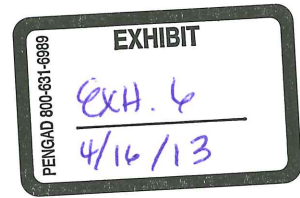


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Master-in-Equity  
(New Candidate)**



Full Name: James E. Chellis  
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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?  
No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?  
Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Fundamentally, I believe *ex parte* communication is improper. Let me explain. The jurisprudence of our state and country in cases and controversies espouses the rational investigation, development and determination of the truth as between competing interest and the proper application of law to achieve reasoned resolutions. Our judicial system espouses a systematic method for reaching truth, and ferreting just resolution between these interests. This method requires collection of empirical data, including opinions on ultimate facts, confined by procedural rules designed to bring before the tribunal relevant facts, and the application of those facts to pertinent law. One who engages or attempts to engage, whether directly or indirectly, in *ex parte* communication with a judge presiding over such cases and controversies disturbs this method and fouls the application of reasoned resolutions. Since I believe in the jurisprudence of our society, the method by which we resolve cases and controversies, I do not engage in nor would I tolerate *ex parte* communications if I were a judge presiding over a dispute. Some cases and controversies, however, are not disputed, and an *ex parte* communication over a matter of a judge's preference in a procedural matter seems to be an instance in which an *ex parte* communication may be warranted, especially if the result of the communication is to avoid delay and preserve a judge's time. Moreover, in the case of an exigent circumstance that would justify an *ex parte* communication,

e.g., an unexpected personal matter, or an unexpected emergency related to that attorney's client or another client, in which the communication is to advise the court of the circumstance would be acceptable so long as the communication is restricted to the particular circumstance and not the substance of the underlying dispute. I can envision, in these situations, the need to inform the Court of the exigent circumstance. However, I would expect that a lawyer in this kind of situation confirm that he or she has permission from the adverse party's counsel to make the ex parte communication, or that he or she will immediately inform the adverse party of the full extent of the ex parte communication. I would, however, encourage this type of communication be made to the Clerk of the Court or to the judge's law clerk and not to the judge directly.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

My philosophy on recusal follows my belief in the jurisprudence that I believe in which I stated in the preceding answer.

As to Lawyer-legislators:

I would not stereotype a lawyer-legislator as one, who by his position in the legislature, is going to disrupt the fair and reasonable application of the legal process. To the contrary, I believe that advocate (the lawyer-legislator) would be ever vigilant to avoid the appearance of impropriety because of his or her position. I would follow my core values in determining whether recusal would be appropriate. I'd simply ask myself such questions as will I compromise our system of justice, can I remain independent, will the party participants have confidence in the system if I hear this case giving due regard (without stereotyping the lawyer-legislator, who has the power to vote for the judge as a disqualifying circumstance) to the position held by lawyer who happens to be a legislator. If an objection to my hearing the case were made, I would consider the basis of the objection and if founded on probative evidence of bias by me somehow connected to the legislator-lawyer that would pollute the administration of justice then, in that case, I would consider recusal. Frankly, however, I cannot foresee that I would ever have such a bias. But, if it did arise, I would recuse.

As to former associates:

The mere fact that a lawyer before me was a former associate of mine does not lead me to the conclusion that I should recuse myself. Matters that involve facts and circumstances arising out of some event that occurred while the associate and I worked together would however warrant recusal. Otherwise, I do not think it is inappropriate

to hear cases and controversies brought by a former associate concerning matters arising after our association warrant recusal.

As to former partners:

My current partner is the only equity partner I have had during my career, who is licensed in South Carolina. Mr. Frampton will leave the private practice of law no later than June 30, 2013. He has accepted a full time position as in house counsel for Dorchester County. The only cases in which he would appear before me as a lawyer would involve Dorchester County. In light of this, I would seek recusal. I believe this would be necessary because for well over 25 years our firm as acted as counsel for the County. Given that I have benefited financially from this representation for this length of time, I cannot see a way to avoid the appearance of bias, and more importantly the appearance of impartiality. Hence, I believe it would be appropriate to have County cases, assigned to another judge.

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?

For purposes of this question posed to a candidate for Master in Equity, I believe the question can be handled very practically without raising significant legal/ethical issues for the lawyers, or the Master. So, there is a practical solution and there is, of course, a legal one should the practical solution fail. First, let me address legal course of action I would take.

I would consider a request for recusal carefully, thus, giving it deference. I would also inquire of counsel who moves for recusal to provide evidence of actual prejudice or impartiality. Assuming a responding counsel wants to be heard, I would seek his position and factual basis for a finding that no actual impartiality or prejudice exists. In short, a hearing on the matter would be conducted on the record. The problem here, though, goes further. Hence, giving deference to the moving party is warranted.

Once a litigant raises a question of my bias, the damage to the Court may already be done. The litigant is entitled to a fair and impartial tribunal. If the litigant suspects bias, proceeding without a full hearing on the matter, and findings by me, is likely to raise significant questions of my "appearance of impropriety." This is to be avoided. A full hearing on the issue may serve to dispel the moving party's bases for seeking recusal.

After a review of the facts, and a consideration of the law, and the judicial duty to hear cases that come before me, I would render a decision on the record. Some cases may not lend themselves to such an outcome.

After hearing all of the evidence, considering all of the law, I may remain uncertain. In this case, I would seek the counsel of a specialist in judicial ethics to review the ethical issue, and make a recommendation. As a practical matter, however, the Master in Equity has an easier opportunity to avoid such ethical issues. As Master, I could suggest that the parties move for a special referee. This would avoid the issue of bias, and also solve the perception that I would have the appearance of impropriety.

I actually have experience with a situation posed by this question as a litigant. Briefly, the party adverse to my client Homeowner Association (HOA) thought a bias against her would exist if her case were heard by a Caucasian. When the case reached the trial docket before Judge Manning, we informed him the case was not ready for trial but that the defending party wanted an African-American judge. The HOA had no objection, and I concurred. Judge Manning accepted a joint motion to refer to a special referee. With defense counsel's input we found an exceptionally well qualified attorney, Ronald Stanley, to hear the case. The case was heard, and decision rendered. All parties were satisfied with the method of seeking a special referee to hear the case.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I will not accept gifts. Should a permissible gift be proffered, however, I would apply the standards set forth in the Code of Judicial Conduct set out in the South Carolina Rules of Court (Appellate Court Rules, Part V, with particular attention to Canon 4 D(5)). The key standard here is to avoid the appearance of impropriety, and avoid any gift, even if permitted, that would give rise to a perception that my integrity or independence would be compromised. Generally speaking, I would avoid receipt of gifts as I think it leads down a slippery slope. I would accept ordinary social hospitality. My family and I are not extravagant. I would be very uncomfortable with any kind of social hospitality that exceeded dinner at a friend's house or a social event among friends and colleagues, or a fishing trip on the local waters with a friend. Where appropriate and, in keeping with good social manners, I would pay my own way.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would report misconduct of a lawyer or of a fellow judge that I became aware of, provided the definition of "became aware of" means I have personal knowledge of the misconduct.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?  
Yes
11. If appointed, how would you handle the drafting of orders?  
I would follow the same practice that I have been accustomed to in the practice of law. If I am convinced of a position, I would ask counsel for the prevailing party to draft the order. In some instances, I may have the prevailing party submit the draft order to adverse counsel for review, and comment. In a complex case, which I take under advisement, I may ask both parties to submit a proposed order. In any event, I will read every Order proposed to me regardless of the drafter and make certain it comports with my decision.
12. If appointed, what methods would you use to ensure that you and your staff meet deadlines?  
I've worked fairly well with a calendaring system during my practice. I would implement a calendaring system giving due regard for the requirements imposed by Court Administration.
13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
My philosophy on "judicial activism" is that it has no place in our jurisprudence. The Judicial Code of Conduct requires a judge to respect and comply with the law. This is my philosophy. I would not create law but would, rather, only apply it to the best of my ability.
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 have no plans at the moment. I will say that I enjoy writing, teaching and lecturing provided I have the time to do it effectively. So, if given the opportunity, especially after I get my 'feet on the ground', I could see myself giving a talk or teaching a law-related course.
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 have discussed this with my wife. Our children are grown and out of the home. We have been married 38 years. She is quite content with my decision to seek the position of Dorchester County Master in Equity.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No.
17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No.

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?  
Patient, calm, courteous, respectful of others, serious, firm.
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?  
24/7
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? No.
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?  
None
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
N/A
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?  
No.
28. Have you contacted any members of the Judicial Merit Selection Commission?  
No.
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?  
Yes.

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

James E Chellis

Sworn to before me this 26th day of February,2013.

L. Lynn Seprish

Notary Public for S.C.

My Commission Expires:2/2/2015