12 where it's wrong. And if they come back and say, no,
13 that's the money I make, I just can't afford health
14 benefits, there's no issue of fact as far as that's
15 concerned. That case would end up resulting in a
16 dismissal.

17 Q. So the individual South Carolinians who believed the
18 denial of a Medicaid benefit was improper would then
19 begin this process. So South Carolinians who've been
20 denied a Medicaid health benefit would then petition
21 and that petition to challenge the decision would
22 originally go to the hearing officer and the denial of
23 the benefit could be for any income or other
24 eligibility status. Is it just health insurance, the
25 Medicaid health insurance that we're talking about, or

1 **is there a monopoly of services that go into it?**

2 A. No. Also just to clarify that Medicaid is a public
3 assistance program. We try not to refer to it as
4 insurance because there's a whole different separate
5 set of laws --

6 **Q. Fair enough.**

7 A. -- where health insurance is involved. This is a
8 public assistance program that helps certain people
9 with --

10 **Q. Healthcare.**

11 A. You have to be meet an income threshold and you have
12 to meet a categorical threshold.

13 **Q. It's for healthcare though, right?**

14 A. Yes, that's absolutely right.

15 **Q. So we could say for healthcare benefit, not insurance
16 benefit?**

17 A. Sure. Yes.

18 **Q. All right. Are there other services other than
19 healthcare?**

20 A. No. So, but there's different areas. For example, we
21 could have, it's called age, blind or disabled or
22 TEFRA, where they would have to meet the Social
23 Security definition of disability. There's different
24 types of laws.

25 **Q. Programs.**

1 A. Yes. And so there's waivers. There's a lot of
2 different -- there's a lot of different services and
3 also eligibility that Medicaid has.

4 Q. Do you also handle the provider side?

5 A. Yes.

6 Q. So the provider has been kicked out of the Medicaid
7 qualifying program, they would end up there?

8 A. Yes.

9 Q. That's a first question. And a decision from there
10 would then go to the full Administrative Law Court?

11 A. Yes. If they're unhappy with it.

12 Q. What percentage is provider litigation and their
13 eligibility versus individual South Carolinians? If
14 you have an idea.

15 A. I would say individual South Carolinians by far are
16 the majority. I would say 85 to 90 percent. We're
17 starting to see the past few months some increased
18 provider. Not necessarily they're being kicked out of
19 the program, that type of thing, but more of claim
20 denials, things like that, that we're seeing that type
21 of an increase but not a substantial increase. The
22 majority is going to be eligibility that we have.

23 Q. How many of those cases end up getting appealed from
24 hearing officers all the way to the Administrative Law
25 Court?

1 A. Not many. There's -- I would say definitely less than
2 10 percent.

3 Q. So your current role is to supervise those hearing
4 officers, maintain a caseload perhaps yourself?

5 A. Yes.

6 Q. But assist them in ensuring the efficient 90 day
7 process or quicker of the various eligibility
8 challenges?

9 A. That's definitely a part of it. But it's also to make
10 sure, you know, like the administrative. We follow
11 the APA, we make sure that the rules and the laws are
12 followed. There's -- Medicaid has so many different
13 areas of law. It's a state federal hybrid program.
14 And so we -- it is really just to oversee the program
15 and make sure that the rules are being followed and
16 we're compliant and we're making sure the benefit is
17 going to the right people.

18 Q. From 2017 to 2023, would that body of work that you
19 did in that period of time be a better reflection or a
20 better experience for preparing you to be an ALJ
21 Judge. It seems like -- it just seems like you would
22 have done more as a lead litigator for the S.C.
23 Department of Health and Human Services that would be
24 ALJ related as opposed to hearing officer, which is
25 incredibly important. Don't get me wrong.

1 A. Sure.

2 Q. But would be less impactful or am I looking at it
3 backwards?

4 A. I don't think necessarily that you're looking at it
5 backwards. I think that both put me in a position to
6 where I think that I'm qualified to be an
7 Administrative Law Court Judge as the lead litigator
8 or the attorney in the Office of General Counsel. I
9 did file briefs in the Administrative Law Court
10 directly. I did do that. I also trained staff. The
11 Office of General Counsel obviously cannot handle
12 5,400 appeals. And so what I would also do is I
13 conducted training for the staff on how to properly
14 present cases before the Office of Appeals and
15 Hearings, which I now oversee. But that's also
16 administrative procedure to make sure that they're
17 following the right procedures. And, you know, we
18 also looked at different things like contracting,
19 things like that, where I might not necessarily be
20 doing that now, but that time in the Office of General
21 Counsel is where I learned about how to -- because it
22 was quite a pivot from doing criminal prosecution to
23 Medicaid. And so that was a time where I learned. I
24 learned a lot. I learned a lot about kind of changing
25 the way that I think, the way that I -- my skill set,

1 how you apply cases, which I think will translate into
2 a position as an ALC Judge, if that makes any sense.

3 **Q. Yeah. Did you try cases at the Administrative Law**
4 **Court from 2017-2023?**

5 A. I'm sorry?

6 **Q. Did you actually try cases at the ALJ -- or the ALC?**

7 A. I did. I did try cases. Now, see, the contested
8 cases, of course, would be before the Office of
9 Appeals and Hearings. So I didn't -- we didn't do any
10 contested cases. Anything that was contested was
11 handled within the agency. Now, I did file briefs and
12 tried those type of cases. So when someone filed an
13 appeal, I'd be the assigned attorney at that point.

14 **Q. You'd do the briefing and the appellant argument for**
15 **that briefing?**

16 A. Yes. I never -- there's not a whole lot of oral
17 arguments from appeals from state agencies. I think
18 the entire time that I've been there, there maybe were
19 two. So there was --

20 **Q. How many times have you appeared in front of an**
21 **Administrative Law Judge to argue a position on behalf**
22 **of an agency? Like you've been standing up in that**
23 **courtroom. There's the judge, here's the issues, that**
24 **sort of thing?**

25 A. I had never been called for oral argument. I always

1 just submitted my briefs, and then the judge always
2 issued a decision so I didn't have to -- I was never
3 asked to do that. It doesn't happen that often in the
4 Administrative Law Court. It's not like, for example,
5 in criminal court. I would go a good bit and have to
6 do those oral arguments. I did not have to do that in
7 that position.

8 **Q. Thank you. Thank you so much.**

9 A. Thank you.

10 VICE CHAIRMAN RANKIN: All right. Chairman
11 Caskey.

12 CHAIRMAN CASKEY: Thank you, Chairman. I just
13 wanted to salute Aidan for sitting there very politely and
14 professionally throughout. It didn't go unnoticed. I
15 don't know how you spend most of your Wednesday afternoons,
16 but I hope today here you developed appreciation for the
17 depth of experience and expertise that your Mom clearly
18 has, and I think it's remarkable. And I hope you get a
19 chance to appreciate what a remarkable and special person
20 she is, in addition to all the other things that went into
21 making you the kind of person who can sit so politely and
22 professionally. So that's it, Mr. Chairman, thank you.

23 VICE CHAIRMAN RANKIN: Ms. Wetherton, tell us
24 about him, really briefly.

25 MS. WETHERTON: Aidan is 16 years old. He goes

1 to Spring Valley. He's in the Discovery program. He has
2 been very curious about this process from the beginning. I
3 was going to the National Judicial College when it was
4 announced to turn in your application, and I'd have to do
5 it within two weeks. And I said, Aidan, I don't know if I
6 can do this in time. And his response is, if there's
7 anybody in the world that can do this, it's you. So he has
8 been my biggest supporter, and I just felt that it was only
9 fitting that he comes today and be here with me.

10 VICE CHAIRMAN RANKIN: Well, that is a wonderful
11 tipping of the hat to you and your curiosity and your
12 mother has done exceedingly well on her feet here fielding
13 these questions we are now on -- we're going to take a
14 matter up in executive session. And so on motion on
15 Representative Caskey and seconded by Mr. Lay, we will go
16 off the record and for a quick matter in executive session.

17 (Executive Session was held from 4:04 p.m. to 4:08 p.m.)

18 (Off the record)

19 VICE CHAIRMAN RANKIN: All right, we're back on
20 the record. And for the record, during executive session,
21 no decisions were taken. No votes were cast. And further
22 questions of Ms. Wetherton? Aidan, let's make sure we got
23 your spelling correct -- correctly for this record. We
24 want it to be broadcast from the mountaintops correctly.
25 Spell it for us, mama.

1 MS. WETHERTON: It's A-I-D-A-N.

2 VICE CHAIRMAN RANKIN: Very good. Is that a
3 family name?

4 MS. WETHERTON: No, my husband's Irish and it
5 means little fire in Irish, and it seems to match the
6 person. So, yeah.

7 VICE CHAIRMAN RANKIN: Very good. Well, that's a
8 spit fire in the making, it appears.

9 MS. WETHERTON: That's right.

10 VICE CHAIRMAN RANKIN: That brain is turning.
11 You can tell. All right. With that unless there are other
12 questions, Ms. Wetherton, again, thank you for both of you
13 coming, curiosity of your son and your exchange with us
14 today. This concludes this portion of the screening. As
15 you know, this record is not complete until the formal
16 release of the formal qualifications. We could call you
17 back in the event of any violation, either the spirit or
18 the letter of the ethics law. In that unlikely event, you
19 do know, and I'll need a verbal affirmation that we can
20 call you back and you understand this, correct?

21 MS. WETHERTON: Yes, I do.

22 VICE CHAIRMAN RANKIN: All right, Very good.
23 Y'all have a great day. And you need an excuse from
24 school? I know some lawyers and some judges that can make
25 that happen. So good luck in the rest of your school year.

1 Happy Thanksgiving to you.

2 MS. WETHERTON: Happy Thanksgiving to all you.
3 Thank you very much.

4 (Off the record)

5 VICE CHAIRMAN RANKIN: All right. Welcome.
6 Welcome, ma'am. If you will please pull that mic down a
7 little bit and raise your right hand. If you'll tell us
8 your name.

9 JUDGE WOFFORD-KANWAT: Barbara Wofford-Kanwat.

10 VICE CHAIRMAN RANKIN: Very nice to have you with
11 us today.

12 WHEREUPON:

13 THE HONORABLE BARBARA WOFFORD-KANWAT, being
14 duly sworn and cautioned to speak the truth, the
15 whole truth and nothing but the truth, testifies
16 as follows:

17 VICE CHAIRMAN RANKIN: And you have been looking
18 at those papers, the PDQ and the sworn statement. Are
19 those ready to be entered into the record?

20 Speaker B: Yes, sir. They reflect my amendments
21 as well.

22 VICE CHAIRMAN RANKIN: Very good.

23 (EXHIBIT NO. 25 MARKED FOR IDENTIFICATION PURPOSES

24 (15 pages) - PDQ)

25 (EXHIBIT NO. 26 MARKED FOR IDENTIFICATION PURPOSES

1 (1 page) - AMENDMENT)

2 (EXHIBIT NO. 27 MARKED FOR IDENTIFICATION PURPOSES

3 (5 pages) - SWORN STATEMENT)

4 VICE CHAIRMAN RANKIN: All right. I noticed when
5 you came in, you had someone along your side. Would you
6 like to tell us who you're with, introduce them?

7 JUDGE WOFFORD-KANWAT: Yes, sir. Thank you, sir.
8 That's my husband, C.P. Kanwat.

9 VICE CHAIRMAN RANKIN: Very good. Welcome, sir.

10 MR. KANWAT: Thank you.

11 VICE CHAIRMAN RANKIN: Thank y'all for your
12 patience. These folks will not move nearly as fast as I'd
13 like, so we're running a little behind. This is your first
14 time before this commission, am I correct?

15 JUDGE WOFFORD-KANWAT: Yes, sir.

16 VICE CHAIRMAN RANKIN: All right. And so our
17 process, as you know, focuses on the nine evaluative
18 criteria in vetting your candidacy and qualifications.
19 That includes ballot box survey, a thorough study of your
20 application materials, verification of your compliance with
21 state ethics laws, a search of newspaper articles in which
22 your name appears, and a check for economic conflicts of
23 interest. No witnesses are here to testify, and no
24 affidavits have been filed in opposition to your campaign.
25 We have a little bit of time at the beginning for an

1 opening statement or at the end given this late hour, and
2 again my apologies. We can dispense with the opening, and
3 I'll offer you the opportunity to offer any comments at the
4 very end that have not been covered. So with your
5 permission, we can defer to the end.

6 JUDGE WOFFORD-KANWAT: Yes, sir. Thank you.

7 VICE CHAIRMAN RANKIN: And then let Ms. Adler ask
8 some questions of you and then the members of the
9 Commission.

10 JUDGE WOFFORD-KANWAT: Thank you, sir.

11 MS. ADLER: Thank you.

12 EXAMINATION

13 BY MS. ADLER:

14 **Q. Good afternoon, Judge.**

15 **A. Good afternoon, ma'am.**

16 MS, ADLER: I note for the record that based on
17 the testimony contained in the candidate's PDQ, which has
18 been included in the record with the candidate's consent,
19 Judge Wofford-Kanwat meets the constitutional and statutory
20 requirements for this position regarding age, residence and
21 years of practice.

22 **Q. Judge Wofford-Kanwat, why do you now want to serve as**
23 **an Administrative Law Court Judge, and how do you feel**
24 **your legal and professional experience thus far will**
25 **assist you to be an effective judge?**

1 A. Thank you, Ms. Adler. As a lifelong resident of South
2 Carolina and a career public servant, I recognize that
3 the Administrative Law Court addresses many important
4 legal issues and I would like to be involved in that
5 process. With regards to your question as to how does
6 my experience would help the Administrative Law Court,
7 I believe in reviewing the JMSC rules, one of the
8 things that you're looking for is the depth and
9 breadth of experience. Not only do I have trial court
10 experience, with more than a decade at -- as a Summary
11 Court Judge in Richland County, I also have three
12 years of experience as an appellate staff attorney
13 with the Court of Appeals. So I believe with that
14 experience, it has provided me with the requisite
15 skills to be -- my courtroom skills and legal and
16 writing skills to be a good Administrative Law Judge.
17 Thank you.

18 **Q. Judge, are there any areas of the law for which you**
19 **would need additional preparation in order to serve as**
20 **an Administrative Law Court Judge, and how would you**
21 **handle that additional preparation?**

22 A. Yes, ma'am. Thank you. I recognize that this is a
23 learning curve with regards to this process in
24 becoming an Administrative Law Judge. And however,
25 I'm confident that I can prepare myself for this, just

1 as I have done when I joined just three years out of
2 law school, the summary court bench. So with regards
3 to preparation, that would include the same method of
4 studying the law, observing the courts, reaching out
5 to mentors, and making sure that I'm prepared for my
6 court hearings.

7 **Q. Judge, please explain the types of cases that you've**
8 **handled before the Administrative Law Court, and if**
9 **none, what experience then specifically qualifies you**
10 **for the Administrative Law Court?**

11 A. Thank you, ma'am. With regards to that, I have been
12 with the judiciary my entire career. I started as, as
13 I stated, as summary court -- excuse me, Court of
14 Appeals staff attorney, and then I joined the summary
15 court bench. So I have not appeared before the
16 Administrative Law Court. However, I believe that my
17 experience, as I stated earlier -- so my experience
18 with regards to the Appellate Court, I handled a lot
19 of PCRs and Anders, which typically, I'm sure
20 everyone's aware that in the Administrative Law Court,
21 that's probably one of the busiest aspects of their
22 appeals or inmate appeals. With regards to being on
23 the trial court bench, I had DNR regular appearance
24 before me. I also handled any ordinance violations,
25 as well as the state forestry. So in terms of the

1 criminal experience, I understand that there could be
2 some hesitation because I don't have that direct
3 Administrative Law Court, but I think that we could
4 all agree with Professor Burkhart when he stated,
5 lawyers aren't meant to know everything; we're just
6 meant to learn how to find it and apply it
7 consistently. And I believe my track record
8 demonstrates that.

9 **Q. Judge, what is your vision for the Administrative Law**
10 **Court, and what changes would you advocate and why?**

11 A. Thank you, ma'am, Ms. Adler. With regards to the
12 vision, I believe that the Administrative Law Court
13 mission is what I would embody myself as an
14 Administrative Law Court Judge ensuring -- adheres to,
15 so making sure that there is fair and prompt hearings
16 in which the individuals are fully heard and I issue
17 timely rulings. With regards to any changes, I
18 believe that Chief Judge Anderson has done an amazing
19 job as Administrative Law Chief Judge and so of course
20 I would defer to him as to any recommendations for
21 changes.

22 **Q. In what instances is it appropriate for the judiciary**
23 **to work in cooperation with other branches of**
24 **government? And in what areas must the judiciary**
25 **stand apart from the other branches?**

1 A. Thank you, Ms. Adler. With regards to the first
2 question, I believe that the Administrative Law Court
3 is an excellent example of a quasi judicial role. So
4 they are a good example of working with the executive
5 branch as well as the judiciary to ensure that the
6 agencies and any parties affected by agencies
7 decisions are heard. With regards to the -- could you
8 repeat the second aspect of that question for me?

9 **Q. In what instances must the judiciary stand apart from**
10 **the other branches?**

11 A. Oh, yes ma'am. Thank you for that reminder. With
12 regards to I believe we all understand the importance
13 of the three branches of government and my role as the
14 Judge is to apply the law that you enact, you as in
15 legislators.

16 **Q. Thank you. Judge, the Commission received 149 ballot**
17 **box surveys regarding you with 22 additional comments.**
18 **The ballot box survey contained as example the**
19 **following positive comments. Bobbie has been a**
20 **municipal judge for a long time and her experience**
21 **would serve her well in this role. I've never seen**
22 **her be anything but the consummate professional, and I**
23 **think she would bring honor to this position. Judge**
24 **Wofford-Kanwat has been an excellent magistrate and**
25 **would be a superb Administrative Law Judge. She is a**

1 brilliant jurist, hardworking and her character is
2 above reproach. And Judge Wofford-Kanwat is studious
3 and knowledgeable in the law and makes a deliberate
4 effort to remain abreast of changes in the law. She's
5 a conscientious leader in her office, showing
6 compassion, empathy and leadership to her staff.
7 She's a team player willing to assist colleagues in
8 any way she can. She would be a tremendous asset to
9 the ALC. None of the written comments express
10 concerns. Judge Wofford-Kanwat a SLED check showed
11 you as a named party in a civil rights case Brown v.
12 Lott, filed in 2019 and closed in 2023. For the
13 record, could you briefly explain the nature and
14 disposition of your involvement in this lawsuit?

15 A. Yes, ma'am. Thank you. With regards to that case, I
16 issued an arrest warrant for Richland County
17 investigator -- sheriff's department investigator.
18 The plaintiff ultimately was deceased and her estate
19 filed a civil rights action in federal court. And her
20 attorneys subpoenaed me to testify about the issuance
21 of the arrest warrant. Attorney Michael Wren filed a
22 motion to quash that subpoena, which Judge Shiva
23 Hodges granted. I was never a party in that case,
24 only a witness, or perspective witness.

25 Q. Thank you. How would you handle a potential conflict

1 **of interest involving a conflict of interest with your**
2 **family or a member of your family?**

3 A. Thank you. Well, I do have lots of family in Richland
4 County, so I've had experience with this. With
5 regards to the canons requiring recusal, of course,
6 under the third degree of consanguinity. I hope I
7 said that word right. Can't spell it, but hopefully I
8 said it right, and so I would follow that appropriate
9 circumstance. In the past, I have had a family member
10 who has appeared at the Solicitor's office, and we
11 followed, of course, under canon 3E, I believe the
12 remittal process, in which I would disclose any
13 potential conflict, step off the bench, allow the
14 parties to determine whether or not they would wish
15 for me to hear the case, and then, if so, when I
16 joined back, do a paperwork documenting that.

17 **Q. Thank you. What is your understanding of canon four**
18 **and one's obligations regarding investments, including**
19 **those held by immediate family members?**

20 A. Thank you for that question. I could see how that is
21 relevant given my role with regards to my children's
22 trust. And it's my understanding that I need to be
23 mindful. I think the canon says I need to be mindful
24 of my investments. If there is an investment that
25 could cause for me to recuse myself frequently, I must

1 then divest of that investment. And then also with
2 regards to if there's a substantial economic interest,
3 I would have to keep that in mind and recuse myself
4 accordingly.

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

12 A. No, ma'am, I have not.

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

15 A. No, ma'am. I did come across an article, though.

16 Q. Could you elaborate just briefly?

17 A. There was an article with regards to the hearings on
18 Monday.

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

23 A. No, 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 intervene in this process on
2 your behalf?

3 A. No, ma'am.

4 Q. Since submitting your letter of intent to run for this
5 seat, have you contacted any members of the Commission
6 about your candidacy?

7 A. No, ma'am.

8 Q. Do you understand that you're prohibited from seeking
9 a pledge or commitment directly or indirectly until
10 after the formal release of the Commission's report?

11 A. Yes, ma'am, I do.

12 MS. ADLER: I'd note that the Midlands Citizens
13 Committee found Judge Wofford-Kanwat to be well qualified
14 in the evaluative criteria of ethical fitness, professional
15 and academic ability, character, reputation, experience and
16 judicial temperament. Additionally, the committee found
17 Judge Wofford-Kanwat qualified in the criteria of
18 constitutional qualifications, physical health and mental
19 stability. The Midlands Committee also made the following
20 comments on Judge Wofford-Kanwat. She's very organized,
21 smart and enjoys learning. She has very limited
22 experience. There will be a learning curve. The committee
23 was impressed with her ability to run a courtroom,
24 knowledge of evidence and demeanor. Her experience was the
25 only concern. I would just note for the record that any

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

5 VICE CHAIRMAN RANKIN: All right. Questions by
6 any member of the Commission? Senator Walker.

7 SENATOR WALKER: Thank you, Mr. Chair.

8 EXAMINATION

9 BY SENATOR WALKER:

10 Q. Good to see you, Judge.

11 A. Thank you, sir.

12 Q. You are our penultimate candidate this afternoon. You
13 are almost last. And so, with that in mind, I want to
14 share a fun fact about you with the Commission. For
15 those of you who don't know, Judge Wofford-Kanwat is
16 the granddaughter of former State Representative Jimmy
17 Bales. I think some of you may have had the privilege
18 of serving with him. I grew up in the Lower Richland
19 area, so Jimmy Bales is a legend, to put it lightly,
20 in that area. Having been an educator for over 30
21 plus years, he served as a principal of my alma mater,
22 Lower Richland High School, served on Richland County
23 Council, and served, I think, at least two decades at
24 the General Assembly. And to see you following in his
25 footsteps, working as a staff attorney at the Court of

1 Appeals and then at least 15 years on the bench here
2 as a magistrate judge. And so clearly, public service
3 is endemic to your family. Now, I have appeared
4 before you over the course of the last 15 years. I
5 have found you to be very smart, very nimble. When
6 you first started, you didn't have any experience
7 doing criminal law, but you picked up pretty quickly
8 the rules of evidence, the rules of procedure, and so
9 on. And the comments in the ballot box survey about
10 you, just about all of them are just laudatory
11 comments, all of which I agree with because again, I
12 can corroborate those kind words based off of my
13 experience with you. But you know, there are folks
14 who may have reservations because of your paucity or
15 lack thereof as far as experience in the
16 Administrative Law Court. So what can you say to them
17 or what can you say that would assuage their concerns?

18 A. Thank you. Thank you for the thoughtful comments. I
19 appreciate it. And it's an honor to serve actually
20 the Lexington Magistrate because my grandfather did
21 run for that seat. So just as a side note of what an
22 honor it's been to be the Lexington Magistrate. Well,
23 I was reading through the transcripts over the past
24 several years and I think the number one concern as
25 Administrative Law Judge is your experience, and two

1 of the judges, Judge Stephanie Lawrence, who's now the
2 Master in Equity with Richland County, as well as
3 Judge Sam Johnson, who's now on the Administrative of
4 Law Court, said, with regards to the agencies, you
5 can't know all the agencies. There's 20 plus of them
6 and you can't know everything. So I can assure you
7 that just as I've done as a Summary Court Judge, is
8 I'll educate myself fully, I will prepare thoroughly
9 and I will ensure that I make sure that I need to know
10 what I need to know to make sure I'm a fair and
11 consistent judge.

12 **Q. Thank you, Judge.**

13 **A. Thank you, sir.**

14 VICE CHAIRMAN RANKIN: Representative Caskey.

15 EXAMINATION

16 BY CHAIRMAN CASKEY:

17 **Q. Good afternoon, Judge. Thank you for your service.**
18 **Thank you for being here. I will say, I did have the**
19 **pleasure of serving with your grandfather in the**
20 **House. One of the things I used to always love about**
21 **Representative Bales is unlike in the Senate, where**
22 **folks drone on with pleasure; in the House,**
23 **Representative Bales would frequently, when the debate**
24 **had gone on sufficiently long, would say it's time to**
25 **vote. And that was usually a sign we needed to move**

1 forward. I wanted to follow up a bit on Senator
2 Walker's question or line of questioning because as I
3 review again the evaluative criteria that we are
4 charged to assess from constitutional statutory
5 requirements, ethical fitness, professional and
6 academic ability, character, reputation, physical
7 health, mental stability, experience and judicial
8 temperament, the area that I'd like some help with is
9 with respect to experience and I appreciate the
10 questions and the answers about specifically appearing
11 in the ALC. But one area that I don't see in your CV
12 is having had represented clients and as a lawyer, at
13 some point, if you're successful and members of the
14 bar will inevitably confront me and say we have this
15 judge who has never had a client to answer to. How
16 can you help me say that, for example, there's a
17 provision here in the guidelines that says the
18 Commission may consider the candidate's expansive
19 experience in one area as compensating for limited
20 experience in other areas of practice. Does that
21 other area of practice include representing litigants?

22 A. No. You're correct in that, that I'm a judicial --
23 I've been with the judiciary my entire career. So, I
24 mean, I guess my client would be the state in that
25 sense. So I've not had to -- I have not had the

1 opportunity to work in private practice. I admire and
2 respect those who work in private practice. But with
3 that being said, that doesn't mean that I don't have
4 the ability to understand the importance and the
5 complicated role that you have and that I'm unable to,
6 I guess, provide you with quick and -- well, I
7 shouldn't say quick but consistent and fair results.
8 I have had a lot of attorneys appear before me as a
9 magistrate judge. I have not heard feedback such that
10 I don't understand what role they're playing as an
11 advocate for their client. With regards to specific
12 experience at the Court of Appeals, I mean, I can't
13 get around that, Chairman Caskey, that I don't have
14 experience representing an individual client. But I
15 do know and I understand the law, understand
16 everyone's role, and I respect each individual's role.
17 And with regards to my experience as it relates to the
18 actual legal matter -- the legal matters, I mean,
19 again, the Court of Appeals, Summers or PCRs and
20 Anders, so we had to handle those inmate appeals.
21 With regards to the Office of Motor Vehicle Appeals,
22 you know, traffic court, DUIs, I handle all of the DNR
23 cases. With regards to contested cases, I hear the
24 whole gamut. And each week, I mean, I could be at
25 prelims one day, bond court the next day, traffic

1 court the next day. So I understand, and I think I've
2 also been mindful of that when attorneys have conflict
3 of interest and require additional time, and I hope
4 that that can allay your concern. I know that there
5 has been a trend of moving towards electing some
6 judges that don't have as much actual private practice
7 experience. But I am mindful of that and I respect
8 the role that you play and I take that into
9 consideration when I'm hearing my cases in the sense
10 that -- that didn't perhaps sound the most
11 appropriate. I can -- I understand and recognize each
12 person's role and the role that you're playing.

13 **Q. Yes, ma'am. Thank you.**

14 **A. Thank you, sir.**

15 VICE CHAIRMAN RANKIN: Judge?

16 JUDGE WOFFORD-KANWAT: Yes, sir. Judge
17 Strickland.

18 EXAMINATION

19 BY JUDGE STRICKLAND:

20 **Q. I want to get clear, how many years were you at the**
21 **Court of Appeals?**

22 **A. I was three years at the Court of Appeals, and then**
23 **I've been on the bench for -- as a master judge for 13**
24 **years. So 16 years total.**

25 **Q. If you move to the Administrative Law Court, you'll be**

1 **in a different retirement system. You'll be the**
2 **judiciary.**

3 A. I know. I thought about that. That's maybe -- some
4 people may say that's not necessarily the best
5 financial move, changing from the poorest to state
6 retirement but that's not a concern for me.

7 **Q. You're in police retirement now.**

8 A. That's correct, yes.

9 **Q. So you're not running just to enhance your -- your**
10 **retirement prospects are you?**

11 A. No, sir.

12 **Q. Okay.**

13 A. Thank you for asking though.

14 JUDGE WOFFORD-KANWAT: I believe you had a
15 question, sir.

16 VICE CHAIRMAN RANKIN: Well, he may not.

17 MR. PROTOPAPAS: I don't have any questions.

18 VICE CHAIRMAN RANKIN: Well and unless there are
19 other questions I do want to -- I didn't realize that fun
20 fact of your grandfather. Not from this area, but I
21 certainly know him and loved his effect. You've got a
22 good, good legacy there. So without anything further from
23 us, now the opportunity if you'd like to make any brief
24 closing remarks, I'll extend that to you now.

25 JUDGE WOFFORD-KANWAT: Thank you, sir. I just

1 would like to say thank you for the opportunity to be here
2 and for considering my candidacy and thank you for your
3 service as well as your amazing staff service to the
4 Commission. I hope you have a good Thanksgiving.

5 VICE CHAIRMAN RANKIN: All right, you're not done
6 yet. So I need to get a verbal affirmation of this. So
7 this concludes this portion of the screening process.
8 Based on the focus both of the letter and the spirit of the
9 ethics law, any violation by you or the appearance of
10 impropriety by you I want you to know that we would take
11 very seriously and would warrant us perhaps bringing you
12 back for further examination because the record is not
13 closed until the formal release of the record
14 qualification. So you understand that, do you ma'am?

15 JUDGE WOFFORD-KANWAT: I do. Yes, sir.

16 VICE CHAIRMAN RANKIN: Judge, thank you, your
17 husband, thank you both for being here with us and y'all
18 have a happy Thanksgiving as well.

19 JUDGE WOFFORD-KANWAT: Thank you.

20 VICE CHAIRMAN RANKIN: All right. We're going to
21 go in executive session. We are now going on motion of
22 Senator Overture Walker and seconded by Senator Campsen in
23 executive session.

24 (Executive Session was held from 4:33 p.m. until 4:44 p.m.)

25 (Off the record)

1 VICE CHAIRMAN RANKIN: All right. We are going
2 to go back on the record and for the record during
3 executive session, no decisions were made, no votes cast
4 and we are now back on record. And next on the agenda, The
5 Honorable Spiros Stavros Ferderigos, Family Court Judge up
6 for reelection 9th Circuit.

7 WHEREUPON:

8 THE HONORABLE SPIROS STAVROS FERDERIGOS,
9 being duly sworn and cautioned to speak the
10 truth, the whole truth and nothing but the truth,
11 testifies as follows:

12 VICE CHAIRMAN RANKIN: You have before you the
13 PDQ and the sworn statement. Are those ready to be entered
14 into the record?

15 JUDGE FERDERIGOS: Yes, sir.

16 VICE CHAIRMAN RANKIN: All right. And that will
17 be done.

18 (EXHIBIT NO. 28 MARKED FOR IDENTIFICATION PURPOSES

19 (14 pages) - PDQ)

20 (EXHIBIT NO. 29 MARKED FOR IDENTIFICATION PURPOSES

21 (8 pages) - SWORN STATEMENT)

22 VICE CHAIRMAN RANKIN: Judge, you know how this
23 process works by way of our evaluative criteria, and you
24 have been here before. If you will state your name for the
25 record.

1 JUDGE FERDERIGOS: Spiros Stavros Ferderigos.

2 VICE CHAIRMAN RANKIN: Sounds so much better by
3 your delivery than mine. Welcome back. As we again vet
4 your candidacy now for re-election, we focus on the nine
5 evaluative criteria, which includes a ballot box survey, a
6 thorough study of your application materials, verification
7 of your compliance with state ethics laws, a search of
8 newspaper articles in which your name appears, study of the
9 past screenings, and check for economic conflicts of
10 interest. We have three affidavits filed in opposition to
11 your election. Three witnesses are present to testify.
12 We'll meet them shortly. And at this point, I'm going to
13 turn it over to Mr. Turner. I'll have you stand down, sir,
14 and you'll have a seat over there.

15 JUDGE FERDERIGOS: Yes, sir. Thank you.

16 VICE CHAIRMAN RANKIN: Hinson. Excuse me. Jimmy
17 Hinson, staff attorney, excuse me, will take it over from
18 here. I'm going to have the Walkers, if you will all
19 stand, please. And again, I guess I can do this
20 individually, but if you will come to the front row, and I
21 apologize for that, so make it a little easier for y'all to
22 get up. Again, welcome. And I guess I'm sorry, because I
23 will swear each of you individually when you come to the
24 dais. So, Mr. Walker, son walker, come on up. I'm going
25 to turn it over to Mr. Hinson. Y'all can have a seat. And

1 let me have you state your name for the record.

2 MR. WALKER: Lee Carlton Walker.

3 WHEREUPON:

4 LEE CARLTON WALKER, being duly sworn and
5 cautioned to speak the truth, the whole truth and
6 nothing but the truth, testifies as follows:

7 VICE CHAIRMAN RANKIN: All right, Mr. Hinson. My
8 apologies.

9 (EXHIBIT NO. 30 MARKED FOR IDENTIFICATION PURPOSES
10 (301 pages) - L. WALKER COMPLAINT)

11 EXAMINATION

12 BY MR. HINSON:

13 Q. Good afternoon, Mr. Walker. How are you this
14 afternoon?

15 A. Pretty good.

16 Q. Mr. Walker, today we have before the Commission the
17 candidacy of Judge Spiros Ferderigos, and we have your
18 complaint. We have reviewed your complaint. I've
19 reviewed it, and the Commission members have reviewed
20 it. It's in front of them. A few things that we
21 spoke about on the phone, and I followed up in an
22 email, but I want to put it on the record, the purpose
23 of today's hearing. Today's hearing is to evaluate
24 the criteria, the nine evaluative criteria set by
25 statute, in which this commission is charged with

1 reviewing candidacies for judgeships in South
2 Carolina. The Commission does not have the ability to
3 undo a judge's ruling. This Commission is not an
4 appellate panel. The Commission is not here to
5 relitigate any litigation in the past, still pending
6 or going forward. We're simply here -- or the
7 Commission is simply here to review the candidacy of
8 Judge Ferderigos. So what I'd like to do is go
9 through your complaint with you. There are a few
10 questions that I have as just a matter of clarifying
11 some things in my mind so that the Commission has an
12 accurate depiction of what your complaint says, what
13 you want them to hear. So that's how we're going to
14 get started, and then we'll go from there. Okay?
15 Does that make sense?

16 A. Yes, sir.

17 Q. Okay. I thought it would be best, and I'm going to
18 ask your indulgence for a second. I thought it'd be
19 best for the Commission, so much of your complaint
20 deals with temporary hearings. And that's what --
21 that's what your complaint centers on, a temporary
22 hearing Judge Ferderigos conducted in January of 2021.
23 I thought it'd be pertinent to -- for the Commission's
24 sake, and again, I ask your indulgence, to read a
25 portion of that rule so that the Commission -- refresh

1 their memory of what takes place in a temporary
2 hearing. I'm looking at Rule 21 of the Family Court
3 Rules, Section F, which deals with evidence. I'm just
4 going to read paragraph one. Evidence received by the
5 court at hearings on motions for temporary relief
6 shall be confined to affidavits, financial
7 declarations, and any other documents which are
8 statutorily required, such as parenting plans, and may
9 be limited as detailed in this rule. No part of this
10 rule should be interpreted to prevent a judge from
11 considering the pleadings, motion and return. And
12 lastly, for good cause, and importantly, for good
13 cause, in the discretion of the judge who conducts the
14 hearing, additional evidence or testimony may be
15 permitted or required. So I wanted to read that into
16 the record and for the benefit of the Commission
17 members, because again, so much of your complaint
18 deals with evidence in this temporary hearing. So I'm
19 going to start with paragraph three of your complaint
20 where you allege procedural misconduct and failure to
21 review the record. You state that there were missing
22 filings from the October 30th --

23 A. -- you're quoting the transcript. And you also point
24 out that the judge said that he must go through the
25 file. Despite this, he proceeds to hear arguments.

1 Q. -- and again, that's one of the reasons I wanted to
2 read that portion of the rule to let everybody know
3 the -- the goalpost here that the judge was abiding
4 by. So I'm looking at your transcript and this is
5 where we start getting into it. Like I'm asking you
6 to help clarify for the Commission.

7 A. I don't -- I don't have the transcript in front of me.

8 Q. Okay, we can certainly get you a copy of that.

9 A. So I can see --

10 Q. It's your Exhibit 1.

11 A. Yeah, I was told it -- whatever's in the -- my filing,
12 I -- I have a different statement that I've made.

13 Q. And I'm going to get through my questions and then
14 that'll -- that'll be the Chairman's call as to your
15 statement.

16 A. Okay.

17 Q. So for now we're -- I just have a few clarifying
18 questions. That's all we're doing at this point.

19 A. That's fine.

20 Q. Okay.

21 MR. HINSON: And I think, Lindi, you --

22 MS. PUTNAM: This is your entire complaint, but
23 it's not broken up.

24 MR. WALKER: Yeah. If he's on that transcript,
25 it's --

1 Q. It's your Exhibit 1. If you just -- it's Exhibit 1.

2 MS. PUTNAM: Is it this?

3 MR. WALKER: Yeah, that's the transcript. Thank
4 you very much, by the way.

5 Q. So I'm looking again. Your allegation is that there
6 are missing filings. Judge needs to go through the
7 file. But despite that, he moved forward with the
8 hearing. And I look -- I'm looking at page five, line
9 11, and the Judge appears to go through the file to
10 make sure he has everything. And then I go to page
11 six and he appears -- and I'm looking at line six. He
12 appears to recognize that the October 30th motion is
13 not in his file. He at that point references a Ms.
14 Bott who appears to be a court employee. The Judge
15 asked the clerk -- asked Ms. Bott to get the clerk to
16 get him a copy of that. He then at the line 24, line
17 25, he asked everybody to hang tight so he can make
18 sure he has a copy. And then I'm looking at page
19 seven of the transcript line starting line 11, he --
20 and specifically the first couple words of line 13, he
21 states he's concerned that he might be missing
22 something. And then he goes through a long list of
23 items that he had in the file before him, including
24 your -- your filing of November 17, 2020, as well as
25 your reply to an ex parte order that was filed -- pro

1 se ex -- let me back up. Plaintiffs reply to ex parte
2 order without legal representation filed November 2nd.
3 So again, for clarity purposes, you've alleged that
4 the judge did -- he went forward with not having
5 everything in front of him, but the transcript, --
6 we're trying to just verify that what we're reading in
7 the transcript and what you have in your complaint
8 match up. And so if you can clear that -- clarify
9 that for us.

10 A. Well, as far as that, I mean, me reading this
11 transcript, the impression I got, he wasn't prepared
12 when, you know, this went forward. And I mean, it's
13 clear he did -- he's asking for things and it's like
14 he didn't review everything before he started the
15 hearing. I mean, to me that was unprepared to go
16 forward with the hearing. I do have a statement I'd
17 like to read into the record.

18 VICE CHAIRMAN RANKIN: Let's hold off on that, if
19 you will, because we're going to try to help narrow this to
20 -- to get what we can that is subjective versus what the
21 record has.

22 MR. WALKER: I got you.

23 A. The main issue --

24 VICE CHAIRMAN RANKIN: Well, hang on, hang on.
25 Follow this as best we can and then we'll come back to you.

1 MR. WALKER: Okay.

2 VICE CHAIRMAN RANKIN: To the point, do you
3 understand that the record reflects that, though at the
4 outset, he doesn't have it in the exchange with you all and
5 your counsel, that he does get it from either y'all or from
6 the clerk. He does have it before y'all start.

7 MR. WALKER: Well, I mean, it's -- it wasn't
8 reviewed. I mean, if -- because if you'll look at my
9 complaint, when I went before him based on a case that the
10 guardian said, I've threatened the judge and a bunch of
11 people with a firearm. And I went in front of Judge
12 Ferderigos and I said, listen, I'm not asking for any
13 special favors. I just want you to read the record and
14 follow it. And because my friend Chip Limehouse was the
15 last member of the House of Representatives to remove a
16 judge from the 9th Circuit. And at that point, the judge,
17 obviously, in that case, he watched all the videos and he
18 denied the guardian's motion and removed all the
19 restraining orders on me. But in this case, he did not.
20 And this has been used over and over. And my main issue is
21 the Rule 59 and Rule 60 that I asked him to give me an
22 opportunity --

23 VICE CHAIRMAN RANKIN: Hang on. Because again,
24 we're setting the stage for what you've alleged and what
25 we've got here through your exhibit.

1 MR. WALKER: To me, as a lay person, he didn't --
2 he did not have everything in front of him. And, based on
3 the ruling, and Jessica Partain, that was the lawyer at the
4 time, she even said the same thing. He obviously did not
5 read the record and just took the guardian and the
6 guardian's lawyer, which to this day, I could show this
7 entire panel how that October 30th filing broke Rule 11 for
8 attorneys. And it's literally, to this day, a lie about
9 me.

10 VICE CHAIRMAN RANKIN: All right. And so again -
11 - and you and I met before.

12 MR. WALKER: Yeah. In 2021.

13 VICE CHAIRMAN RANKIN: You were here grieving or
14 filing a complaint against another judge.

15 MR. WALKER: Correct.

16 VICE CHAIRMAN RANKIN: And so you know how this
17 works, and I'm not -- no one up here is going to try to be
18 unfair. We just have to set the record. And so as best
19 you will, withhold unless it's a direct question on the
20 procedural complaint trying to narrow these issues. Okay.
21 Will you help us with Mr. Hinson doing that?

22 MR. WALKER: Yes, sir.

23 VICE CHAIRMAN RANKIN: Okay.

24 MR. HINSON: Thank you, Chairman.

25 **Q. And I'll jump to your portion of the complaint that**

1 talks about the motion to reconsider. And again, if
2 you will indulge me, I'd like to read Rule 77(B) of
3 the Rules of Civil Procedure concerning trials and
4 hearings and orders in chambers. All trials upon the
5 merit shall be conducted in open court and so far as
6 convenient, in a regular courtroom. All acts or
7 proceedings may be done or conducted by a judge in
8 chambers without the attendance of a clerk or other
9 court officials at any place either within or without
10 the circuit. But no hearing other than ex parte
11 hearing or one upon motion subsequent to trial shall
12 be conducted outside the circuit. And it goes on. So
13 as to your -- and the Commission does not have the
14 ability to get -- to reevaluate the evidence that
15 judge -- how he weighed it in chambers. But from when
16 you look at the evaluative criteria, whether or not he
17 was competent as to the law, here the rules seem to
18 indicate that deciding things that are not on the
19 merits and are done in chambers are appropriate. And
20 so if you would address again for the Commission kind
21 of square the complaint with the rule and how that --
22 how that goes to the judges evaluative criteria.

23 A. All right. Can you reread the rule that you want me
24 to address?

25 Q. Sure. All trials upon the merit shall be conducted in

1 open court and so far as convenient, in a regular
2 courtroom. All other acts or proceedings may be done
3 or conducted by a judge in chambers without the
4 attendance of the clerk or other court officials and
5 if any other -- at any place either within or without
6 the circuit. But no hearing other than one ex parte
7 or one upon motion subsequent to trial shall be
8 conducted outside the circuit without the consent of
9 all parties affected thereby. And so my understanding
10 is the judge signed two orders, I want to say March of
11 -- March, early April of 2021. Those were done in
12 chambers. And that's my understanding is you are --
13 you're alleging that's an allegation against his
14 competency in your affidavit.

15 A. Can you read the section of the affidavit because he
16 obviously -- the March 2021, is that the guardian
17 case? Are you talking about the case -- this January
18 case?

19 Q. This goes back to the January -- I'm sorry, this goes
20 back to -- I'm sorry. My understanding is this goes
21 back to the January temporary hearing. You filed a
22 motion. You filed a Rule 59 and Rule 60 motion, and
23 he denied both of those motions because there -- his
24 order was temporary in nature.

25 A. So that was the reason for denying it, because it was

1 temporary in nature? That's what you -- you're, I
2 guess, claiming?

3 **Q. That's not -- that's not me claiming. That's the**
4 **order.**

5 A. So he denied it because it was a temporary --

6 **Q. These are -- I'm reading -- everything I'm reading is**
7 **either in your exhibit or your mother or father's**
8 **exhibit.**

9 A. Okay, so -- so that's the biggest issue right there.
10 Which -- and it's not just my case, but it's -- it's a
11 big problem in the state of South Carolina. I
12 literally went on Saturday to the judicial merit thing
13 with Joe White.

14 VICE CHAIRMAN RANKIN: Mr. Walker, I'm gonna be a
15 little rude. Perhaps you might consider this rude, but
16 this is not a campaign event. This is not a --

17 MR. WALKER: Yeah, I'm not -- I'm not --

18 VICE CHAIRMAN RANKIN: -- but to the degree that
19 -- please, if you will tailor your remarks to the complaint
20 and to the specifics that you want us to hear and so -- and
21 so, please help us focus on the complaint and not the
22 philosophy. Not about any other judge, not anything other
23 than your complaint against this judge.

24 A. So you're telling me the reason this was denied is
25 because a Rule 59 and Rule 60 does not apply to

1 temporary orders? Is that what you're saying?

2 Q. I was simply reading the rule for the benefit of the
3 Commission. I'm not giving legal advice or
4 summarizing. I'm simply reading from the exhibits
5 that were provided and the rule. And I'm just asking
6 you to explain to the Commission how the judge failed
7 in his duty under the nine evaluative criteria, how he
8 failed to -- how he failed to adhere to those
9 standards. And I'm giving you an opportunity to
10 explain that to the court -- to the Commission.

11 A. Well, like I did in the second hearing, concerning
12 which, of course, he denied the guardian stuff. All I
13 was asking for was to be heard. I mean, I'm a
14 veteran. I mean, that's not too much to ask to be
15 heard because I sat there and watched. The judge was
16 given a bunch of false facts. And the reason Jessica
17 Partain was let go is we found out my --

18 Q. And I want to stop you there. You mentioned Ms.
19 Partain. She was your attorney and you were
20 represented at the January 2021 temporary hearing?

21 A. Correct. Yes. Yes, sir. All right, so the reason I
22 was in this situation, and I'm not wanting to talk
23 about the case, but Covid, as a contractor, I
24 literally only made 22 grand for 2020. And on October
25 27th, my lawyer at the time, William Hammett, his law

1 firm made him quit. And at that moment, I had no
2 legal representation. And my ex and her lawyer filed
3 this thing in the courtroom on October 30th. And I
4 had no way to defend myself. And my father decided to
5 help me get Jessica Partain. And he got 15 grand out
6 of his retirement. And then we also found out that
7 November that he was diagnosed with cancer, with blood
8 cancer. So we went with Jessica Partain and I -- she,
9 --if you read the record, she left. She's like,
10 judge, just read all the stuff. And it -- and to me,
11 I could have done a better job explaining myself and
12 explaining what's going on. And obviously I -- I
13 still to this day don't think Judge Ferderigos read
14 everything at the time.

15 VICE CHAIRMAN RANKIN: All right, I'm going to
16 interrupt you. Forgive me again, I apologize, but I
17 appreciate that background. But we have a record and that
18 record reflects that your attorney, though later dismissed
19 by you, your attorney at that hearing participated and
20 spoke on your behalf, correct?

21 MR. WALKER: Yes, sir.

22 VICE CHAIRMAN RANKIN: All right. And there's no
23 other witness testimony from you or your -- or anyone else,
24 correct? It was only by attorneys on behalf of you and
25 your --

1 MR. WALKER: It was the guardian's lawyer. All
2 right, so this is another issue.

3 VICE CHAIRMAN RANKIN: To that point just -- you
4 were not allowed nor was any other person who was
5 represented by counsel allowed to speak at that hearing.
6 Correct?

7 MR. WALKER: Correct. It was a 15 -- I believe
8 it was a 15 minute hearing to determine whether I could see
9 my child and there's Supreme Court case law right now --

10 VICE CHAIRMAN RANKIN: And again, hold on,
11 because we're not talking about the law, we're talking
12 about your complaint. So we've established that no one
13 else was allowed. You didn't appear pro se, so you would
14 not have had the opportunity, nor would your attorney have
15 said, the floor is yours. That was not that hearing or the
16 context.

17 MR. WALKER: She was -- Senator Rankin, she was
18 let go, like literally right after that hearing because it
19 cost \$12,000 for that 15 minute hearing. That's what she
20 charged us, 15 or no, 13,000. We got two grand back. And
21 based on my sister passed away from cancer and knowing the
22 financial stress that was on my family, I was like, look,
23 I'm just going to be pro se. And so I literally, you know,
24 being pro se, I don't know -- I know this now about ex
25 parte communication with judges. You can't do that. But I

1 reached out to the judge saying, judge, there's facts that
2 you haven't seen. They were dishonest. And then of
3 course, all I wanted was a -- to be heard.

4 VICE CHAIRMAN RANKIN: All right. And so again,
5 by counsel, you were heard. That your counsel did not
6 represent you well, you thereafter decided to disassociate
7 yourself, but for that you --

8 MR. WALKER: I couldn't afford it.

9 VICE CHAIRMAN RANKIN: But regardless, whatever,
10 and I, no offense to the why, but what we have before us
11 for your complaint is that you're saying that you were not
12 heard, but you were and everyone else was heard at that
13 moment in time to the benefit -- your lawyers and nobody
14 else said we need more time. No one supplemented anything
15 else. That was all that was put before the judge that day.
16 Yes or no to that question, please?

17 MR. WALKER: Yes, we were heard that day, but --

18 VICE CHAIRMAN RANKIN: All right. All right, so
19 stop right there if you will. Representative Stavrinakis.

20 REPRESENTATIVE STAVRINAKIS: Thank you, Mr.
21 Chairman. I'll try to narrow this down.

22 EXAMINATION

23 BY REPRESENTATIVE STAVRINAKIS:

24 Q. You know, I think what we're hearing as we separate,
25 you know, your dissatisfaction with maybe your counsel

1 and with the result, obviously, you know, the only
2 thing I hear that might be a plausible so far
3 complaint against Judge -- the judge is that you don't
4 feel like he considered everything and don't feel like
5 he was thorough is kind of how I would summarize what
6 I think I hear from you. So there are -- I know that
7 the -- our counsel provided -- you were provided the
8 transcript. There are a couple of places in the
9 transcript, multiple places early on in the transcript
10 where it appears to me as just -- I wasn't at the
11 hearing obviously. I'm just reading the transcript,
12 where it appears to me that the judge was very
13 thorough in trying to make sure that everything that
14 was before him that day, everything that he needed to
15 consider in order to rule on this motion was included
16 in what he had at his disposal. There's even a list
17 of all -- which he provided on the record of
18 everything that he had in front of him trying again to
19 make sure he had everything that he needed to
20 consider. So looking at those paragraphs, at the
21 those lists, is there anything you can tell us that
22 should have been included in that list that wasn't and
23 if it wasn't, was it submitted by your attorney?
24 Okay, so that's question number one. And then the
25 other issue I hear is you don't feel like he really

1 considered it. At the end of the transcript, you said
2 it was only a 15 minute hearing, but it doesn't appear
3 that he ruled in 15 minutes. It appears that he took
4 the matter under advisement, which would indicate to
5 me, again I wasn't in chambers with him, but I've been
6 doing this for a while. Appears to me that he did
7 that so that he could thoughtfully consider everything
8 that had been provided to him. So we're again --
9 we're trying to get to the substance of, you know,
10 credibility of any complaint against the work of the
11 judge. And so those are the two things I've heard;
12 didn't consider everything. And I'm asking you, we
13 have a list here of things that he, I think in the
14 transcript, at least very thoughtfully, made the
15 effort to make sure he had everything. And then you
16 say he didn't give it much thought, but it appears he
17 took it under advisement. So if you could just
18 please, square with me how those things are not
19 accurate as they appear in the transcript.

20 A. Okay. Well, first, about the attorney. It wasn't
21 that I was unhappy with the attorney, I just couldn't
22 afford to go forward.

23 Q. Respectfully, the attorney doesn't -- there's a
24 process. If you are not happy with the attorney.
25 That's not this process. This is about the

1 qualifications of Judge Ferderigos. So if you weren't
2 happy with your lawyer, I'm sorry, if you felt like -
3 -

4 A. No, that's --

5 Q. -- your lawyer did you a disservice, I'm sorry.
6 That's an issue for another body, another day. We
7 can't do anything about that. And so there's really
8 no point in going back to that over and over again,
9 how much it cost you or whether you were happy with it
10 or any of that. There's nothing that we can do about
11 any of that. And it's not within our purview.

12 A. Yeah, I understand that, Representative Stavrinakis,
13 but in the beginning, you -- you suggested I wasn't
14 happy with my lawyer. That was not the issue.

15 Q. Well, that came from you, but --

16 A. Well, in this --

17 Q. -- you understand -- I'll summarize if you need me to.
18 The two questions I'm trying to get at. There's a
19 list of things that the judge reiterates on the
20 record. If anything was missing, what was it, and was
21 it not provided by your attorney? And number two,
22 you're saying he didn't consider things. It was a 15
23 minute hearing is what you said. And I'm -- and the
24 record indicates he took it under advisement. Is that
25 incorrect?

1 A. If you look at the record, actual transcript, he made
2 his decision in this transcript. And if you look at
3 his final order, it literally reads like the way the
4 transcript reads. He did not consider -- he might
5 have told everybody he took it under advisement. But
6 based on the information that I have, I don't believe
7 he did. Because when we went in front of him again
8 and I, you know, this is his first time meeting me in
9 person, and I held my finger up and I said, sir, I
10 don't want any special treatment. I just want things
11 to be fair and please review the record. I even --
12 don't have that transcript with you guys. But in that
13 scenario, I asked to play all the recordings in the
14 court. I asked for three hours. He's like, nope,
15 can't do that. It's going to be 30 minutes. And in
16 that case, because this guardian has done this over
17 and over and over to the tune of over 860,000 in fees
18 and it stems -- I know y'all don't want me to get into
19 the weeds of this, but this -- this needs to be heard
20 for -- so you understand the backlog of this. There
21 was a drunken incident in May of 2020 where my ex's
22 best friend was drunk around our daughter, and I asked
23 the guardian not to let her babysit our daughter
24 again. And July 31st, there was a situation where
25 that person was allowed to babysit my daughter again

1 without my permission or being a mutual agreed upon
2 sitter based on our court order from 2012. And during
3 that thing, my daughter reported that she witnessed a
4 strange man, who was not the woman's husband, touching
5 her hiney and butt. And my child at the time was 10.
6 And so when I found that out, I told the guardian that
7 I was going to sue her for gross negligence under
8 Fleming vs. Asbill, because they have quasi immunity
9 if the child's hurt. After that was mentioned, she
10 got this lawyer, Lindsey Blanks, and they proceeded to
11 take my child away. And when --

12 MR. HINSON: This is the case here and I --

13 A. I want to --

14 Q. Mr. Walker, can I -- while we're on the subject of
15 guardian, it brings to mind a portion of the
16 transcript on the temporary hearing. I'm looking at
17 page 33, line 9 and 10. It's the court --

18 A. Hold on one second, sir.

19 Q. Yes, sir.

20 A. Page 33.

21 Q. And while he's looking, obviously the issue of the
22 competency of a guardian ad litem is not before the
23 Commission, but the judge's actions in this hearing
24 are. And I just -- I think it would be pertinent to
25 point out that the court notes that Ms. Partain, your

1 attorney, can file a motion regarding the guardian at
2 any time she pleases. That's not before me at this
3 time. So obviously for the judge to comment on that,
4 it appears that there was some question of the
5 guardian's actions. And he agrees to that. He puts
6 something -- he puts words on -- on paper there as to
7 that issue. So I just wanted to bring that to the
8 Commission's --

9 A. I think if you read through the transcript, Jessica
10 might have mentioned something because in this case
11 the guardian was asking about -- and I know it's
12 illegal for a guardian to suggest visitation and
13 custody and all that, but of course that's -- that's
14 not adhered to in most cases. Whatever the guardian
15 wants. And by the way, this guardian is a lay
16 guardian with a high school education that -- that's a
17 whole nother issue. I think guardians should only be
18 lawyers.

19 VICE CHAIRMAN RANKIN: Again, I'm gonna interrupt
20 you. Again, point being here with what Mr. Hinson has
21 said, the judge is aware and you're on notice. Ms. Partain
22 is on notice as your lawyer. And you read the entire
23 transcript to see the back and forth between all parties.
24 That's not before the judge that day.

25 MR. WALKER: No, sir.

1 VICE CHAIRMAN RANKIN: You will agree with that,
2 correct?

3 MR. WALKER: Yes, sir.

4 VICE CHAIRMAN RANKIN: Okay. So and help -- all
5 right, so, Mr. Hinson, if you will, two more and then we
6 will go to you for questions. And if you will, Mr. Hinson.

7 Q. Two what I think will be quick questions to finish my
8 line of questioning. You've referenced the hearing
9 that -- the issue of the Facebook post and the gun and
10 that the judge ruled in favor of you. You were pro se
11 in that matter, correct?

12 A. Yes. And he reviewed all the information. That's why
13 I'm saying what -- what I don't understand, and this
14 is a --

15 Q. Just for the record, just clarifying that you were pro
16 se. Because obviously you -- you've talked about Ms.
17 Partain and not -- the inability to keep her. I just
18 wanted to bring to the Commission, make them aware
19 that you were pro se in that matter.

20 A. Yes.

21 Q. You appealed the order of Judge Ferderigos, correct?

22 A. I don't think I appealed the judge -- the order of
23 Judge Ferderigos. It was Judge Foresythe's order on
24 money. And then --

25 Q. I'm looking at a letter from the South Carolina Court

1 of Appeals in an opinion, Lee Walker v. Shirley
2 McAdams, filed December 28, 2022. And it's -- the
3 appeal is dismissed because the underlying orders are
4 not appealable. A temporary order of family court is
5 without prejudice to the right of the parties.
6 Temporary orders are by definition, temporary, that
7 neither decide any issue with finality.

8 A. Okay. So -- so that -- it sounds like you -- that I
9 did appeal on Judge Ferderigos' thing. And that's
10 another issue that needs to be addressed in family
11 courts is temporary orders.

12 VICE CHAIRMAN RANKIN: All right. And
13 respectfully, this is not a legislative hearing to decide
14 what changes to the law need to be made. And respectfully,
15 again, so that was just as -- again, a motion for
16 reconsideration. That was denied. There was an appeal of
17 this, which also was denied. Correct? Of this hearing.

18 MR. WALKER: Yes. Because they say temporary
19 orders are not appealable. And in Family Court, there's
20 tons of families that get stuck with a temporary order for
21 two, three, and in my case, it was like four years, and I'm
22 stuck without seeing my daughter.

23 VICE CHAIRMAN RANKIN: Okay. Final thing on the
24 complaint. All right, so -- and again, I'm not trying to
25 cut you off. We do want to hear from your parents as well.

1 They have come as well. They've got complaints which are
2 effectively consistent with what you say. I don't want to
3 cut you off. We want to hear from you. Is there anything
4 else that we need to know from you that is not already in
5 your complaint?

6 MR. WALKER: Yes, I just -- I know for a fact
7 that when he actually took into chambers and reviewed the
8 information considering the firearm, he saw the truth and
9 he ruled appropriately. But in this one, he did not do
10 that. Basically, his order is straight from what the
11 record shows. There was no due diligence in reviewing all
12 the information. And I don't understand why he would deny
13 me a Rule 59 or Rule 60 to correct the record. And it
14 wouldn't have cost my family attorney fees totaling now
15 over \$860,000.

16 VICE CHAIRMAN RANKIN: Okay. Is there anything
17 else?

18 MR. WALKER: I would -- I mean, if -- if I could,
19 I'd read the statement that I prepared.

20 VICE CHAIRMAN RANKIN: Respectfully, again, just
21 to the point of the questions that the members may have.
22 We've got the complaint. We've got the supporting
23 documents again.

24 MR. WALKER: I mean, this -- one thing I want to
25 say, because this is a new judicial merit selection

1 commission. It's with respect, I mean, we -- I testified
2 at the judicial ad hoc committee meeting, trying to, you
3 know --

4 VICE CHAIRMAN RANKIN: Mr. Walker, to the point
5 of the complaint. That's what we're here about. Okay. Is
6 there anything else that you would --

7 MR. WALKER: I would like to read my statement
8 into the record.

9 VICE CHAIRMAN RANKIN: I would ask that you hand
10 the statement in because we want to hear from your parents.

11 MR. WALKER: My statement lasts five minutes,
12 sir. It's kind of like this. I asked to be heard, and
13 you're not allowing me to be heard.

14 VICE CHAIRMAN RANKIN: Five minutes. The floor
15 is yours.

16 STATEMENT BY MR. WALKER:

17 MR. WALKER: I'm just gonna read this statement.
18 All right. Good afternoon, Chairman and Members of the
19 Commission. My name is Lee Carlton Walker. Thank you for
20 allowing me to speak today. I'm here not to relitigate my
21 custody case, but to address judicial preparation,
22 diligence, competence, and the public appearance of
23 impartiality. The exact qualities the Commission is
24 required to evaluate when considering judicial
25 reappointment. Before I speak about Judge Ferderigos'

1 conduct, I want to share a brief of who I am and because my
2 background shows the level of trust the state and the
3 nation has placed in me. I'm a licensed South Carolina
4 residential builder entrusted to build homes where families
5 in the state live and raise their children. I'm a South
6 Carolina real estate broker in charge, responsible for
7 supervising agents, managing a regulated fiduciary trust
8 account held to ethical standards similar to those
9 governing attorneys with their accounts. I'm not only SLED
10 certified to carry a concealed firearm, but I'm also a SLED
11 certified Concealed Weapons Permit Instructor approved by
12 SLED after a full background check investigation to teach
13 the public firearm safety and South Carolina firearm law,
14 and I also proudly served in the United States Navy as an
15 aviation boatswain's mate during operations off the coast
16 of Somalia in 1993. I assisted in the recovery of a downed
17 H46 helicopter, dangerous and requiring calm, coordinated
18 and precise judgment under extreme pressure. A marine F35
19 pilot out of Beaufort recently told me that my actions in
20 Somalia are currently being used as the training video for
21 the F35 pilots. So when I stand here before you, I do so
22 as someone who has served this country under pressure,
23 earned the trust of the state, and demonstrated
24 responsibility in situations far more demanding than a
25 routine courtroom hearing. All I've ever asked was for the

1 judge to read my filings and to give me 30 minutes to be
2 heard under the Rule 59 and Rule 60. That never happened.
3 The judge was not prepared, even though, as we just looked
4 at the record, he was asking for things. On January 20,
5 2021, at the start of my hearing, Judge Ferderigos stated
6 on the record that he had not received a file and was
7 missing filings from months earlier. Despite that, he
8 proceeded. A judge who has not received the evidence --
9 reviewed the evidence cannot make an informed or reliable
10 ruling. And when a judge rules without reading the record,
11 and I know y'all are going to debate he did or didn't, it
12 creates the unmistakable appearance of partiality because
13 the decision becomes based on entirely on the narrative
14 presented in the moment. No South Carolinian should ever
15 walk into a courtroom and find out that the judge has not
16 read their file because he is unprepared. Judge Ferderigos
17 has relied on the unsworn statements from the Guardian ad
18 Litem's attorney, several of which were inaccurate and
19 misleading. Meanwhile, my sworn affidavit and those of my
20 parents and witness were not meaningfully considered. I
21 was never allowed to testify. I understand he just
22 clarified that I couldn't testify. I was never allowed to
23 clarify. I was never allowed to defend myself after the
24 hearing. When a judge elevates unsworn comments over sworn
25 evidence, the public cannot trust the fairness of the

1 proceedings. And as far as refusal to hear the Rule 59 and
2 Rule 60 leaving me no remedy, South Carolina has called
3 temporary orders cannot be appealed the means rule. That
4 means Rule 59(E) and Rule 60(B) are the only lawful
5 mechanisms to correct a temporary order that contains
6 factual or legal errors. I filed both. I did not ask for
7 a new trial. I asked for 30 minutes to show the documents,
8 prove provable errors. Judge Ferderigos refused to hear
9 either motion. He said everything could be addressed later
10 in a final hearing or something along those lines. But at
11 the final hearing -- the final hearing did not begin until
12 November 23rd, nearly three years later. Because temporary
13 orders cannot be appealed, his refusal made this
14 unreviewable order effectively permanent, no matter how
15 incorrect it was. The 45 day review that reviewed nothing.
16 In his order, he said there'd be a 45 day hearing. That
17 hearing occurred, but it did not function as a review
18 hearing. The court did not revisit evidence. The court
19 did not review the affidavit the judge previously missed,
20 did not hear testimony. It did not correct any factual
21 errors. Instead, the court treated the temporary order
22 issued without reviewing the record, as I understood it, as
23 if it was established fact.

24 VICE CHAIRMAN RANKIN: Mr. Walker.

25 MR. WALKER: I'm almost done, sir.

1 VICE CHAIRMAN RANKIN: 30 seconds. 30 seconds.
2 You've gone over five. I want to hear from your parents.
3 Respectfully. 30 seconds to wrap up.

4 MR. WALKER: Senator, I cannot finish the thing
5 in --

6 VICE CHAIRMAN RANKIN: 30 seconds, please.

7 MR. WALKER: This is what I'm talking about, not
8 being able to finish your statement. I mean, I prepared a
9 10 minute statement or 5 minutes. Review the hearing.
10 Nothing else. Oversight. Let me get to the judicial merit
11 selection.

12 VICE CHAIRMAN RANKIN: You're welcome to
13 introduce that. I'm gonna call time on you, sir, because I
14 do want to hear from your parents. We have your entire
15 record. We have the complaint. So now, Mr. and Mrs.
16 Walker, if y'all will come up. Mr. Walker, if you'll stand
17 down, please. Oh, yeah. And Mr. Walker, excuse me. Your
18 statement, would you like that to be included in the
19 record?

20 MR. WALKER: It's got my handwritten notes on it.
21 I would like to just read it into the record.

22 VICE CHAIRMAN RANKIN: I would invite you to
23 submit it. And if you want to make a copy of that, again,
24 we will include that in the record.

25 MR. WALKER: Just like -- okay.

1 VICE CHAIRMAN RANKIN: All right. Representative
2 Stavrinakis.

3 REPRESENTATIVE STAVRINAKIS: Before we move on to
4 Ms. Walker, I'd like to just note for the record that it
5 appears that there's an order from Judge Ferderigos dated
6 April 1st of 2021. And in that order, it outlines the
7 relief that was requested by two different parties against
8 Mr. Walker. And in fact, the judge denied, in part, the
9 relief that was requested against him and ruled against the
10 party's opposite of Mr. Walker on the other matter. So, I
11 mean, in addition to everything else that we've tried to
12 sort through, it actually doesn't even appear that he ruled
13 against him. I'm not really sure, but I just wanted to add
14 that to the record.

15 VICE CHAIRMAN RANKIN: All right. And ma'am, if
16 you will -- can I get both -- both, Mr. and Mrs. Walker, to
17 come up together, please? And, ma'am, state your name
18 first for the record.

19 MRS. WALKER: Helen R. Walker.

20 VICE CHAIRMAN RANKIN: Helen R. Walker and?

21 MR. WALKER: James J. Walker, Jr.

22 WHEREUPON:

23 HELEN R. WALKER AND JAMES J. WALKER, JR.,
24 being duly sworn and cautioned to speak the
25 truth, the whole truth and nothing but the truth,

1 testifies as follows:

2 VICE CHAIRMAN RANKIN: Thank you both for being
3 here. And I'm not asking -- trying to limit either of you
4 from being heard, but your complaints are effectively the
5 same. If you'd like one to speak for the other, if one
6 represents the other again, would like to have you decide,
7 if so that we don't hear it twice. Again, happy to --

8 MRS. WALKER: I've prepared a statement that I
9 would like to present.

10 VICE CHAIRMAN RANKIN: All right. And for that,
11 ma'am, we will allow you to put that in the record. And is
12 it effectively about the time limit or length of your son,
13 or is it longer?

14 MRS. WALKER: No, it's not longer.

15 VICE CHAIRMAN RANKIN: Okay. Would you like that
16 introduced in the record? We'll hear from you, but you
17 don't need to read it verbatim. If you'd like, we will put
18 it in the record and hear from you, a summary of that.

19 MRS. WALKER: I would like to read what I've
20 prepared.

21 VICE CHAIRMAN RANKIN: By the way, I'm told by
22 staff that the complaints are not in the record at this
23 point. Do you want those complaints likewise included in
24 the record?

25 MRS. WALKER: Uh-huh.

1 VICE CHAIRMAN RANKIN: Yes. Is that a
2 affirmative?

3 MR. WALKER: Yes.

4 VICE CHAIRMAN RANKIN: Okay. Sir, you want your
5 complaint in the record?

6 MR. WALKER: Well, mine's kind of on cards.

7 VICE CHAIRMAN RANKIN: No, no, but I'm actually -
8 - the formal complaint.

9 MR. WALKER: Oh, yes. Yes.

10 VICE CHAIRMAN RANKIN: Okay.

11 (EXHIBIT NO. 31 MARKED FOR IDENTIFICATION PURPOSES
12 (22 pages) - H. WALKER, COMPLAINT)

13 (EXHIBIT NO. 32 MARKED FOR IDENTIFICATION PURPOSES
14 (43 pages) - J. WALKER, COMPLAINT)

15 VICE CHAIRMAN RANKIN: All right. And so not the
16 card, so. But your formal response or statements. Do you
17 not want it in the record?

18 MRS. WALKER: My affidavit?

19 MR. WALKER: This.

20 VICE CHAIRMAN RANKIN: What you've --

21 MRS. WALKER: Prepared?

22 VICE CHAIRMAN RANKIN: Yes, ma'am.

23 MRS. WALKER: Yes. That I would be happy to have
24 it put in the record.

25 VICE CHAIRMAN RANKIN: Okay. Do you need to read

1 it verbatim for us to hear it twice, or can you give us a
2 summary of what you're saying needs to be heard in addition
3 to read?

4 MRS. WALKER: There's something in here that I
5 would like to say.

6 VICE CHAIRMAN RANKIN: Okay. Please do.

7 STATEMENT BY MRS. WALKER:

8 MRS. WALKER: Your manual makes clear that the
9 Commission cannot reopen a case. I am not here asking you
10 to. But you can consider the consequences of judicial
11 indifference. Because this one judge refused to listen, my
12 son has not seen or had any contact with his daughter in
13 more than 1,145 days. My husband and I have not seen or
14 had any contact with our daughter since December of 2021,
15 nearly four years. Am I allowed to show a picture?

16 VICE CHAIRMAN RANKIN: Yes, ma'am.

17 MRS. WALKER: This is a picture of me and my
18 husband and my granddaughter, because there's a person
19 here, she was 11 years old. In three months, she's going
20 to be 16 years old. A once loving child is now suffering
21 from parental alienation syndrome, a form of psychological
22 harm that South Carolina courts do not yet formally
23 recognize. My husband and I both are in our 70s. We were
24 forced to mortgage our paid off home for \$200,000 to try to
25 help our son be heard. We spent our retirement savings

1 trying to navigate a system that never let us speak. Total
2 fees in this case are over 860,000 due to Judge Ferderigos
3 ruling. Because you see, Judge Ferderigos was the catalyst
4 for this devastating snowball that wiped out our family.

5 VICE CHAIRMAN RANKIN: Thank you, ma'am.
6 Anything further from you?

7 MRS. WALKER: Yes, just one thing I would like to
8 --

9 VICE CHAIRMAN RANKIN: And if you would, while
10 you're looking, ma'am, turn the camera with your picture
11 down.

12 MRS. WALKER: Turn it down?

13 VICE CHAIRMAN RANKIN: Yeah. I'll explain that
14 later. Again, we'll have that statement in the record. So
15 if you would like to sum up for us, or we can turn it over
16 to your husband.

17 MRS. WALKER: Well, I respectfully urge this
18 Commission to deny his reappointment.

19 VICE CHAIRMAN RANKIN: Thank you. All right, Mr.
20 Walker.

21 MR. WALKER: Okay. Well, I won't go over my --
22 all my -- through my cards, and this is kind of hard to
23 stick in the record anyway.

24 VICE CHAIRMAN RANKIN: Mrs. Walker, we'll get a
25 copy of that before you leave.

1 MRS. WALKER: Okay, thank you.

2 VICE CHAIRMAN RANKIN: Yes, ma'am. All right,
3 Mr. Walker, pull that mic closer to you.

4 STATEMENT BY MR. WALKER:

5 MR. WALKER: And my name is James J. Walker, Jr.
6 I live in Charleston, South Carolina. I'm a retired
7 electrical engineer and I'm a graduate of The Citadel. And
8 one thing I learned at The Citadel is the honor code, a
9 cadet does not lie or cheat or steal or tolerate those who
10 do. Now, I don't think Ferderigos did any lying in there,
11 but of course the people involved in giving him information
12 did. And that is one of my big concerns because apparently
13 in Family Court, and this is not just him, but you can lie
14 with impunity; Civil Court or Criminal Court, you get in
15 trouble for lying to the jury. But here in the Family
16 Court, oh, everybody can lie. It reminds me of the -- if
17 you've read anything about the witch trials, you know, they
18 allowed spectral evidence and that's what Family Court
19 seems to have been turning into. You know, there's
20 problems with the guardians and guardian's lawyers and all
21 that kind of stuff. And they can go and say what they want
22 and then you try to prove that they are lying. Nothing's
23 done. And that's my big push. Because of that, of course,
24 I haven't -- I haven't -- because of that false evidence, I
25 hadn't seen my grand -- you saw that picture. We hadn't

1 seen our granddaughter in that much. One -- one thing they
2 did because of Judge Ferderigos' early order, they used
3 that to beat us up with it all the time. Was in the summer
4 of 2023, the mother and her attorney agreed to a lunch
5 visit with Helen and me and the lay GAL and her attorney
6 prevented it, and we were already up there in Greenville to
7 visit. We already had the locate, but she -- they all made
8 that up. Was nothing against the judge, but that results
9 of his formal complaint. I think that kind of sums it up
10 because we all are complaining about the same thing. But I
11 see a big problem in the -- in the Family Court system. It
12 just is -- it's -- it's terrible. And a lot of lives are
13 ruined by this. A lot of lives, not just ours, but a lot
14 of lives are ruined by this. And I know you're trying your
15 best. I do appreciate you being here talking to us and
16 letting us speak.

17 VICE CHAIRMAN RANKIN: And thank you for coming
18 and thank you for again, to the degree you want to put
19 those notes in, we'll make a copy of those as well.

20 MR. WALKER: Okay. Well, it's kind of hard.

21 VICE CHAIRMAN RANKIN: But again, you don't have
22 to.

23 MR. WALKER: Okay, well, if you could copy them.

24 VICE CHAIRMAN RANKIN: Up to you. We'll hand
25 that to Ms. Putnam over there to your left. She'll get

1 that for us. All right, at this point, any questions of
2 anyone at this point, Mr. Hinson? Judge, I'll have you
3 come back up, if you will. Remind you that you're still
4 under oath.

5 EXAMINATION

6 BY VICE CHAIRMAN RANKIN:

7 **Q. And again, let's talk about the complaint you have**
8 **filed or you have a response to that, I trust.**

9 A. Yes, sir. I've provided, submitted a written response
10 detail to every single allegation that's been made in
11 the complaint.

12 **Q. And do you want that entered into the record?**

13 A. Yes, please.

14 **Q. All right.**

15 (EXHIBIT NO. 33 MARKED FOR IDENTIFICATION PURPOSES

16 (10 pages) - JUDGE FERDERIGOS' RESPONSE)

17 **Q. And I know you're not going to rely upon that alone.**
18 **But if you will, to the degree summarily, in summary**
19 **fashion, tell us again for those in the family here,**
20 **your position on this complaint.**

21 A. I'm disheartened to hear that they think I didn't read
22 everything. I did. I'm sorry to hear they don't
23 think I read everything, because I did. So if you
24 look at the motion of temporary relief, I'm a black
25 letter of the law judge. I apply the law. I make

1 sure it's proper decorum. That was during Covid
2 times. And files would be isolated for a period of
3 time. So I would always check to make sure that the
4 proper files were where they were supposed to be. And
5 that's why you see that colloquy at the beginning,
6 going through. I made sure that every submission was
7 in front of me. Asked if there were any procedural
8 matters, and all lawyers said there were no procedural
9 matters. Every lawyer had their time to make their
10 arguments without interruption. Then I followed up,
11 asked some questions. You'll see in the transcript,
12 repeatedly, I say, don't worry, you've given me a big
13 stack of documents. I will read everything. And I
14 did. And if you -- I don't know if the letter of
15 instructions are in there, but it took two days for me
16 to go over it. I went through it, slept on it, made
17 my ruling on it. So -- and I went back and looked at
18 the letter of instruction that I sent out. I believe
19 it was two days later. So I did read everything. I
20 absolutely read everything. The black letter of the
21 law was applied to the -- the case law and everything
22 else that was presented before me. Of course, motion
23 of temporary relief for those motions. We're under
24 old Rule 21 at this point. New Rule 21 started in
25 October. Under the old rule, we were in front of at

1 that time, those documents aren't even due until you
2 show up to court. You're not supposed to read them
3 beforehand. But I did take it under advisement. I
4 read absolutely everything, and I issued a ruling
5 based upon what was properly before me.

6 **Q. And again, not that you're educating us alone, but**
7 **perhaps for the benefit of the Walker family, what's -**
8 **- what is the new Rule 21?**

9 A. So with the new Rule 21, what occurs is the affidavits
10 are due well in advance of the hearing, so that gives
11 the court an opportunity to read them beforehand. And
12 that went in effect October, this past October,
13 October 1st. And you're able to do replies. There's
14 a whole new mechanism. It's kind of like Rule 6,
15 where you have to file certain things and get them in
16 front of a court in advance. The hearing date that
17 Mr. Walker had in 2021 was affidavits are presented at
18 the call of the case. Lawyers, literally, if you're
19 in court, would walk and put it on the table of the
20 other counsel. And then you make your argument. And
21 then the court would review the affidavits at the
22 hearing or take it under advisement. And there was a
23 big stack of documents that was provided for this
24 case. I remember that. And reviewing the transcript,
25 you'll see in numerous places, I say, don't worry, I

1 will read everything. And that's exactly what I did.
2 I absolutely read everything that was presented to me.
3 **Q. And I'm aware of the old days where that was the case.**
4 **And we've some judges, perhaps Judge Frazier, earlier**
5 **today or yesterday or whenever mentioned the rule**
6 **changed to prevent trial by ambush, which almost**
7 **assumed that the judge would rule on the spot rather**
8 **than taking that and considering it, sleeping on it,**
9 **whatever, and then taking it under advisement and**
10 **issuing a ruling later. So not to help you here, but**
11 **to the degree that this was a trial by ambush, you**
12 **didn't rule at the end of this 15 minute long hearing,**
13 **correct?**

14 **A.** That is correct. I believe it was two days. It was
15 on day two that I ruled because I read everything that
16 was presented.

17 **Q. All right, my apologies.**

18 **A.** Yes, sir. And lastly, I think I should mention this.
19 Fast forward, you have the motion for temporary
20 relief. That was in 2021, January 20, 2021, I
21 believe. Fast forward almost three years later to the
22 final trial that was in front of Judge Danny Martin,
23 Jr. Mr. Walker requested he recuse himself and
24 specifically on the record asked for me to be the
25 presiding judge over his final hearing. I presented

1 that in my response as a copy of the transcript. Now,
2 I find it difficult to believe he's saying I'm not
3 called qualified when he asked for me by name to
4 preside over his final hearing.

5 **Q. And he was not represented at that time?**

6 A. He was represented.

7 **Q. All right. Who was his counsel at that point, if you**
8 **remember?**

9 A. I don't know because I haven't touched the case since
10 2021. It's been a long time since I've seen Mr.
11 Walker or anything with the case. Maybe Martin? It
12 starts with an M. I don't recognize the name. But
13 the transcript was provided to the screening attorney,
14 and you will see that his lawyer is arguing for Judge
15 Martin to recuse himself, saying he's unqualified.
16 And his lawyer says perhaps Judge Richter. And Mr.
17 Walker interrupts court and says, or Ferderigos. He
18 specifically asked me by name to preside over his
19 final merits trial approximately three years after the
20 hearing he complains about.

21 MR. HINSON: Mr. Chairman, to answer your
22 question, Lauren Martel was the attorney of record for Mr.
23 Walker at that time.

24 **Q. And do you recall whether Mr. and Mrs. Walker, his**
25 **parents, were in court with you that day?**

1 A. I don't. I do not. Well, for the first one they
2 wouldn't have been because --

3 **Q. We're not talking about when Ms. Partain was his**
4 **counsel.**

5 A. Yes, when Ms. Partain was his counsel, that was during
6 Covid, so that was by WebEx. That was as the video.
7 So I don't know if there somewhere else in the room or
8 not. I believe the father's complaint says he was in
9 another room, but could overhear parts of it in the
10 complaints. And then the other case which is not in
11 the record, but he's brought it up, the one where I
12 ruled in his favor regarding some guardian issues. I
13 don't know if mother or father were there. I'm not
14 sure.

15 **Q. In the courtroom when this exchange, when he**
16 **complained of -- Mr. Walker says he'd like you to be**
17 **the final hearing judge, my question is do you recall**
18 **whether his parents were with him there?**

19 A. My apologies. I misunderstood your question. I was
20 not the judge, so I don't know.

21 **Q. Oh, I'm sorry.**

22 A. But I do have -- I do have the transcript which I
23 provided.

24 **Q. And I've seen that. Okay. And then specifically to**
25 **Rule 59, is it 77 in Family Court, effectively a**

1 motion to reconsider. Tell us, for the benefit of Mr.
2 and Mrs. Walker, how that works, what is the practice
3 of any and every Family Court Judge in the state
4 regarding reconsideration of a prior rule.

5 A. For a motion for temporary relief, which is what was
6 before me, you don't have a right to a motion for
7 reconsider or Rule 59, because it's a motion for
8 temporary relief. Now, as a courtesy and to make sure
9 that we got it right, we'll look at it and we'll do
10 it, and that's exactly what I did. So his motion came
11 in. I looked at it, I saw what he submitted. I read
12 through everything, and I denied it because it did not
13 change what I ruled upon previously when I read
14 everything. So it didn't change my mind to change the
15 ruling. I believed it was the correct ruling.

16 Q. And that's not based on -- and you don't have to hear
17 from the parties. You either review submissions,
18 memos in support of, in opposition to, but you would
19 not ever have a hearing, particularly in Covid, I
20 guess. You would have had a WebEx hearing had that
21 been needed to hear anything from the parties,
22 correct?

23 A. Yes, sir. It's discretionary to the court. So under
24 Rule 77(B) of the South Carolina Rules of Civil
25 Procedure, that can be done in chambers, which is what

1 I did. You don't even have a right to have that
2 hearing because it's a motion for temporary relief.
3 What you do is file a subsequent motion for temporary
4 relief because they're temporary in nature. But
5 despite that, I still looked over everything that was
6 submitted, and it did not persuade me that my ruling
7 was incorrect based upon the snapshot in time of the
8 hearing that was before me.

9 Q. And again, you just answered my last question. Again,
10 familiar with how this works very little. Except a
11 temporary is never final. And as things change, as
12 the ebb and flow of evidence or behavior of parties,
13 good parenting, bad parenting, whatever, Family Court
14 is there to amend, vacate at any time, correct?

15 A. Yes, sir.

16 Q. All right. Was there ever any further interaction
17 with you and Mr. Walker or his parents or this case
18 beyond this and the other mentioned earlier that you
19 made, any other interaction with y'all?

20 A. No, sir. So I went back and looked through the court
21 system, the court plus system, to see what I had
22 touched upon. Prior to this, there may have been some
23 motions to compel, some ministerial matters that have
24 come up, but the two ones that have come up, which
25 were -- which have been brought up by Mr. Walker, is

1 the motion for temporary relief and then there was a
2 subsequent motion, and I can't tell you the details of
3 it. This is 2021, but there was another case, and
4 that was the one that I ruled in his favor. That
5 being said, the case, I believe, was assigned, and I
6 provided the orders to the screening attorney for the
7 Commission. This case was deemed complex by another
8 judge, and it was assigned to a specific judge. It
9 was Judge Forsythe. So that was in early 22, I want
10 to say, but it was soon after the hearings that we
11 had, so every single hearing would have gone before
12 Judge Forsythe only. So she was one judge, one case
13 type thing for deemed complex. Mr. Walker complained
14 about Judge Forsythe, and then I just happened to be
15 Chief Administrative Judge at that time, so I
16 reassigned the case to Judge Martin because I wanted
17 to make sure the focus was on the child. There are a
18 lot of allegations. I said, we're just going to
19 reassign it to another judge. The focus needs to be
20 on this child. And it was assigned to Judge Martin,
21 and then Judge Martin had it for a long period of
22 time. I'm hearing three, four years, but I haven't --
23 I haven't touched the case since late 2021, whenever
24 those hearings were.

25 **Q. All right. And finally, again, for me, so this**

1 hearing, you did not rule in his favor? Correct?

2 A. I need to look --

3 Q. I'm talking about the one that we're here, the January
4 hearing or at the ruling -- that's the only ruling of
5 the two that he's had before you that is the subject
6 of a complaint.

7 A. Yes, sir. I can't -- I don't remember exactly what my
8 ruling was because I haven't read through the order
9 from 2021, but he's complaining against me. I assume
10 it did not go the way he would like for it to go.

11 Q. And again, that doesn't have to be why you file a
12 complaint. Point being in the second complaint, I
13 mean, excuse me, the second touch, the second
14 appearance before you, there was no complaint filed
15 that you're aware of.

16 A. And I ruled in his favor for that. Yes.

17 Q. All right.

18 VICE CHAIRMAN RANKIN: My apologies, y'all, for
19 taking up so much time. Any further questions on this --
20 on the complaint with judge? All right, Mr. Hinson will
21 proceed now to the -- and further -- anything further from
22 you, sir, on if you'd like to --

23 JUDGE FERDERIGOS: No, sir. Just thank you for
24 your time. I'm happy to answer any questions.

25 VICE CHAIRMAN RANKIN: Okay, we're going to move

1 on now to the screening portion.

2 EXAMINATION

3 BY MR. HINSON:

4 Q. Judge, after serving five years on the Family Court,
5 why do you want to continue serving as a Family Court
6 Judge?

7 A. It's the best way to help the community. I love it.
8 I'm very blessed to have been able to do this for
9 going on six years now. It's been the honor of my
10 life to do it. And I hope that y'all will look over
11 the last five and a half years or so and say you
12 followed the law, you've applied the rules of court,
13 proper decorum, and give me a chance to do another six
14 years. It's -- it's a great job to help people.

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

18 A. I hope it's very good.

19 Q. Thank you. Judge, the Commission received 459 ballot
20 box surveys regarding you with 68 additional comments.
21 The ballot box survey, for example, contained the
22 following positive comments. One stated that you
23 possess excellent temperament and are an outstanding
24 judge. Another stated, in my experience, the judge
25 has demonstrated himself to be fair and decisive and

1 as well as knowledgeable and efficient. Several of
2 the comments did raise some concerns. While a number
3 of comments praised your temperament, a handful
4 commented in a negative manner. How would you respond
5 to those concerns?

6 A. I would like to know what the responses were so I can
7 adjust if need be. If you have examples, I'm happy to
8 hear them. But I can tell you that when I go in,
9 there's not a day that I go -- that goes by that I
10 don't put the robe on that I think about my role in
11 the process and what it's like to have a litigant
12 coming in or an attorney coming in like I used to do.
13 So I try to treat everybody the way I expected to be
14 treated when I was going in as well.

15 Q. Thank you, Judge. A second concern indicated that you
16 at times push settlements or continue matters in
17 complicated cases. What response would you offer to
18 this concern?

19 A. I do attempt settlement. I do not push difficult
20 cases. And if you review all the rulings I've done, I
21 think you see that one of the last orders I did, I
22 typed myself, was 97 pages long with a pro se only
23 trial that lasted a period of a year that I did.
24 Regarding the settlement pursuant to the judicial
25 canons, we're supposed to see if the cases can be

1 settled. So in Charleston, we have A cases, which are
2 your date certains, then B, C, almost down to D
3 sometimes. So my practice is to do what I believe is
4 best practice is I bring the lawyers in and I say, is
5 there anything I can do to assist you? If you don't
6 want to have this conversation, it's okay. We'll go
7 on the record. You can call your first witness. 9.9
8 percent -- you know, 9.9 out of 10 attorneys say,
9 well, do you mind if we ask you a question? Sure,
10 we'll do it. So I believe it is best practices to see
11 if the parties can reach a resolution if they want to
12 have that conversation. I never push it. Ever. I'm
13 there. Even if the A case settles, then I'm going to
14 the B, if the B case settles, I'm going to the C, if
15 the C case settles, I'm going to the D. We're
16 working. But the judicial canons state in there that
17 a judge is allowed to speak with counsel, even
18 separate from parties, to see if they can reach a
19 resolution. And I do that with no pressure to anyone.
20 I just give the option, and that's usually taken.

21 **Q. Thank you, Judge. Judge, what is your understanding**
22 **of cannon four as it relates to conflicts of interest**
23 **and one's obligations regarding investments, including**
24 **those held by immediate family members?**

25 **A. If an immediate family member of mine has an**

1 investment, for instance, if I'm following your
2 question in a company and then someone who's partners
3 with them or another relative comes in, in front of
4 me, I'm not going to hear that case. I'm going to
5 recuse myself. And one of the good things about
6 Charleston is we typically have at least four judges
7 on the bench at any time. So if any issue comes up,
8 we can just change out the cases to make sure there's
9 no conflict and everybody gets their day in court.

10 MR. HINSON: I would note that the Low Country
11 Citizens Committee found the judge qualified in the
12 evaluative criteria of constitutional qualifications,
13 physical health and mental stability. The committee found
14 him well qualified in the evaluative criteria of ethical
15 fitness, professional and academic ability, character,
16 reputation, experience, and judicial temperament. The
17 committee stated in summary quoting, passionate, dedicated,
18 strives to do the right thing. Great Judge.

19 **Q. Judge, I just have a few housekeeping issues for you.**
20 **JMSC Procedural Rule 17 includes a prohibition of any**
21 **candidate from attending or watching any portion of**
22 **any of the live streams or recordings of the public**
23 **hearings of this cycle until the hearings have**
24 **concluded. Have you watched or listened to any of the**
25 **hearings before your appearance today?**

1 A. I have not.

2 Q. Has any other person relayed any information about any
3 of the proceedings before the Commission to you?

4 A. No, sir.

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

8 A. No, sir.

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, sir.

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

17 A. No, sir.

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

22 A. I am not.

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

1 A. Yes, sir.

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

7 VICE CHAIRMAN RANKIN: All right. Representative
8 Jordan?

9 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.
10 I'll be brief.

11 EXAMINATION

12 BY REPRESENTATIVE JORDAN:

13 Q. Judge, thank you for being here today. I want to -- I
14 don't want to go back to the complaint, but I do want
15 to talk a little bit about Rule 21 for a second
16 because I've had concerns over the years and I think
17 other members of the General Assembly have had
18 concerns about temporary hearings, just how they work,
19 in particular where you're being asked to decide based
20 on a snapshot very quickly. Not necessarily you don't
21 have more time, but you have a very short hearing, get
22 a lot of information. Prior to the recent changes,
23 folks would present affidavits and there was really
24 no, as you, I think I understood you to say earlier,
25 no opportunity -- you're getting that information many

1 times for the first time. There's no opportunity to
2 cross-examine the person who's putting that
3 information in affidavit form. It's just, you know,
4 kind of a cannon shot in a short period of time. What
5 I'm interested to hear is how is the changes -- is it
6 -- you know, one of the concerns I heard when the
7 original Rule 21 came before the Judiciary Committee
8 House back -- I guess back in spring or February was
9 it was going to slow down the court system.

10 Everything was going to be -- there was going to be a
11 problem. To me the that concern was heavily
12 outweighed by the opportunity for the litigants to get
13 to give the judge a better picture of what actually
14 was taking place in the case. I'm very interested to
15 hear your thoughts. I know it's just been a very
16 short period of time. But I'm very interested to hear
17 your thoughts on the new Rule 21 as it relates to the
18 old.

19 A. I'm excited about the new Rule 21 because it was
20 hearing -- I don't want to use by ambush. I mean
21 everybody's doing the same thing and doing affidavits
22 and lawyers are reading through them while other
23 people doing arguments as you know. I think this new
24 rule is fantastic. I really do. So what I've done in
25 Charleston is we created a little more buffer in the

1 docket for emergency and expedited hearings. I
2 anticipate seeing more requests for expedited relief
3 in emergency hearings because people can't wait 21
4 days to 40 days to have the hearings come in. It's
5 too early to tell, at least in Charleston, if that's
6 really going to clog the docket because we're just
7 starting to get those cases in now because the issue
8 was whether you filed October 1st or later. It's on
9 that date. But I think you're exactly right. I think
10 it's going to allow individuals to be able to see what
11 the other side is saying about them and then be able
12 to respond. And I think that's going to be -- provide
13 a lot. It'll make it a lot better for the court to be
14 able to have a better picture of what's happening
15 because each side will be able to argue against the
16 specific allegation from the other side. For myself,
17 under the old Rule 21, as you saw, I took this matter
18 under advisement. I would do that a lot because I
19 wanted to read everything. I would do that a lot.

20 **Q. One other thing very quickly, I know there are**
21 **mechanisms within the Family Court structure, but I've**
22 **also had a concern with a temporary hearing. When I**
23 **think temporary, my mind thinks to 30, 60, 90 days.**
24 **That's not always the case, especially if there's**
25 **limited resources getting -- you know, navigating the**

1 Family Court system. Do you think Rule 20 -- the new
2 Rule 21, will be helpful in making better decisions, I
3 guess, so that, you know, when you have a temporary
4 that's in force perhaps for a year or two or three in
5 some cases, is it going to help those type situations
6 so that their better -- and again, I'm not saying --
7 sometimes you do get them right. It may not impact
8 it, but will it sometimes help those situations?

9 A. Well, I think the new Rule 21 is going to take you
10 longer to get in because you have to wait 21, 40 days
11 unless you get it in as an expedited or emergency
12 hearing, which is limited. However, to answer another
13 part of your question, there will be better
14 information to the court because the other side sees
15 at least 10 days what is being alleged. So they could
16 then pinpoint a response to it, which was not
17 necessarily the case prior to October 1st. There was
18 another part of your question that I'm overlooking and
19 I'm trying to think of what it was.

20 Q. No, I think you -- I think you hit it. It was really
21 in terms of when you issue a temporary order and it
22 stretches on so you know that -- that, again, not so
23 temporary.

24 A. And I have a response to that. But I don't want to
25 cut you off.

1 Q. No, go ahead.

2 A. Okay. So the process is to file a subsequent motion
3 for temporary relief. They are temporary. So
4 typically, you don't do a motion to reconsider or a
5 motion to alter or amend. You file a new motion for
6 temporary relief. Because as we heard the panel
7 before, things change for instance, and I don't know
8 what I ordered in Mr. Walker's case, it was 2021. If
9 a parent is supervised visitation or something else,
10 typically there is a mechanism to get back to where
11 you need to get because it's all about the best
12 interest of the minor child. It's usually just not
13 you're done, you're out. I mean, the whole point is
14 to have a child have a relationship with both parents.

15 Q. Thank you. Thank you for what you do. You know, I've
16 said this before, perhaps even today, but in this
17 process, this is -- you have hard job, a lot of moving
18 parts, and you're dealing with folks going through
19 very, very difficult situations. So thank you for
20 what you do.

21 A. Thank you, sir.

22 VICE CHAIRMAN RANKIN: Representative
23 Stavrinakis.

24 REPRESENTATIVE STAVRINAKIS: Thank you, Mr.
25 Chairman.

EXAMINATION

BY REPRESENTATIVE STAVRINAKIS:

Q. Judge, good to see you. I wanted to talk to you.

Like so overall, your ballot box is excellent. There is one comment. I'm not gonna get into the details of it because it's not anything that I see multiple similar comments about, but it, you know, lends itself toward an allegation of -- of favoritism that you might demonstrate at times. And I just want to get you to comment on, you know, how you handle yourself in the courtroom with regard to whoever counsel might be in a case and ask you to please make sure -- give you a chance to respond. But I'll ask you to please, as I do anyone, please make sure that whatever you hear, you don't just dismiss out of hand, but you consider things that lawyers might say about how they feel after they leave your courtroom; litigants, how they feel after they leave your courtroom and help use that to make -- continue to improve. You know, we're all always trying to do better and can do better. So I would just -- and there's a reason why I don't take something that I just read one time and get into much detail about it. And I'll explain that after I give you a chance to respond.

A. Yes, sir. Absolutely. We're all human, and we all do

1 the best we can do. And it's based upon the evidence
2 that's submitted before us. And for motions for
3 temporary relief, for instance, you can come back with
4 a subsequent motion for temporary relief because they
5 are, in fact, temporary. For litigants and attorneys,
6 I treat everybody equally. So if there was a specific
7 example, I'd love to hear it just so I can address it.
8 I try when we're in -- when I hold court, I really
9 pride myself on proper court decorum. I do not let
10 the lawyers yell at each other back and forth or
11 anything like that. It's directed to the court
12 because I want to make sure that everybody has their
13 opportunity to put forth their best foot forward for
14 the court to make a decision. But I don't treat one
15 lawyer different than another lawyer, a more seasoned
16 lawyer versus a younger lawyer. I just try to apply
17 the rules the way that they're written.

18 Q. Okay, that's great to hear. And I hope, again that
19 you'll continue it. You know, again, I look for
20 redundancy. I think we -- we kind of all do. We want
21 to -- we're looking for patterns. For instance, you
22 know, there was this one comment, but then there was
23 another one. And this is an example of why we look
24 for that redundancy. The comment reads, during my
25 tenure -- and this is in your ballot box, okay. It

1 says, during my tenure, I came to know Leon as a
2 persistent and highly effective advocate. I often
3 joke that he was a thorn in my side, blah, blah, blah.
4 Goes on to mention the name Leon several times. So we
5 looked for redundancy, but I thought it was worth
6 pointing out that it was at least this comment. And,
7 you know, all the judges that come through, all the
8 candidates that come through, we ask them to
9 constantly do self evaluation and to take seriously,
10 you know, any reactions they see in the courtroom or
11 here afterwards or might get in feedback in these
12 settings or others about how they're doing, because
13 like you said, we're all human. None of us are
14 perfect. We're all trying to do better all the time.
15 And it's our expectation here that our judges would do
16 the same. And so we count on you to do that. Thank
17 you again.

18 A. Yes, sir. Thank you.

19	EXAMINATION.
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20 BY VICE CHAIRMAN RANKIN:

21 Q. And it is very late Judge and I don't want to cut
22 anybody off. A couple of things unless there's
23 others. Two letters of recommendation that call
24 attention, speak to me, particularly Dawes Cooke, who
25 does not appear before you. Sean Keefer, who does not

1 appear before you. I know both of these. Sean Keefer
2 particularly well. His mother was a legal secretary
3 when I clerked for a law firm back in 1880 whatever,
4 long time ago, but a sharp guy. Both basically
5 stating the same thing about you. What they hear,
6 they don't get to get anything out of you by saying
7 nice things about you. One in the mediation world who
8 reads your orders and then hears of the opposing
9 parties that are mediating the hard cases before him,
10 commenting on your work so far. Again, forgive me for
11 which judge it was, but this today, an example perhaps
12 of the very raw emotions, lives and consequences that
13 you as a Family Court Judge have day in and day out
14 and the toll it takes and the good that it takes. How
15 do you weigh the two and readily decide that you want
16 to continue doing this?

17 A. I'm very strong in my faith. I'm very strong in my
18 family. At the end of the day, I get to go home and I
19 recharge and then I wake up in the morning and like I
20 said before, when I put the robe on in the bathroom in
21 the morning, I think about my role. I think about the
22 people coming in, I think about the litigants coming
23 in. I decided I wanted to be a Family Court Judge
24 after it was either my first or second year in law
25 school. I clerked for a Family Court Judge and I

1 said, this is where you can make a difference. This
2 is where you can make a difference. And that's what I
3 wanted to do. So I'm very blessed for the last six
4 years -- almost six years to have been able to do
5 this. And it's just, it's been an honor in my life.
6 It really has been.

7 **Q. The areas of the state, some more fraught with**
8 **litigiousness than others. Yours is an area that**
9 **folks talk about in the Family Court realm. And with**
10 **Judge Frazier earlier today and you are the Admin --**
11 **Chief Admin in Charleston?**

12 A. Yes, sir.

13 A. You don't get to pick that. Chief justice assigns
14 that role, correct?

15 A. Correct.

16 **Q. But how can you help the litigants. I'm not talking**
17 **maybe to the lawyers who may have a financial interest**
18 **in keeping the game going until the money runs out.**
19 **My profession, they are good and bad in all walks.**
20 **But how do you speak to the lawyers to encourage good**
21 **faith dealing and speak to the clients to recognize**
22 **that you don't have to burn the house down to win when**
23 **there's no house to go back to. Do you see a role and**
24 **a need for you to take a more or if you already do**
25 **take an active stance in that, tell us what it is and**

1 if not, what would you -- how could we help that to
2 the degree that the perception is in areas around the
3 state, how do we -- you as a judge help that?

4 A. There's an area of self represented litigants I want
5 to not forget about in answering your question. But
6 to answer your direct question, I do that. That's
7 when you heard about Judge Ferderigos sees if he can
8 do anything to assist with the case of those two
9 complaints. That's the best practices. So I bring
10 the lawyers in. Again, I say is there anything I can
11 do to help y'all? You don't need to talk to me.
12 We'll just go on the record, call your first witness
13 otherwise. You'd be surprised how many trials
14 actually settle with that and give people the time in
15 order to go outside for 15, 20, 30 minutes. It's
16 usually one issue that's really rubbing everybody the
17 wrong way that's making everything fall apart. So I
18 allow that. And then for matters of status
19 conferences that come before me or other cases and the
20 lawyers are there, they're there with their clients.
21 I'll make a comment of I'm going to send you back to
22 mediation. Please use all due efforts to see if you
23 can reach a resolution. It's okay if you don't
24 because there's a judge here who will make a decision
25 for you. But if you do settle the case between the

1 two of y'all, you have a little more control over your
2 lives than a third party making a decision. I don't
3 know if that falls on deaf ears or not, but I've been
4 known to say that numerous times just to assist so
5 they understand if you go to trial, a judge makes a
6 decision, that's it. Other than your testimony and
7 evidence, there's no more say. But if you can sit
8 down and reach a resolution that's in the best
9 interest of the two of y'all financially, best
10 interest of your child or children, that may be a way
11 to consider going. So I do exactly that for many
12 hearings, and I think that answered your question.

13 **Q. And to the non-represented.**

14 A. Yes. So there has been an explosion, if you will, of
15 non-represented litigants. I have had numerous cases.
16 I had a four year trial of one that just wrapped up
17 about a year or two ago that I did. That's the
18 exception. It's normally not that that much, but for
19 Department of Social Services, termination of parental
20 rights and private cases, you have Rule 608 attorneys
21 who are appointed and they assist through the process.
22 There's no such thing for individuals in civil cases
23 that need guardian ad litem because they have mental
24 health issues or people who can't afford to represent
25 themselves. So there is the -- there is a center that

1 helps out a little bit for lower income, but that's
2 very rarely ever and I don't want to say used, qualify
3 for, but there has been so much in self represented
4 litigants, and as a judge I can't give legal advice.
5 So they come into court and I'm sorry, you know, your
6 case, unfortunately has got to be continued because
7 there's not proper notice. Well, how -- what's the
8 process for me to serve him? I can't answer that
9 question because I can't give legal advice.

10 **Q. All right, and those are the difficult. And then give**
11 **us the great. What is the most joyful part of your**
12 **role?**

13 **A.** Adoptions. Every day of the week, hands down
14 adoptions. And it's amazing when you have cases that
15 are Department of Social Services matters where these
16 -- this child has been abused and neglected, parental
17 rights have been terminated. Absolutely horrible.
18 And then I've been on a bench long enough where it
19 comes back on the other end where the child is being
20 adopted and it's amazing. It's fantastic.

21 **Q. All right. And finally for me and to the happiness of**
22 **the panel and perhaps everyone here and no one**
23 **watching at home, this is a unique experience. We**
24 **have had a complaint in another case and so I'm**
25 **curious to you not to tell us what to do with the**

1 complaint, but to the Walker family behind you and
2 again folks that come before Family Court, how do we
3 communicate to them, though they didn't win in court,
4 that this system is working in the best interest of
5 everyone?

6 A. That's a fantastic question. I don't know that I have
7 the answer for that because especially in Family
8 Court, it is at least initially before people start
9 spending a lot of money initially, it is very
10 adversarial and you normally have two parents that
11 cannot stand each other and the child's stuck right in
12 the middle and the courts over there trying to -- to
13 get the temperature down and protect the minor child.
14 So to answer your question, if you were to put out
15 legal research and references, I don't know anybody
16 would read it to make a difference on it. But even in
17 my transcript for the motion of temporary relief and I
18 didn't bring this up, but repeatedly in that motion of
19 temporary relief, I said, I am going to read
20 everything; be rest assured I will read everything.
21 But even though I said that on the record numerous
22 times, it obviously -- it just wasn't heard. And
23 that's what I did. So I don't know how to answer that
24 question because you're -- these are people's lives,
25 these are people's children, people's finances. If I

1 think of something, I will get back to you. But
2 sitting here right now, I don't know how to make
3 someone who feels that they did not get -- and this is
4 not to the Walkers. I'm talking about in general, but
5 someone who leaves the courtroom who feels I think the
6 judge got that wrong. I don't know how to convey to
7 them that the judge got it right unless they work
8 through the process. Like in a lot of my orders,
9 there is a stepping stone process to get to where you
10 need to go. You just need to do those things. And I
11 think other individuals that do that where there's
12 sober link testing, et cetera, they get there like,
13 you know what, it has worked out and then they reach
14 an agreement, they come to court. I adopt the
15 agreement and it's wonderful. But then you have other
16 cases that they -- it's just fight, fight, fight till
17 the very end.

18 Q. Well, and I'm going to close with this and it's the
19 joke, you've heard it a thousand times. But one of
20 two things happens at the end of a Family Court case.
21 One, you hate your lawyer or two, you hate your
22 lawyer. Now maybe the add on is that you hate the
23 judge as well. But that's not the case. Anyone
24 that's been in that world, I'm a witness to the fact
25 that I don't hate my lawyers, and I don't hate my ex

1 wife and I don't hate her lawyer. So perhaps that's
2 the credit of good judges. Though we did make peace.
3 But I will admit to you it is tough being in that role
4 way, way, way back in my early days. So now to the
5 glory of these folks here, I will stop talking and
6 commend you with your desire to keep doing it and
7 calling them like you see in them, making people happy
8 or making people unhappy with the results that you got
9 as the judge and the strike caller that you are in the
10 Family Court arena. And without anything else further
11 from you, I'm not going to hear it unless there's
12 something else you'd like to say. This will conclude
13 this portion of the screening process, Mr. Hinson's
14 work and this staff's work with the Walkers here as
15 well. Just wanted to remind you judge, that the
16 record will remain open. The letter and spirit of the
17 ethics law here in South Carolina, we take very
18 seriously. Any violation by that or the appearance of
19 impropriety by you, you know that we would take that
20 seriously and may call you back should any issue
21 arise. You do know that, correct?

22 A. Yes, sir. Thank you for your time.

23 Q. All right, thank you.

24 VICE CHAIRMAN RANKIN: And now at -- this started
25 at 3:15. Now at 4:30, we will conclude this portion. And

1 thank you all so much. And we're done for this hearing
2 today. So this is going to conclude this portion of
3 today's screening. We will stand adjourned in recess until
4 tomorrow morning at 9 o'clock.

5 (EXHIBIT NO. 34 MARKED FOR IDENTIFICATION PURPOSES

6 (6 pages) - L. WALKER, TESTIMONY NOTES)

7 (EXHIBIT NO. 35 MARKED FOR IDENTIFICATION PURPOSES

8 (4 pages) - H. WALKER, TESTIMONY NOTES)

9 (EXHIBIT NO. 36 MARKED FOR IDENTIFICATION PURPOSES

10 (6 pages) - J. WALKER, TESTIMONY NOTES)

11
12 (There being nothing further, the hearing concluded at 6:15
13 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, DONNA CURREY, COURT REPORTER AND NOTARY PUBLIC
3 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
4 CERTIFY THAT I REPORTED THE HEARINGS ON WEDNESDAY, THE 19TH
5 DAY OF NOVEMBER, 2025; AND THAT THE FOREGOING 294 PAGES
6 CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY STENOMASK
7 REPORT OF SAID DEPOSITION.

8 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
9 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
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