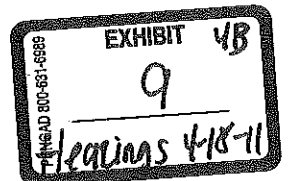


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: John McIver Ervin, III
Business Address: 50 Public Square
Darlington, SC 29532
Business Telephone: 843-393-5555

1. Why do you want to serve as a Family Court Judge? I have practiced in various counties and circuits and I feel I have the demeanor and experience necessary to be an effective Family Court Judge. I have served as an attorney for Department of Social Services and defended cases brought by the Department of Social Services. I have also prosecuted and defended Department of Juvenile Justice cases. I have represented private litigants in all types of domestic cases. These cases range from: divorce and equitable division, child custody support and visitation, adoption, termination of parental rights, and other miscellaneous relief. I believe that over twenty six years of legal experience and an even temperament will enable me to be a good Family Court Judge and I want the opportunity to be one.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? I have no specific plans if I am elected.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? *Ex parte* communications are not allowed without the consent of all parties to the case brought before the court.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I believe former law partners and associates should not appear before the court for at least one year. I would not recuse myself from hearing cases involving lawyer legislators, because their cases must be heard as well.
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? If there is an appearance of bias, and a party requests recusal, I would grant the recusal motion.



8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would recuse myself from the case.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept anything.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would report it if it involved misconduct or unethical behavior.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? First, I would advise the parties of my findings of facts and conclusions of law. Then, I would either have the prevailing party draft the proposed Order and make necessary changes or I would draft the Order.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? I would set specific deadlines for Orders to be submitted, and this would be calendared and maintained to insure that Orders were timely filed.
15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case? I would make sure that all the statutory mandates of Guardian ad Litem are followed strictly in the appropriate cases, such as DSS abuse and neglect, adoption and custody cases.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I do not believe in judicial activism in Family Court cases. Judges should be guided by existing precedent and statutory authority.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?
I would be willing and ready to be a part of any panel or group considering improvements to the legal system. In addition, I would be willing to address any civic groups when appropriate.
18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No, I believe the various positions I have previously held have prepared me well for the position.
19. Would you give any special considerations to a *pro se* litigant in family court? Yes, they would receive some special consideration and they

would need to be advised of the danger of self representation. In addition, they would need to receive time to retain counsel, or if they qualify, to have court appointed counsel or other indigent services. They could then proceed Pro Se only after knowingly and intelligently waiving the right to counsel.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Only unless all parties consented to waiving that *de minimis* financial interest after full disclosure.
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
 - a. Divorce and equitable distribution: 50%
 - b. Child custody: 20%
 - c. Adoption: 5%
 - d. Abuse and neglect: 10%
 - e. Juvenile cases: 15%
25. What do you feel is the appropriate demeanor for a judge? I believe a Judge should exhibit patience and an even temper while retaining firm control of the courtroom.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I would always be mindful of my position if elected, but I do not believe that a Family Court Judge would have to maintain a courtroom demeanor with friends on a Seven (7) days a week, twenty-four (24) hour basis. Judges should always remember how intimidated people generally are in a courtroom and try to ease those tensions when appropriate.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? Some degree of anger is inevitable in criminal and other cases, but it is the ability to express that emotion appropriately that is important.

28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? Not Applicable
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not Applicable
30. Have you sought or received the pledge of any legislator prior to this date? No
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
33. Have you contacted any members of the Judicial Merit Selection Commission? No
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

S/W. John McIver Ervin, III

Sworn to before me this 7th day of March, 2011.

Notary Public for South Carolina

My commission expires: 12/13/2016