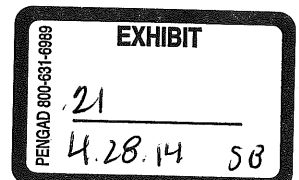


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: William Angus McKinnon
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Business Telephone: (803) 327-7800

1. Why do you want to serve as a Circuit Court judge?
I have wanted to serve as a judge since my two clerkships with judges following law school. Both judges, Hon. Joseph F. Anderson, Jr. and Hon. Andrew J. Kleinfeld, exemplified the highest standards of our profession. They were bright, hardworking, impartial, and sought to apply the law fairly and evenly and not to advance personal agendas. That is the kind of judge I would like to be. Further, I think my temperament is more suited to the judiciary than aggressive advocacy as a lawyer.
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 Constitutional 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?
In accord with Canon 3(B)(7), ex parte communications are permissible when circumstances require such communications and they are for administrative, scheduling, or non-substantive emergency purposes, and so long as no party obtains an advantage, and the judge notifies the other party promptly. An example of such a situation would be if an attorney called me to say her husband had just had a heart attack and she could not attend a hearing later that day. Demanding she wait on the phone while I called opposing counsel for a conference call would be cruel. I would grant the continuance and then call opposing counsel myself to explain the situation.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I would not recuse myself just because a lawyer-legislator is before me. If judges did that, lawyer-legislators could not practice law. Rather, I



would follow the Judicial Canons as it applies to recusal. For example, I would recuse myself, for a reasonable period of time after taking the bench, from cases involving former associates or law partners under Canon 3(E)(1).

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 defer to the party, and likely grant the motion, pursuant to Canon 3(E)(1), because my impartiality might reasonably be questioned.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If such a person were a party in a case, I would recuse myself, even without a motion.

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

Pursuant to Canon 4(D)(5), I would not accept gifts other than "ordinary social hospitality" or weddings/birthdays/special occasions. To me, "ordinary social hospitality" means the type of gifts that would be unremarkable if I was not a judge.

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

If the information raised a substantial question as to the lawyer or judge's fitness for office, or a lawyer's trustworthiness, I would inform the appropriate authorities. In lesser situations, I cannot give a specific answer because of the number of possible situations, but I would act to protect the public, the profession, and to get help if possible for the lawyer or judge.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

No

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No

13. If elected, how would you handle the drafting of orders?

For routine, uncomplicated orders I would likely use form orders or ask the parties to submit draft orders which I would edit and modify as necessary. For complicated issues, and especially situations where my reasoning might be important to an appellate court, I would draft the order from scratch.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would use calendaring by multiple people using computer calendar programs such as Microsoft Outlook. Having the deadlines on multiple calendars greatly reduces the chances of error.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I do not believe in judicial activism. The role of a judge is to interpret and carry out the laws of South Carolina and the United States, not to make them or alter them. The job of making or amending the laws is entrusted to the elected representatives of the people in the US Congress and the SC General Assembly. Judges do not set public policy, and only "promote" it by enforcing the public policies set out by the General Assembly.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?
I plan to help teach CLE classes, do some writing about legal issues of interest to the bar, and perhaps assist a local mock trial team if time permitted.
17. 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 address this?
No. I am unmarried. My friends and family are extremely supportive of my seeking judicial office.
18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: For crimes which have increasing penalties for repeat offenders, such as DUI laws, I would follow the statutory scheme. In other words, DUI 2nd offense already has an increased punishment, and it is unnecessary for me to sentence more harshly since the charge has that built-in. In other cases, where there is no graduated offense system, a repeat offender would likely lead me to sentence more harshly, and to impose active jail time if I had granted probation before.
 - b. Juveniles (that have been waived to the circuit court): The safety of the public comes first. Assuming I did not feel the juvenile was a threat to the public, I would be more likely to sentence a juvenile in a way that left open a possibility of rehabilitation.
 - c. White collar criminals: I do not anticipate giving any particular breaks to people who commit "white collar" crimes, usually theft. I do not think it is morally preferable to steal via white collar fraud than by non-white collar means.
 - d. Defendants with a socially and/or economically disadvantaged background: Similar to my answer with regard to juveniles, if the defendant was not a threat to the public, and if there was not a lengthy criminal history, I would be at least a bit more likely to sentence in a way that would give the person an opportunity to turn their life around.

- e. Elderly defendants or those with some infirmity: I have not really had any elderly clients in my criminal practice as a lawyer, so I have no experience with this issue. Unless their infirmity or age directly impacted their crime, I doubt I would treat such a defendant differently, because one expects that older citizens would be wiser and know better. Age and ill health, of course, impact whether such a person would be a threat to the public, which would be something I would take into account in any sentencing.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.
20. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?
No. I would recuse myself.
21. Do you belong to any organizations that discriminate based on race, religion, or gender?
No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes
23. What do you feel is the appropriate demeanor for a judge?
Calm, rational, reasoned, patient, confident, and sympathetic
24. 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?
I would do everything in my power to see that I live up to that demeanor all the time.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?
Not in the sense of anger meaning yelling or berating a defendant. The "anger" of the judge, representing the public of South Carolina, at a horrific crime like murder is expressed in the sentence imposed, not by screaming. Yelling is not appropriate at either counsel or pro se litigants either.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
None
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
n/a
28. Have you sought or received the pledge of any legislator prior to this date?

- no
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
no
30. 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, I have not asked, though I have some friends who have told me that they have made general phone calls to see how the process works (not about me).
31. Have you contacted any members of the Judicial Merit Selection Commission?
no
32. 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/William Angus McKinnon

Sworn to before me this 10th day of March, 2014.

Annie H. Gray

Notary Public for S.C.

My Commission Expires: November 29, 2016.