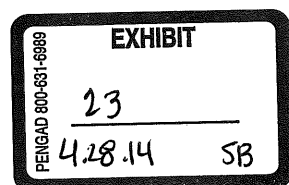


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: James Michael Morton
Business Address: 334 Oakland Avenue
Business Telephone: 803-366-3388

1. Why do you want to serve as a Circuit Court judge?
I feel I could be of great service to the public and the Bar. I would be fair and ethical, and would bring much courtroom experience to the job.
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?
Not at this time.
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?
I have been a prosecutor and defense attorney and abhor ex-parte communications and would only permit for scheduling purposes.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Always err on the side of caution. It is important to disclose to all parties the potential problems and relationships and allow them to make objections and arguments after full disclosure from all sides.
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?
More than likely, I would recuse in accordance with trying to avoid even an appearance of impropriety, but would carefully consider.
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 recuse myself immediately.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would never accept, never consider the acceptance of gifts or social hospitality that is prohibited under the Judicial Canon of Ethics, and



- would follow full disclosure rules.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
Report to ODC immediately.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?
I am not currently affiliated, other than serving on the Commission for Lawyer Conduct.
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?
I would draft, review, supervise, authorize in conjunction with a law clerk.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I use a calendar triplicate system with a law clerk and secretary. We would all share the same calendar, and constantly and continuously check updates via computers.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
It is not the responsibility of Judges to create policy. Judges, do, however, have power to rule within the law.
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 would like to further advance repeal of legislative enactments regarding mandatory minimum sentences.
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. My children will be in junior high or high school at that time, and my wife only works part-time.
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: It would depend on previous offenses and level of misconduct before me.
 - b. Juveniles (that have been waived to the circuit court): Act in accordance with law and consider all factors, including age.
 - c. White collar criminals: I would consider all aggravating and mitigating factors.
 - d. Defendants with a socially and/or economically disadvantaged background: I would consider along with all factors.
 - e. Elderly defendants or those with some infirmity: I would consider

the nature of the offense, but also factor the likelihood of reoffending.

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
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, never strident; patient
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 have that temperament by nature, so always.
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?
No; never
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?
No money has been spent.
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; no
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/James Michael Morton

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

Rebecca K. Polish

Notary Public for S.C.

My Commission Expires: 2/10/22