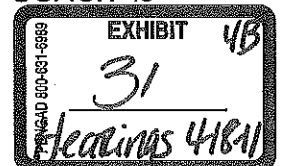


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Master-in-Equity
(New Candidate)

Full Name: Maurice Anderson Griffith
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Aiken, S.C. 29801
Business Telephone: 803-648-3255

1. Do you plan to serve your full term if appointed? Yes
2. If appointed, do you have any plans to return to private practice one day? That would depend on the number of terms that I serve. My intention is not to return to private practice if I am appointed.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes, I am 52 years old and have been admitted to practice law since 1988. I am a United States citizen and resided in South Carolina for 52 years.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Rule 501 Canon 3(B)(7), SCACR states that the judge shall not initiate, permit or consider any *ex parte* communications. There are exceptions where *ex parte* communications are allowed. However, the exceptions are only used if a judge finds that the *ex parte* matter will not give any procedural or tactical advantage to a party in the litigation. The judge also has a responsibility to set out the requirements for notifying other parties in allowing the opposing side to respond. *Ex parte* communications should be strictly limited to what is allowed under the rule. The Canon provides exceptions for scheduling matters, administrative matters or emergencies. Generally, when an order of reference is signed, the master-in-equity's secretary will contact the parties to schedule the date for the hearing after a discussion of the time that they believe will be needed for the hearing to be scheduled. In approximately twenty-three years of practice in civil matters, I have not had any discussions with the master-in-equity on scheduling matters unless it is by agreement of the parties. I have had conference calls where both parties have discussed the scheduling issues with the judge. In those cases, I believe the judge has the responsibility to make sure that the staff is properly trained not to have any conversation with the parties about the merits of the case. Emergencies can arise that may require an *ex parte* hearing. One example outlined in the comments of Rule 501 Canon 3, SCACR is



Rule 65(b), SCRCF in regards to an ex parte order issued for a temporary injunction. In those cases, the judge has to strictly comply with the rule and the Canon for notifying other parties and allowing the opposing side to respond. If at all possible, that type of hearing should be avoided unless there is a clear showing of the emergency nature. There are also other circumstances outlined in Canon 3 that allow a judge to obtain advice from a disinterested expert on the law, consulting with court personnel as long as it's related to the judge's adjudicative responsibility and with other judges. A judge may also, with the consent of the parties, confer separately with the parties and their lawyers to mediate or settle matters pending before the judge. I believe that exception should be avoided if possible. It creates a difficult situation for the attorneys and the parties as well as the judge hearing the case. The usual process is for a meeting between the judge and the attorneys to discuss the issues in the case or any preliminary matters. I believe SCACR Rule 501 Canon 2 of the Judicial Conduct Code outlines the requirements of the judge to avoid not only any improprieties in regards to hearing a case but avoid the appearance of an impropriety. While this relates to all of a judge's activities, I believe the Canon applies in particular to matters where a judge must consider recusing himself or hearing a motion to recuse himself filed by one of the parties. That duty must be balanced against the requirements in SCACR Rule 501 Canon 3(B)(1) that a judge should decide matters assigned to the judge except when disqualification is required.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Rule 501 Canon 2, SCACR of the Judicial Conduct Code outlines the requirements of the judge to avoid not only any improprieties in regards to hearing a case but avoid the appearance of an impropriety. While this relates to all of a judge's activities, I believe the Canon applies in particular to matters where a judge must consider recusing himself or hearing a motion to recuse himself filed by one of the parties. That duty must be balanced against the requirements in SCACR Rule 501 Canon 3(B)(1) that a judge should decide matters assigned to the judge except when disqualification is required. Since I have been in practice with the same individuals for 23 years, I would recuse myself from hearing any cases that involved the partners in the law firm. The only two associates who have been with our firm both practice in Aiken and that would be disclosed to any parties and placed on the record at any hearing. It has been a number of years since the associates have worked with our firm and I have also had cases representing opposing parties since the associates have left the firm. By placing the matter on the record, the parties

could determine if they wanted to make a motion for the recusal. If not, the matter would be on the record if the issue was raised again. In regards to lawyer-legislatures, I believe that would also have to be disclosed to the parties so that the parties could file or make a motion. Rule 501Canon 3(F), SCACR does allow for a discussion by the parties and their attorneys following the disclosure of any basis for disqualification other than personal bias or prejudice. If the parties then agree that the judge should not be disqualified and the judge believes it does not create the appearance of an impropriety, the judge may proceed to handle the case. However, that decision and the basis for that decision should be placed on the record.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? The decision would depend on the details involved in the case. Rule 501Canon 2, SCACR discusses the judge avoiding the appearance of an impropriety. The commentary provides some guidance on the phrase "appearance of impropriety". If the conduct would create in reasonable minds the perception that a judge could not carry out the duties of the office with integrity, impartiality and competence, he should grant the recusal.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? Rule 501Canon 4(D)(5), SCACR addresses this issue. One of the issues with accepting any gifts is creating the appearance of an impropriety. The action may also convey the impression that individuals are in a special position to influence a judge. That is why I believe it would be best not to accept gifts from third parties. Cannon 4(D)(5) states that the judge shall not accept gifts and shall urge members of his family residing in the judge's household not to accept any gifts except for a gift incident to public testimonial, books, tapes or other resource materials supplied by publishers on a complimentary basis for official use. A judge may also attend a bar related function or an activity devoted to the improvement of the law or the legal system. An exception is provided for ordinary social hospitalities and gifts from relatives or friends on special occasions. While any of the exceptions allowed are proper according to the rules, a judge should err on the side of caution in accepting gifts even under these exceptions. A judge should also advise his staff about accepting any gifts to avoid the same issues.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Rule 501Cannon 3(D), SCACR outlines the responsibility of a judge in regards to disciplinary matters. If a judge receives information that creates a substantial likelihood that another judge had committed a violation of the code,

that action would be reported. The same rule discusses the requirements of a judge to report the matter if he feels that an attorney has committed a violation of the rules of professional conduct. Further, if the action by the attorney raises a substantial question as to the honesty, trustworthiness or fitness as a lawyer, the matter would be reported. The commentary states that a judge may consider the appropriate action to take. That may include direct communication with the judge or lawyer who has committed the violation or reported the violation to the appropriate authorities.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? I am not affiliated with any political parties, boards or commissions at the current time. I served on the Board of Directors for Palmetto Legal Services from 1990 through 1996. My service as the attorney for the City of New Ellenton and the Town of Jackson would be terminated if I was appointed.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? I am not engaged in any fund raising activities with any political, social or community boards or agencies. I do contribute to fund raising activities in the church I attend. However, I have not organized or actively participated in obtaining prizes to be awarded for golf tournaments or other events in a number of years. If appointed, I would not participate in actions which would require me to approach any third parties about contributing to fund raising activities for a particular organization. Rule 501 Canon 4, SCACR discusses what is proper in regards to any extra judicial activities. Cannon 4(C)(3)(b) discusses the restriction on a judge personally participating in the solicitation of funds or other fund raising activities.
11. If appointed, how would you handle the drafting of orders? Based on my experience, I would draft the final order on the case in litigated matters. In foreclosure matters before the Master-In-Equity, it is common for the plaintiff to submit an order. The Master-In-Equity still has the responsibility to review the order and make sure it complies with the law and accurately provides the information needed as well as making sure that the exhibits listed have been filed. In contested litigation, I would still be responsible for drafting the final order. If there are unusual points of law being argued in a case, I may ask for both sides to draft a memorandum of law in regards to that particular issue. However reviewing the briefs or having the parties submit a proposed order does not relieve the judge from researching the issues submitted and weighing the evidence that was submitted. It also requires the judge to know the current legislation and appellate cases that are relevant to the case.

12. If appointed, what method would you use to ensure that you and your staff meet deadlines? The first process is setting up the office with an appropriate calendar, to do list and assigning the proper personnel to take the appropriate steps when a matter is referred to the Master-In-Equity. As soon as the order of reference is received, the office should initiate scheduling the hearing so that it maintains control over the dates and times for the hearings to be scheduled. Generally, those hearings would be scheduled within sixty days of the order of reference. While there may be exceptions to this rule, the general rule of having the hearing within sixty days of the referral would be the standard practice. If an order is not issued at the hearing, it would be issued within sixty days from the date of the hearing. Having regularly scheduled meetings with the staff to review the calendar and schedule is important since matters often settle or motions may be withdrawn that would be scheduled in a particular case. In those cases, I believe a weekly review of the schedule allows new matters to be substituted or activities such as the drafting of orders and review of the information presented in a case could be scheduled during those times.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? *Black's Law Dictionary* defines "judicial activism" as a judicial philosophy where judges depart from strict adherence to judicial precedent in favor of progressive and new social policies that may not be consistent with the policies. I do not believe that a judge should vary from the judicial precedent set through the judicial branch. This includes decisions by the appellate courts on the particular issues that may be heard by the Master-In-Equity.
14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? I will certainly consider participating in continuing legal education matters if requested or if appointed to the appropriate committees to organize seminars for the bar. In general, I believe it would be as with an organization of other judicial officials to educate third parties or present material on pertinent issues that may be heard on cases generally referred to the Master-In-Equity. Rule 501 Canon 4(B), SCACR and the commentary allow a judge to work with the bar association and other appropriate organizations that work for improvements in the law.
15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? I do not feel that serving as a judge will strain any personal relationships. I have lived in Aiken County for

most of my life. I do have lifelong friendships that would clearly require a recusal if the parties were involved. I have attended one church for the past 23 years and while I have participated in organizations such as the Jaycees, it has been as a member rather than an officer of those organizations and I have not participated for a number of years. The obligations and responsibilities would require some explanation and discussions with my wife, children, friends and relatives of the rules that apply to a judicial official. The Canons impose new duties that do not exist on a practicing attorney. I believe some discussion with those individuals would help avoid any possible issues.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? I do not derive any additional income from any active investments. I have an IRA and my wife maintains retirement accounts.
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? The term "de minimus" is defined in the Judicial Conduct Code as an insignificant interest that will not raise a reasonable question as to a judge's impartiality. It refers to Canon 3(E) (1)(c) and 3(E)(1)(d), SCACR . Rule 3(E)(1) states that a judge shall disqualify himself if the impartiality of the court might be questioned. Subsection (c) describes the situation where the judge, individually or as a fiduciary, his or her immediate family or any family member residing in the judge's household that has an economic interest in the subject matter is more than a de minimus interest. In those cases, the judge should disqualify himself in the proceeding. The difficult decision for the judge is determining if the interest at issue is "de minimus". The situation described in the question is a family member or the judge having a "de minimus" interest in a party involved in the lawsuit. Based on that description, I believe the judge could hear the matter. I would still put the matter on the record and allow the attorneys to determine if they wanted to make a motion.
18. Do you belong to any organizations that discriminate based on race, religion, or gender? No
19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
20. What do you feel is the appropriate demeanor for a judge? Rule 501Canon 3(B), SCACR states a judge will be patient, courteous and act in a dignified manner when dealing with the parties, attorneys, witnesses, jurors and other parties in the courtroom. This behavior is also expected when dealing with other personnel in the office and the courtroom. The judge will also require the proper order and decorum from those parties in the proceedings in the courtroom.

21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day? A judge must always act in a manner that complies with the Judicial Code of Conduct. The rules require the judge to be aware of any action in his speech and conduct that be perceived as improper when dealing with the public. The rules on judicial conduct dealing with involvement in organizations, accepting gifts, being aware of economic interests are examples that the rules are intended to require and remind a judge that the rules apply each day and for all of his activities and that of his family. The discussion of appearances of impropriety is always applicable to a judge.
22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? A judge has a responsibility to dispose of matters promptly, efficiently and fairly. Rule 501Canon 3(B), SCACR discusses those duties and that a judge will require proper decorum in the courtroom. If the judge becomes angry with a member of the public, a pro se litigant or the attorneys, it can create an impression of bias or prejudice in some cases. I do not believe that anger in the form of shouting at a party is proper. A judge should maintain control of the proceedings, ruling promptly on any motions, use sidebar conferences or meet with the attorneys if activity in the court needs to be addressed. I have found that some explanation of the proceedings before the trial begins by a judge when pro se litigants are involved seem to help in the proceedings.
23. 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? I have not spent more than \$100.00 at the time this form is being submitted.
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? I am not a sitting judge.
25. Have you sought or received the pledge of any legislator prior to this date? No
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
27. 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? I have not made a request of any third parties, friends or colleagues to contact members of the General Assembly.

28. Have you contacted any members of the Judicial Merit Selection Commission? I have not contacted any members of the Judicial Merit Selection Commission.
29. 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? I am familiar with the 48 hour rule in regards to seeking pledges.

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

S/W. Maurice Anderson Griffith

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

Notary Public for S.C.

My Commission Expires: 4/3/13