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JUDICIAL MERIT SELECTION COMMISSION

PUBLIC HEARINGS

Tuesday, April 16, 2013

10:00 a.m.

1105 Pendleton Street
Gressette Building, Room 308
Columbia, South Carolina

REPORTED BY: KATY MCCORMICK
Stenographic Court Reporter

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MEMBERS IN ATTENDANCE:

- SENATOR LARRY MARTIN, CHAIRMAN
- REPRESENTATIVE DAVID J. MACK, III
- REPRESENTATIVE BRUCE W. BANNISTER
- SENATOR FLOYD NICHOLSON
- SENATOR CHIP CAMPSER
- KRISTIAN CROSS, ESQUIRE
- MR. DON SELLERS
- REPRESENTATIVE ALAN CLEMMONS
- MR. PETE STROM, JR.

COUNSEL:

- JANE SHULER, CHIEF COUNSEL

(INDEX REAR OF TRANSCRIPT)

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THE CHAIR: I'm going to go ahead and
call the screening commission to order.

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Good morning, everyone. The Judicial
Merit Selection Commission has called pursuant to
Chapter 19 title 2 inquiring the review of
candidates for judicial office. The function of
the commission is not to choose between
candidates but rather to declare whether or not
the candidates who offer for the positions on the
bench in our division are qualified to fill the
positions of the seat.

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The inquiry that we undertake is a
thorough one. It is centered around the
commission's nine evaluating criteria. It
involves a complete personal and professional
background check on each candidate. These public
hearings are convened for the purpose of
screening candidates, and today we'll be
screening one vacancy for the Circuit Court and
one vacancy for the Court of Equity. At this
time I would entertain a motion to go into
executive session.

24

MR. STROM: So moved.

25

REP. BANNISTER: Second.

1 THE CHAIR: Any objections? Hearing
2 none, the commission will now go into executive
3 session with mics off.

4 (The Judicial Merit Selection
5 Commission went into executive session from 10:01
6 to 10:14 a.m.)

7 THE CHAIR: I'm going to go ahead and
8 convene the public meeting of the commission.
9 The first order of business before we proceed
10 with screening is the adoption of two rule
11 changes that have been proposed. Do I hear a
12 motion?

13 SENATOR NICHOLSON: So moved.

14 THE CHAIR: Second?

15 REP. MACK: Second.

16 THE CHAIR: Any discussion? Hearing
17 none, all those in favor say aye.

18 MULTIPLE SPEAKERS: Aye.

19 THE CHAIR: The ayes have it and for
20 the record it appears to be unanimous. At this
21 time Ms. Shuler has a matter that she'd like to
22 enter into the record regarding the Citizens
23 Committee.

24 MS. SHULER: I would like to offer at
25 this time the Low Country Citizens Committee

1 report on Mr. Chellis and the Piedmont Citizens
2 Committee report on Judge Gibbons and have the
3 court reporter mark those as exhibits.

4 THE CHAIR: Is there any objection?
5 Hearing none, so moved.

6 (EXH. 1, Piedmont Citizens Committee report and EXH.
7 2, Low Country Citizens Committee Report marked for
8 identification.)

9 MS. SHULER: They actually got the
10 highest recommendation that they can receive,
11 each candidate did.

12 REP. BANNISTER: I just want to put on
13 the record I have the proxy for John Harrell.

14 THE CHAIR: So noted.

15 We'll now proceed with the first
16 candidate for screening, the Honorable Brian M.
17 Gibbons, Circuit Court's Sixth Circuit, seat one.
18 Welcome.

19 MR. GIBBONS: Thank you.

20 THE CHAIR: Would you raise your right
21 hand and take the oath.

22 (The candidate was sworn.)

23 THE CHAIR: Thank you very much. Have
24 you had an opportunity to review the Personal
25 Data Questionnaire?

1 MR. GIBBONS: Yes, sir, I have.

2 THE CHAIR: Everything is correct,
3 nothing needs to be changed?

4 MR. GIBBONS: Everything appears to be
5 correct, yes.

6 THE CHAIR: Do you object to our making
7 this summary a part of the record of your sworn
8 testimony?

9 MR. GIBBONS: No objection.

10 THE CHAIR: It will be done at this
11 point in the transcript.

12 (EXH. 3, Brian Gibbons' Personal Data Questionnaire
13 was marked for identification.)

14 THE CHAIR: The Judicial Merit
15 Selection Commission has thoroughly investigated
16 your qualifications for the bench. Our inquiry
17 is primarily focused on nine evaluative criteria
18 which has included a survey of the bench and bar,
19 a thorough study of your application materials,
20 verification of your compliance with the State
21 ethics laws, a search of newspaper articles in
22 which your name appears, a study of previous
23 screenings and a check of any economic conflicts
24 of interest.

25 We received no affidavits filed in

1 opposition to your election, no witnesses are
2 present to testify. Do you have a brief opening
3 statement you'd like to make at this time?

4 MR. GIBBONS: All I have to say is it's
5 an honor to be here. It's a privilege to serve
6 my state as a family court judge this past eight
7 years. I certainly look forward to the
8 opportunity of being a circuit judge and to
9 continue to serve my state. Hopefully you'll
10 find me qualified.

11 THE CHAIR: Judge, thank you so much.
12 Would you please answer counsel's questions.

13 MS. SHULER: Good morning, Judge
14 Gibbons.

15 MR. GIBBONS: Good morning.

16 MS. SHULER: You have before you the
17 sworn statement that you have provided with
18 detailed answers to over 30 questions regarding
19 judicial conduct, statutory qualifications,
20 office administration and temperament.

21 Are there any amendments that you would
22 like to make at this time to your statement?

23 MR. GIBBONS: No, ma'am.

24 MS. SHULER: Mr. Chairman, I would like
25 to ask that Judge Gibbons' sworn statement be

1 entered into the record as an exhibit.

2 THE CHAIR: Is there any objection? Hearing
3 none, the sworn statement will be entered into the
4 record at this time.

5 (EXH. 4, Sworn Statement of Brian Gibbons was marked
6 for identification.)

7 MS. SHULER: One final procedural
8 matter. I note for the record that based on the
9 testimony contained in the candidate's PDQ that
10 Judge Gibbons meets the statutory requirements
11 for this position regarding age, residence and
12 years of practice.

13 Judge Gibbons, would you please state the
14 city and the circuit in which you reside.

15 MR. GIBBONS: Chester, South Carolina,
16 the Sixth Circuit.

17 MS. SHULER: Thank you. Judge Gibbons,
18 you just stated that you have served as a family
19 court judge. Why do you now want to serve as a
20 circuit court judge?

21 MR. GIBBONS: Well, I have practiced
22 law or been a lawyer for almost 21 years, hard to
23 believe, and prior to being elected to the family
24 court bench I had a good general practice which
25 consisted of primarily trial court work in all

1 courts, primarily state courts, circuit and
2 family court. I have always aspired to be a
3 circuit judge. I love what I do, don't get me
4 wrong, I love being a family court judge and I
5 think I've done a great job in doing that, but
6 when this opening came up I believed running for
7 the circuit court and being a circuit judge is
8 the next logical step in my career.

9 MS. SHULER: Judge Gibbons, are there
10 any areas including subjective areas of the law
11 that you would need to additionally prepare for
12 in order to serve as a circuit court judge, and
13 if so how would you handle that preparation?

14 MR. GIBBONS: I don't think so. As the
15 members of the commission know and as my staff
16 and administrators attest, I feel like I know more
17 law at this point in time than I have in any
18 aspect of my career over the past 21 years
19 especially just having taken a family court test
20 back in the fall. So I feel like I have a good,
21 general understanding of all aspects of the law,
22 especially any issues which would come before me
23 on the circuit bench.

24 MS. SHULER: Judge Gibbons, could you
25 explain to the commission what you think is the

1 appropriate demeanor for a judge.

2 MR. GIBBONS: Nice, approachable but
3 firm and consistent, and always courteous to
4 litigants, lawyers and most importantly to the
5 general public as you are the face of the
6 judiciary here.

7 MS. SHULER: Judge Gibbons, is there
8 any circuit court judge that is currently on the
9 bench that you believe particularly exemplifies
10 the characteristics and qualities that you just
11 described?

12 MR. GIBBONS: I'd have to say that a
13 good friend of mine, Judge Leticia Verdin up in
14 Greenville, she was a family court judge and just
15 got elected to the circuit court bench two years
16 ago. I believe that she has those same qualities
17 that I should have on the bench.

18 MS. SHULER: What would you like your
19 legacy to be as a judge on the circuit court
20 bench?

21 MR. GIBBONS: I want to be known as
22 someone who was always fair, who was always
23 courteous to everybody and ran a good, solid
24 courtroom, didn't tolerate unprofessional conduct
25 and just hopefully I could leave that mark on

1 people after I am done and gone.

2 MS. SHULER: What suggestions would you
3 offer for improving the backlog of cases on the
4 docket for general sessions, if any, on the
5 circuit court?

6 MR. GIBBONS: Well, I think it's not
7 necessarily just a judicial problem, I think it's
8 a whole, for lack of a better phrase, systemic
9 failure. You've got to have the solicitor's move
10 the cases, you have got to have the public
11 defenders to move the cases, so it's almost a
12 personnel issue, when it comes to that. Of
13 course that means it's also a budget issue and a
14 funding issue. So it's a combination of all
15 that. But I am going to tell you as a family
16 court judge those who have practiced in the
17 family court or know people in the family courts
18 or are familiar with my caseload and our dockets,
19 I have been able to effectively manage my docket
20 in the family court for eight years. I know how
21 to run a courtroom and argue cases and settle
22 cases. I believe I can bring that expertise to
23 the circuit court bench.

24 MS. SHULER: Judge Gibbons, the
25 commission received 334 ballot box surveys

1 regarding you with 45 additional comments. Of
2 those comments one indicated a concern. Some of
3 the positive comments received concerning you
4 stated for example, excellent judge, excellent
5 candidate, real asset to the judicial system, is
6 fair and impartial, great judicial demeanor, one
7 of our finest judges on the bench.

8 The one concern stated however, often
9 arrives late for court or leaves early for
10 personal business. What response would you offer
11 to these concerns regarding your timeliness and
12 habits?

13 MR. GIBBONS: You know, I am human and
14 I make mistakes just like everybody else does. I
15 have three boys, 17, 14 and 10, and you know, me
16 and mom get them to school as soon as we can.
17 And are there mornings sometimes when I am late,
18 yes, but that's never affected my ability to get
19 through my docket. I believe of all those
20 comments the one you presented to the commission
21 went on to say that I always get my stuff done.
22 And that's true, I always get my stuff done.

23 Leaving early in the afternoons, obviously
24 if I settle cases and I get them done, my boys
25 all play sports and athletic events, I want to

1 make sure I can attend those while they are young
2 and are doing all that. And so it's something I
3 try to work around as best I can, but I always
4 make sure the business of the day is done before
5 I leave. And that's not something I do all the
6 time, it's something I have done. And I
7 apologize, I wish I hadn't done it, but I'm not
8 going to miss my children growing up.

9 MS. SHULER: Thank you. Have you
10 sought or received the pledge of any legislator
11 prior to this date?

12 MR. GIBBONS: No.

13 MS. SHULER: Have you sought or have
14 you been offered a conditional pledge of support
15 of any legislator pending the outcome of your
16 screening?

17 MR. GIBBONS: No, ma'am.

18 MS. SHULER: Have you asked any third
19 parties to contact members of the General
20 Assembly on your behalf?

21 MR. GIBBONS: No, ma'am.

22 MS. SHULER: Are you aware of anyone
23 attempting to intervene in any part of the
24 process on your behalf?

25 MR. GIBBONS: No, ma'am.

1 MS. SHULER: Have you contacted any
2 members of the commission?

3 MR. GIBBONS: No, ma'am.

4 MS. SHULER: Do you understand that you
5 are prohibited from seeking a pledge or commitment until 48
6 hours after the formal release of the commission's report?

7 MR. GIBBONS: Yes, ma'am.

8 MS. SHULER: Have you reviewed the
9 commission's guidelines on pledging?

10 MR. GIBBONS: I have.

11 MS. SHULER: Are you aware of the penalties
12 for violating the pledging rules, that is it's a
13 misdemeanor and upon conviction you could be fined not
14 more than \$1,000 or imprisoned for not more than 90
15 days?

16 MR. GIBBONS: Yes, ma'am.

17 MS. SHULER: I would note that the Piedmont
18 Citizens Committee found Judge Gibbons qualified in
19 the evaluative criteria of the constitutional
20 qualifications of physical health and mental stability
21 and found him well qualified in the remaining
22 evaluative criteria of character, professional and
23 academic ability, reputation, experience and judicial
24 temperament. The commission stated we find the
25 candidate to be well qualified for the position.

1 I would just note for the record that any
2 concerns raised during the investigation regarding the
3 questions of this candidate were incorporated in my
4 questions for the candidate today.

5 Mr. Chairman, I have no further questions.

6 THE CHAIR: Any questions from the
7 commission for Mr. Gibbons from any members of the
8 commission?

9 (No response.)

10 THE CHAIR: I'm surprised no one asked you
11 about your association with Representative Delleney.

12 (Laughter.)

13 THE CHAIR: We'll make judicial note of
14 that. Great, great South Carolinian.

15 We appreciate you being here. Thank
16 you so much. There are no questions. This
17 concludes this portion of the screening process.
18 As you know the record will remain open until the
19 report is published. You may be called back at
20 such time if the need arises, and I doubt that
21 will occur, and of course you have been reminded
22 of the 48 hour rule. We repeat that over and
23 over so there's no misunderstanding about that.
24 If anyone were to inquire with you about whether
25 or not they may advocate with you in the event

1 you were screened out, again we would remind you
2 that the 48 hour rule does apply.

3 And again, we thank you for offering
4 and for your service to our state as a family
5 court judge and we are confident you'll continue
6 to serve our state in a very distinguished way.

7 MR. GIBBONS: Thank you, sir, thank you
8 very much.

9 THE CHAIR: Welcome. The next
10 candidate is Mr. James E. Chellis. He is the
11 candidate up for the Master-in-Equity position
12 for Dorchester County. I believe you might have
13 someone with you you'd like to introduce to us.

14 MR. CHELLIS: Yes, sir. This is my
15 wife of 38 years Adele Chellis with me today.

16 THE CHAIR: Welcome. Would you raise
17 your right hand to receive the oath.

18 (The candidate was sworn.)

19 THE CHAIR: Have you had an opportunity
20 to review the Personal Data Questionnaire?

21 MR. CHELLIS: Yes, sir.

22 THE CHAIR: Is everything correct, does
23 anything need to be changed?

24 MR. CHELLIS: It's correct.

25 THE CHAIR: Okay. Do you object to our

1 making this summary a part of the record of your
2 sworn testimony?

3 MR. CHELLIS: No, sir.

4 THE CHAIR: It will be done at this
5 point in the transcript.

6 (EXH. 5 James Chellis' Personal Data Questionnaire was
7 marked for identification.)

8 THE CHAIR: The Judicial Merit
9 Selection Commission has thoroughly investigated
10 your qualifications for the bench. Our inquiry
11 was focused on the nine evaluating criteria and
12 included a survey of the bench and bar, a
13 thorough study of your application materials,
14 verification of your compliance with the State
15 ethics laws, a search of newspaper articles in
16 which your name appears, a study of previous
17 screenings and a check of any economic conflicts
18 of interest.

19 We received no affidavits filed in
20 opposition to your election, no witnesses are
21 present to testify. Do you have a brief opening
22 statement you'd like to make at this time?

23 MR. CHELLIS: I'd just like to say that
24 I am glad to be here, I am looking forward to the
25 opportunity to hear questions that you may have

1 and I am interested in taking the position.

2 THE CHAIR: Thank you very much. If
3 you would, sir, please answer the questions of
4 our counsel, Ms. Shuler.

5 MS. SHULER: Good morning, Mr. Chellis.

6 MR. CHELLIS: Good morning.

7 MS. SHULER: You have before you the
8 sworn statement that you have provided with
9 detailed answers to over 30 questions regarding
10 judicial conduct, statutory qualifications,
11 office administration and temperament.

12 Are there any amendments that you would
13 like to make at this time to your sworn statement?

14 MR. CHELLIS: No, ma'am.

15 MS. SHULER: Mr. Chairman, I would like
16 to ask that Mr. Chellis' sworn statement be
17 entered into the record at this time as an
18 exhibit.

19 THE CHAIR: Is there any objection? Hearing
20 none, that will done at this time in the record.

21 (EXH. 6 James Chellis' Sworn Statement was
22 marked for identification.)

23 MS. SHULER: One final procedural
24 matter. I note for the record that based on the
25 testimony contained in the candidate's PDQ that's

1 been included in the record, Mr. Chellis meets
2 the statutory requirements for this position
3 regarding age, residence and years of practice.

4 Would you please state the city and the
5 circuit in which you reside?

6 MR. CHELLIS: Summerville, South
7 Carolina. The circuit is the First Circuit.

8 MS. SHULER: Mr. Chellis, after
9 practicing law since 1977 why do you now want to
10 serve as the Master-in-Equity for Dorchester
11 County?

12 MR. CHELLIS: I think the best way to
13 answer that is to say that early in my career as
14 a lawyer I knew that I wanted to serve in some
15 form of public service to our state and dedicated
16 my first 25 or 30 years of my practice to working
17 very hard to fill the practice in Summerville
18 with the thought that at some point in time I may
19 be able to serve the public in some way. We have
20 had excellent representation in the House of
21 Representatives and the Senate and I thought
22 perhaps the best way to do my public service
23 would be to do it judicially. When this
24 particular opportunity came about and I am
25 extremely fortunate because of the timing in my

1 life to have the opportunity to serve the public
2 and that's exactly what I want to do now.

3 I have really learned the law from the
4 bottom up and I want to take the knowledge that I
5 have learned and apply it with some wisdom and
6 grace, if you will, to litigants who come before
7 the court of Master-in-Equity of Dorchester
8 County.

9 MS. SHULER: Can you explain to the
10 commission some of the types of cases you've
11 handled before the Master-in-Equity.

12 MR. CHELLIS: I think every kind of
13 case that could possibly be brought before the
14 Master-in-equity. Foreclosure actions, I have
15 litigated easement issues, I have handled
16 partition actions, I have handled quiet title and
17 foreclosure actions, just everything that could
18 come before the Master-in-Equity.

19 I have been involved in an
20 interpretation of the statute related to the
21 rejection of goods, the revocation of and the
22 acceptance of goods that had been delivered.
23 That particular case ultimately ended up in the
24 court of appeals, and included in my
25 questionnaire I think it's been cited or referred

1 to on over 47 occasions. And so I think that I
2 helped establish a precedent with that case.

3 So every sort of case that has come
4 before the Master I have handled in some way,
5 shape or form.

6 MS. SHULER: Are there any subjective
7 areas of the law that you would need to prepare
8 for and if so how would you undergo that
9 preparation.

10 MR. CHELLIS: I don't think I have any
11 deficiencies in the subjective area.

12 MS SHULER: Would you share with the
13 commission what you think is the appropriate
14 demeanor for a judge.

15 MR. CHELLIS: I think he needs to be
16 calm, I think he needs to listen. Primarily I
17 think he needs to have a fair minded approach to
18 the issues that are before him, certainly not
19 have any bias towards any of the litigants. He
20 needs to be firm, he needs to have studied the
21 law and understand the law that's before him and
22 I think he just needs to be a person who
23 exercises his wisdom and applies the law
24 appropriately.

25 MS. SHULER: Is there any

1 Master-in-Equity currently on the bench that you
2 believe exemplifies the characteristics that a
3 Master-in-Equity should have?

4 A couple years ago I appeared before
5 Judge Scarborough in Charleston in a sine qua
6 title. I think he handled that extremely well as
7 he handles all of his cases over the short time
8 he's held the position.

9 MS. SHULER: If you do serve on the
10 bench what would you like your legacy to be?

11 MR. CHELLIS: I would like for people
12 in Dorchester County to say that I was a fair
13 man.

14 MS. SHULER: What suggestions would you
15 offer to improve the backlog of cases on the
16 docket before the Master-in-Equity in Dorchester
17 County?

18 MR. CHELLIS: I think the biggest
19 problem we have in Dorchester County is we need
20 additional support personnel. As a judge I have
21 spoken with Judge Murphy about this very issue.
22 You can hear 15 or 20 foreclosure actions in a
23 day but the big problem is we have got a backlog,
24 a jam if you will, in the processing of those
25 cases through the administrative process and

1 those decisions have to go through. And I think
2 that that's a large part of if there is a backlog
3 so to speak in Dorchester County it would be just
4 the lack on administrative personnel.

5 Listen, I have worked very hard my
6 entire life and I cannot see my work ethic
7 changing because I take the bench.

8 MS. SHULER: Do you currently carry
9 malpractice insurance in your law practice and if
10 so how long have you carried malpractice
11 insurance?

12 MR. GIBBONS: I have malpractice
13 insurance and I have always carried it since
14 1977.

15 MS. SHULER: In your Personal Data
16 Questionnaire you reported receiving a letter of
17 caution with the finding of minor misconduct from
18 the South Carolina Supreme Court on September
19 3rd, 2009 due to conduct you engaged in while a
20 judicial candidate in the fall of 2007. You were
21 also ordered to pay the cost of those proceedings
22 that is \$822.45. A letter of caution pursuant to
23 Rule 2 of the Rules of Lawyer Disciplinary
24 Enforcement, Rule 413, South Carolina Appellate
25 Court Rule is defined, in part, as a written

1 caution or warning about past or future conduct
2 issued when it is determined that no misconduct
3 has been committed or that only minor misconduct
4 not warranting the imposition of a sanction has
5 been committed. A letter of caution may be
6 issued by disciplinary counsel, an investigative
7 panel or the Supreme Court.

8 Would you please explain the
9 circumstance that gave rise to your letter of
10 caution and what you have learned from receiving
11 a letter of caution.

12 MR. CHELLIS: The issue surrounding the
13 letter of caution was a mistake on my part. I
14 misunderstood and misinterpreted the rule
15 concerning a candidate's endorsement of another
16 candidate for public office. And I endorsed
17 another candidate for public office while a
18 candidate for judicial office. And that was the
19 case in a nutshell. We had a complete and full
20 hearing before the Office of Disciplinary Counsel
21 and went through an appellate panel who reviewed
22 the case and they recommended my misconduct with
23 the letter of caution on the Supreme Court's
24 recommendation issued a letter of caution. Since
25 that time and even before then I had voluntarily

1 cautioned myself not to engage in those sorts of
2 activities, and since 2007 I've had very little
3 political involvement with any issues.

4 I think that's the sum and substance of
5 it.

6 MS. SHULER: Mr. Chellis, one
7 follow-up. During this screening if you had a
8 question about any activities you were engaging
9 in as a judicial candidate did you research the
10 judicial candidates rules and also double check
11 with me when you have had any questions?

12 MR. CHELLIS: Yes, ma'am, I did. I had
13 a couple questions and I researched the rules and
14 then I called and you and I would discuss it.
15 You've given me advice to search judicial issues
16 which I followed up on and I am absolutely
17 cautious in terms of what I can do as a
18 candidate. Certainly I understand that once
19 you're on the bench there is no place for judges
20 to be making any kind of political activity.

21 MS. SHULER: Mr. Chellis, some
22 housekeeping matters. Have you sought or
23 received the pledge of any legislator prior to
24 this date?

25 MR. CHELLIS: No.

1 MS. SHULER: Have you sought or have
2 you been offered a conditional pledge of support
3 of any legislator pending the outcome of your
4 screening?

5 MR. CHELLIS: No, ma'am.

6 MS. SHULER: Have you asked any third
7 parties to contact members of the General
8 Assembly on your behalf?

9 MR. CHELLIS: No, ma'am.

10 MS. SHULER: Are you aware of anyone
11 attempting to intervene in any part of the
12 process on your behalf?

13 MS. CHELLIS: No, ma'am.

14 MS. SHULER: Have you contacted any
15 members of the commission?

16 MR. CHELLIS: No, ma'am.

17 MS. SHULER: Do you understand that you
18 are prohibited from seeking a pledge or commitment from
19 your local delegation until 48 hours after the formal
20 release of the commission's report?

21 MR. CHELLIS: Yes, ma'am.

22 MS. SHULER: Have you reviewed the
23 commission's guidelines on pledging?

24 MR. CHELLIS: Yes.

25 MS. SHULER: Are you aware that the

1 penalties for violating the pledging rules, that is
2 it's a misdemeanor and upon conviction you could be
3 fined not more than \$1,000 or imprisoned for not more
4 than 90 days?

5 MR. CHELLIS: Yes, ma'am.

6 MS. SHULER: I would note that the Low
7 Country Citizens Committee found Mr. Chellis well
8 qualified in the evaluative criteria of the
9 constitutional qualifications of ethical fitness,
10 character, professional and academic ability,
11 reputation, physical health, mental stability,
12 experience and judicial temperament. The commission
13 stated we find the candidate to be well qualified for
14 the position.

15 I would note for the record that any
16 concerns raised during the investigation regarding the
17 candidate were incorporated in my examination of the
18 candidate today.

19 Mr. Chairman, I have no further questions.

20 THE CHAIR: Any questions from the
21 commission? Hearing none, Mr. Chellis thank you
22 so much. This concludes your portion of the
23 screening process. As you know the record will
24 remain open until the report is published and you
25 may be called back at such time if the need

1 arises. I doubt very seriously that that will
2 occur. And of course being reminded of the 48
3 hour rule I'll remind you one more time.

4 We thank you for offering and we thank
5 you for your service to our State. Ms. Chellis,
6 it's nice to see you this morning and we thank
7 you very much for being here today.

8 MR. CHELLIS: Thank you, sir and the
9 members of the commission.

10 THE CHAIR: Is there a motion to go
11 into executive session?

12 MR. SELLERS: Motion.

13 MR. STROM: Second.

14 THE CHAIR: We'll consider ourselves in
15 executive session.

16 (The Judicial Merit Selection
17 Commission went into executive session from 10:44
18 to 10:51 a.m.)

19 THE CHAIR: I would move that we find
20 them both qualified candidates.

21 MR. STROM: Second.

22 THE CHAIR: Any other discussion? All
23 these in favor raise your hands.

24 MS. SHULER: Ten for each candidate.

25 THE CHAIR: It's unanimous. For the

1 record both candidates qualify and are nominated.
2 Any other business? Hearing none we'll stand
3 adjourned.

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6 (Thereupon the proceedings were concluded at 10:52 a.m.)

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I N D E X

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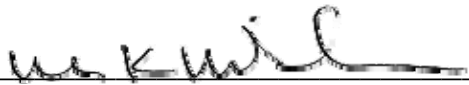
CERTIFICATE OF REPORTER

I, Mary K. McCormick Stenographic Court Reporter. and Notary Public of the State of South Carolina at Large, do hereby certify:

That the foregoing proceedings were taken before me on the date and at the time mentioned on page 1 and the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2013, at Aiken, Aiken County, South Carolina.


Mary K. McCormick (Katy McCormick)
Notary Public
State of South Carolina at Large
My commission Expires June 20, 2015

