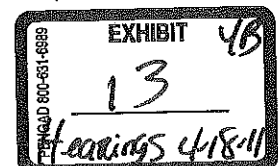


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: James Alexander Stanton, IV (Alex)
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Hartsville, SC 29550
Business Telephone: 843-332-5171

1. Why do you want to serve as a Family Court Judge? I have desired to become a Family Court Judge for several years, and I was awaiting a vacancy to occur in the Fourth Circuit. I believe that I have the qualifications, including temperament, experience, and knowledge of Family Court Law, which has been a part of my law practice for over thirty-six (36) years. I have had a great amount of respect for the Judges which I have encountered while an attorney, including my deceased father-in-law, Judge Robert W. Hayes of the Sixteenth Judicial Circuit. I hope to remain as a Family Court Judge until my retirement age. I believe that I can provide appropriate decisions in the Family Law cases which I might be assigned.
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? Probably not
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? It has always been my practice to not engage in ex-parte communications with a Judge during my thirty-six (36) years of practice except in an extreme emergency situation. If I should become a Family Court Judge, I will not permit an ex-parte communication except when it is an extreme emergency situation which cannot be resolved otherwise. In such event, I will make sure that all parties and/or their attorneys are promptly made aware of such ex-parte communication, and I will allow such parties and/or their attorneys an opportunity to respond. I do not anticipate this occurring very often as such actions should be avoided entirely if possible.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? It is my opinion that a Judge should always disclose to the parties and/or their attorneys any possible basis for someone believing that there is a chance that the integrity and/or independence



of the Court could be questioned. In matters relating to lawyer-legislators, unless there is a very close relationship, I do not believe that it is an automatic reason for recusal. In matters relating to a former associate or law partner, this should be disclosed to the parties and/or their attorneys, especially if such relationship was recent, but if a substantial period of time has passed between such relationship and the pending court case, then I do not believe that it is reason for any automatic recusal. However, if a party and/or their attorney would object, then in order to remove any question about the integrity and/or independence of the Court, I would probably recuse myself from hearing that case.

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? It is my opinion that if a party and/or their attorney believed that something had the appearance of bias, even though I did not think that it would prejudice my impartiality, in order to maintain the integrity, independence, and the impartiality of the Court, I would recuse myself.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? In the event that my spouse or a close relative had a financial or social involvement in a case, I would recuse myself so that there could not be any appearance of impropriety.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? It is my opinion that a Judge should not accept any gifts or social hospitality unless such were incidental to the occasion and relationship, were insignificant in value, and could not be perceived as intended to influence the performance of my judicial duties. However, such receipt of gifts or social hospitality should generally be avoided.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Depending upon the circumstances, I might advise the lawyer and/or judge of the perceived misconduct, but in all incidences of perceived misconduct, I would report it to the appropriate Bar Committee.
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? The only business activity that I might remain involved with is a Corporation in which I am merely a shareholder, and the name of the Corporation is Commercial Wall Systems, Inc. I have not and do not serve as an officer or director, and I have never been involved with the operation of the business.

The business is a "stucco construction business", and I do not see where it could be perceived to cause any appearance of impropriety. If I ever felt that it would impinge upon the integrity, independence, or impartiality of my decisions, I would divest my shareholder interest in the Corporation.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders? I would probably draft some orders myself, but I would instruct the attorneys to draft most of them (with the requirement that the opposing attorney also receive a copy of the "proposed order" prior to it being submitted to me for my review and signature).
14. If elected, what method would you use to ensure that you and your staff meet deadlines? I would maintain calendars at my office.
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? First of all, I would make sure that there is not a conflict of interest in the appointment of the person as a Guardian *ad Litem*. Next, after the appointment of a person as the Guardian *ad Litem*, I would make sure that the parties and their attorneys know that they should cooperate with the Guardian *ad Litem* in the performance of the duties imposed upon a Guardian *ad Litem*. I would make sure that the parties and their attorneys are aware that the Guardian *ad Litem* should conduct an independent assessment of the facts, which would include the observation of and talking to the subject minor child (if age appropriate), together with interviewing the parties involved, along with interviewing other persons who have knowledge of the facts relating to the child. Also, I would inform the parties and their attorneys that the Guardian *ad Litem* shall have access to and be provided with the medical records, reports of psychologists or psychiatrists, social workers, counselors, or school officials, which relate to the subject minor child. I would advise the Guardian *ad Litem* that written notes of the interviews taken and/or observations conducted should be maintained by the Guardian *ad Litem*. I would require that the Guardian *ad Litem* provide to the Court (and to the parties and/or their attorneys) a written report which includes an evaluation and assessment of the issues relating to the subject minor child. I would make sure that the Guardian *ad Litem* be given Notice of all Court proceedings in the case and would be able to conduct examinations of witnesses if the testimony relates to the subject minor child.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? It is my belief that a Judge should not be involved in any political activities. However, a

Judge should be allowed to participate in activities which improve the law.

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 could envision participating as a speaker or as a panel member at activities concerning the law such as at Seminars, etc.
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? I do not feel that the pressure of serving as a judge would strain personal relationships as my wife was the daughter of a deceased Circuit Court Judge (Robert W. Hayes form Rock Hill) and she was used to having a Judge in her family. I would not anticipate any problems relating to my children, friends, or other relatives.
19. Would you give any special considerations to a *pro se* litigant in family court? I would first inform a *pro se* litigant that it would be advisable for him or her to obtain the services of an attorney. If the litigant declines to obtain an attorney, I would advise the litigant that he or she will be required to conduct himself or herself according to the rules which are to be followed in the Family Court. I would further caution the litigant that he or she will be required to also personally conduct himself or herself in a calm and courteous manner as it relates to the other party, the other party's attorney and/or any witness.
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? No, as even if it was a "*de minimis* interest", it could create an appearance of impropriety.
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, I had met all of the requirements until I was "exempt" from such requirements due to years of practice and being over 60 years of age, as evidenced by a December 28, 2009 letter from the South Carolina Supreme Court Commission on Continuing Legal Education and Specialization.
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? My Family Court practice is approximately 40% of my law practice.
 - a. Divorce and equitable distribution: 70% of Family Court Cases

- b. Child custody: 25% of Family Court Cases
 - c. Adoption: 1% of Family Court Cases
 - d. Abuse and neglect: 3% of Family Court Cases
 - e. Juvenile cases: 1% of Family Court Cases
25. What do you feel is the appropriate demeanor for a judge? A Judge should be fair, calm, patient, dignified, and courteous to the parties, their attorneys, the witnesses, the court officials and/or their staff. A Judge should also act with compassion, understanding, open mindedness, and with humility. A Judge should not, by word or conduct, manifest any bias or prejudice against a party, their attorneys, and/or any witness. A Judge should not do anything that would cast reasonable doubt on the Judge's capacity to act impartially as a Judge.
 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? All of the time
 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? No Is anger ever appropriate in dealing with attorneys or a pro se litigant? No
 28. How much money have you spent on your campaign? None If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? N/A
 29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
 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? No 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. James Alexander Stanton, IV.

Sworn to before me this 2nd day of March, 2011.

Notary Public for South Carolina

My commission expires: 2/14/15