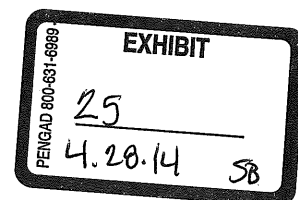


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Walter William Thompson, Sr. "Willy"
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1. Why do you want to serve as a Circuit Court judge?
I believe that strong, decisive, fair and experienced judges are the backbone of our judicial system. My extensive courtroom experience and my commitment to seek justice and promote the integrity of the court system have uniquely prepared me for this position. I want to contribute my hard earned experience and talent to our judicial system and maintain a strong and trusted judiciary.
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?
I have worked as a prosecuting attorney in the 16th Circuit since my graduation from law school in 1992. If I am given the honor to serve as a Circuit Court Judge from the 16th Circuit, I do not plan to leave that position until retirement age. Judicial stability has served the 16th Circuit well and I plan to continue that tradition.
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 follow the general rule of thumb that *ex parte* communications are prohibited. However, in rare situations they may be necessary. Under the Appellate Court Rules, Rule 501, Canon 3B(7)(a) states, "Where circumstances require, *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided: (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication, and (ii) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond." For example, if a defense attorney has been appointed to represent an indigent client on a serious case and he/she needs to



request funds for an expert, the defense attorney may make his/her request *ex parte* in order to keep from revealing trial strategy to the State. There are also situations when *ex parte* communications are specifically authorized by law.

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 follow the policy that judges should recuse themselves when their impartiality may reasonably be questioned. As long as a judge remains impartial, presiding over matters in which lawyer-legislators, former associates, or law partners represent one of the involved parties are not prohibited. However, if the representation of one of the parties by the judge's former associate or law partner began while the judge was still in practice with the former associate or law partner, the judge should recuse himself/herself.

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 give great deference to the party requesting the recusal. I would grant the motion for recusal if I believed that there was an appearance of bias and my impartiality could 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?

I would immediately reveal the involvement to all parties. If I believed my relative's financial or social interest could be substantially impacted, I would recuse myself. Once again, I would make this decision based on whether my impartiality could reasonably be questioned.

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

I would let Judicial Canon 4D(5) be my guide. I would accept "ordinary" social hospitality. However, I would base the acceptance of any gift on whether one could reasonably question if the gift was intended to influence me in the performance of my judicial duties. I would also refuse gifts from someone who has appeared before me, is likely to appear before me, or has an interest in what is before me or likely to come before me in my judicial capacity.

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

I am well aware that there are always two sides to every story. I would discuss the possible misconduct with the lawyer or judge and make the determination whether there is a substantial likelihood that any misconduct occurred. If there is a substantial likelihood to believe misconduct occurred, and that the misconduct raises a substantial question as to the judge's or lawyer's fitness as a judge or lawyer, I

would report it.

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

I am a member of South Carolina Law Enforcement Officers' Association (SCLEOA) and the South Carolina Solicitor's Association. I will resign my membership from each of these organizations if I am elected to the bench.

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?

On routine orders and orders arising from matters that I do not need to take under advisement, I would have one of the parties or my law clerk draft the order subject to my instructions and review. I intend to draft most of my own orders on matters I take under advisement.

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

I would consult with other judges to see how they meet deadlines. Initially, I would use an electronic calendar to keep track of deadlines. It would include "ticklers" and "reminders" to help me keep deadlines. As a prosecutor, I helped to successfully implement the differentiated case management system for the 16th Circuit. Not only did I manage my own case load, but I taught and supervised other attorneys on how to do the same. I will use my experience to ensure deadlines are met.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

Circuit Court Judges do not make the law. Judges apply the law using established case law, current statutes and common sense. Judicial decisions should be made on a case-by-case basis according to the specific facts of each case. Judges promote justice for all parties involved in each case over which they preside. A judge must uphold the independence and integrity of the judiciary. There will be times that the proper ruling will appear to promote public policy, and at other times that the proper ruling will appear to go against public policy. In order to maintain judicial independence and integrity, the judge cannot allow public policy or opinion to override 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 continue to teach and lecture at continuing legal education seminars. I have an interest in working with local high school students participating in mock trial competitions. I already seek to set a good example as a prosecutor, and I will continue to promote the judicial system by the good example I set on and off the bench. I will continue to maintain a pleasant demeanor while treating those around me with

courtesy and respect.

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?

The family pressures that face a Circuit Court Judge are similar to the pressures I currently face as a Deputy Solicitor. I have already learned to work through the types of problems that may arise with family and friends. The only additional pressure may be that more extensive travel is expected from a Circuit Judge. I have already discussed the travel issue with my family and we do not expect it to be a problem. My open line of communication with my family will help relieve any strain the pressures of the position may cause.

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.

My sentencing philosophy begins with the fact that all convicted offenders should be sentenced on a case-by-case basis. I will consider the totality of the circumstances including, but not limited to, the seriousness of the crime, the defendant's prior record, the extent to which the victim has been injured (physically, financially, and psychologically), the existence and degree of malice, the degree of the defendant's culpability (especially in multiple defendant cases), and any mitigation presented by defense counsel. This philosophy applies to all of the following five categories of offenders.

- a. Repeat offenders:

Repeat offenders should be sentenced more harshly than non-repeat offenders facing similar charges, as this is the just thing to do. Our legislature has made numerous laws that increase the possible sentences for repeat offenders. This is not to say that repeat offenders should automatically receive maximum sentences. Once again, their sentences must be considered on a case-by-case basis. For instance, non-violent repeat offenders should not be treated as harshly as violent repeat offenders. Numerous factors should be considered in every sentencing.

- b. Juveniles (that have been waived to the circuit court):

It has been my experience that juveniles who have been waived up to Circuit Court are accused of the most serious crimes. Juveniles who are waived up will have extensive DJJ files. In addition to the juvenile's record, I would want to consider the DJJ psychological evaluation and any other state or defense evaluations of the juvenile prior to sentencing. DJJ will likely also have an IQ test and academic records that could help in sentencing. The fact that a defendant is a juvenile is a factor to consider in sentencing. The weight that is given to it should be

- decided on a case-by-case basis.
- c. White collar criminals:
Victims feel just as violated when someone breaks into their accounts and steals as they do when someone breaks into their home and steals. Much more is usually taken by the average white collar criminal than by the average thief. The result is often devastating to the targeted person or business. In sentencing, white collar criminals should be treated much like burglars with special consideration given to the amount of their theft and the effect on their victim(s).
 - d. Defendants with a socially and/or economically disadvantaged background:
Each individual is responsible for his/her own actions. A socially and/or economically disadvantaged background does not, by itself, garner special consideration. People of all backgrounds know they should not commit crimes. A person's background is simply one of many factors to consider at sentencing.
 - e. Elderly defendants or those with some infirmity:
Once again, each individual is responsible for his/her own actions. Age or infirmity alone does not deserve special consideration. I would treat it as one of many factors to consider at sentencing, unless I could be shown why it should receive additional consideration in a particular case.
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?
Yes. By definition a *de minimis* financial interest is so insignificant that there would be no reasonable question regarding my impartiality. If my impartiality as a judge cannot be reasonably questioned, then there is no reason to 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?
While judges must maintain control of the courtroom, they should do so while being courteous, professional, and patient toward everyone in the courtroom. The demeanor of the judge should promote the integrity of the judicial system.
 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?

The judge should strive to maintain this good demeanor at all times. The judge's demeanor affects the integrity of the judicial system whether the judge is on or off the bench.

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?

Anger is a legitimate emotion. A judge should not be easily angered, but that does not mean it is wrong for a judge to become angry. The key is to control anger so it does not adversely affect your rulings or create an impression of impropriety by the bench. The following are some examples of appropriate anger I have seen from the bench:

- a) A reprimand from the judge to a member of the public who disturbed the courtroom.
- b) A defendant being held in contempt for cursing the judge in the courtroom.
- c) A reprimand from the judge to the attorneys for the state and the defense for arguing back and forth rather than addressing the judge after a prior warning.
- d) Sending out the jury to deal with a *pro se* defendant who refused to follow the judge's instructions during trial.

In all of these situations, each judge became visibly angry, but continued to act appropriately and made rulings that were proper and not clouded by anger. Each judge maintained a professional demeanor.

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?

At this time, I have not spent any money on my campaign.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

Not applicable.

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?

I have not asked anyone to contact members of the General Assembly on my behalf nor am I aware of anyone contacting the General Assembly on my behalf.

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/Walter W. Thompson

Sworn to before me this 7th day of March, 2014.

Merry A. Collins

Notary Public for S.C.

My Commission Expires: 10/2/16