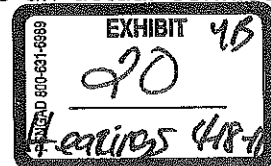


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: Thomas J. Quinn
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Greenville, South Carolina 29601.
Business Telephone: 864-232-9590

1. Why do you want to serve as a Family Court Judge? I have wanted to be a Family Court judge since law school when I first practiced in Family Court and learned the first things about being a lawyer. I admired the Judges – Burnside, Spigner and Boulware – for their intellect, interest and passion. They taught me that their court was the court that protects children, that still has the opportunity to move a child away from a life of crime and trouble, that has the most impact on people's lives and that can effect the most change in a person and a family. I have learned in my 33 years how true those early lessons were. I would like the opportunity now to apply them. Professionally I have done all I hoped short of being a judge and believe I have the experience and maturity to serve the court and the people that would come before it fairly. I understand that a judge must be firm and enforce the rule of law but know it must be leavened with compassion, patience and understanding for each person that appears.
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? No.
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 clearly prohibited by the rules of court and unfair to the party not present. I would stop any attorney that tried to speak with me about the substance of a matter without the other attorney present and only consider written communications that had been submitted in full to the other attorney and provided him/her a reasonable time to respond. I could not envision any circumstance under which *ex parte* communications would be tolerated.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? The relationship would need to be made clear to counsel and if any attorney or party believed there was an actual conflict, a



potential conflict or the appearance of a conflict I would recuse myself from the 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? I would absolutely grant the motion. Parties have the right to a non-biased forum and to believe that no outside influence affected the outcome of their case.
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 inform the parties of the involvement, provide them whatever information they needed to make an informed decision and allow either party the opportunity to have another judge hear the case.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? As I believe parties have the right not only to a fair and unbiased forum but also to one that has that appearance I would not accept gifts from any attorney or firm as the appearance of possible influence would be too great. I would not avoid social relationships with members of the bar but would not accept anything that was not available to all persons at a social event, i.e. if the bar was providing dinner at a golf tournament I would eat but if I was at lunch with an attorney I would not allow him/her to pay for my meal.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would do what I could to stop the inappropriate conduct and report the misconduct to the appropriate authority immediately.
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? In most cases I would allow counsel to prepare a proposed order and require it be agreed to by opposing counsel or allow opposing counsel to submit their disagreement with the order submitted. I am certain there would be some cases where I would want to draft the order myself.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? A double calendar docketing system where my secretary and I kept separate calendars noting the date matters are due that we would resolve on a daily basis.
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 require the Guardian to

- provide interim reports detailing what the needs of the child might be and what resources exist within the family or community to meet those needs, what recommendations the Guardian has for the child and whether prior orders of the court are being followed. I would make clear in my order of appointment the Guardian ad Litem's responsibility, authority and role as an independent party to the action.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? My 'philosophy' would be that our appellate courts have made clear that the legislature promulgates the law in South Carolina and the courts are bound to follow it. Judges should feel free (within the rules) to promote any public policy they believe best off the bench but issues of public policy are reserved for the legislature and Supreme Court.
 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 seek to have active involvement with the members of the Bar who practice in Family Court at Bar meetings, seminars and local meetings to get input on what changes might improve the court. I would volunteer with local schools, colleges and civic organizations to educate the public about Family Court and to get their feedback on how Family Court is viewed and might improve. I would hope to lecture to members of the Bar and/or write on legal and administrative issues that come before the court to educate the Bar and public. Finally, I would make myself available to serve on any committee formed by the legislature, Supreme Court or Bar that addressed issues intended to improve the Family Court.
 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. If a problem arose I would hope my family and I would take whatever steps were necessary to resolve our difficulties including intervention, counseling and mediation.
 19. Would you give any special considerations to a *pro se* litigant in family court? If the litigant had a full and fair opportunity to obtain counsel and did not I would not give the person any special consideration; on the other hand I would not allow counsel to run roughshod over the rules because the *pro se* litigant might not know to object.
 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? I would only hear

such a case if all counsel and the parties were aware of the interest and consented to allow me to proceed.

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: 15%
 - b. Child custody: 20%
 - c. Adoption: 5%
 - d. Abuse and neglect: 15%
 - e. Juvenile cases: 10%
25. What do you feel is the appropriate demeanor for a judge? Calm, attentive, confident, even-handed and knowledgeable.
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? Seven days a week, twenty-four hours a day.
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? No.
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? \$0.
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? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No to both questions..
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. Thomas J. Quinn

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

Notary Public for South Carolina

My commission expires: 10/19/11