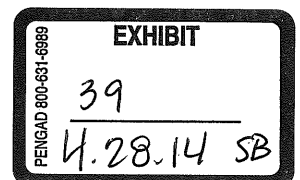


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

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

Full Name: David Whitten Wolf  
Business Address: 286 Meeting Street  
Charleston, SC 29401  
Business Telephone: (843) 853-9000

1. Do you plan to serve your full term if appointed?  
Absolutely
2. If appointed, do you have any plans to return to private practice one day?  
None.
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?  
I would only permit ex parte communications when the parameters of a permissible ex parte Motion, such as an emergency TRO, have been met. Otherwise, in my view ex parte communications are inappropriate and would do harm to the reputation of the court.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
Although I do not believe recusal should be automatic when a lawyer-legislator or former co-worker (whether they be a former associate, supervising attorney, or merely a colleague) is scheduled to appear in front of me, I would consider whether an actual conflict of interest exists or there would be an appearance of impropriety if I proceeded with the hearing or trial. If either existed, I believe recusal would be the best course of action. In the case of a former law partner, I believe the appearance warrants recusal regardless of whether I could remain impartial throughout the course of the hearing or trial, particularly since my only law partner to date is also my father.
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?



The justice system is dependent on the public's confidence in the rulings and resolutions of the courts. Consequently, if there is an appearance of bias or partiality, the request for recusal should be given serious consideration and absent being able to clearly and unequivocally conclude that I would be impartial, I would grant the motion.

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

I would gracefully decline any gifts or offers of hospitality involving anything more than a courtesy with de minimus value.

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

I would satisfy myself that there was sufficient basis to believe the lawyer or judge engaged in misconduct and if I concluded there was sufficient basis, I would report the situation to the appropriate authorities.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?

I am a of an Advisory Board for the Clemson University College of Business and Behavioral Sciences, Accounting, Finance and Legal Studies, which as I understand Canon 4(C)(2) will have to be re-evaluated and if so, I would withdraw from my position on the board. I am also currently serving as the Chairman for the Board of Directors for the Charleston Charter School for Math and Science, which I do not believe runs afoul of Canon 4(C)(2) because of its educational purpose, however, I would likely resign in order to focus on excelling at the judicial post.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

My family has performed fund-raising for the American Cancer Society by organizing a Relay for Life team in memory of my mother, but that is the extent of my fund-raising activities.

11. If appointed, how would you handle the drafting of orders?

I anticipate adopting the same philosophy utilized by the Honorable Daniel F. Pieper when I was clerking for him, which was that all orders, except routine issues such as orders substituting counsel or compelling discovery, will be prepared by me with the help of my staff and with due consideration of any proposed orders submitted by the parties.

12. If appointed, what method would you use to ensure that you and your staff meet deadlines?

I would calendar matters under advisement and any other duties with deadlines and meet with my staff regularly to evaluate what needs to be done so all deadlines would be met.

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

I believe a judge’s responsibility is to apply the law as it exists and, unless an appellate court has determined that public policy is a factor to be considered for purposes of ruling on a matter, I do not believe it is within the purview of the trial judge’s place to implement or promote his or her perception of public policy.

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?

For the last nine years I have participated in the S.C. Bar House of Delegates, Fee Dispute Resolution Board for the Ninth Judicial Circuit, intermittently worked at Wills for Heroes Clinics, as well as, other Bar affiliated community service projects, and for the last 4 years have served as the quarterly Newsletter editor for the Charleston County Bar Association. Additionally, I have given talks to law students about the practice of law and acted as a judge during oral arguments for a legal writing class. While I do not believe it would be appropriate as a judge to continue my participation in the Fee Dispute Resolution Board or as the Newsletter editor, I intend to continue the other and similar activities as my schedule may permit.

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?

For the last five years I have participated in the S.C. Bar House of Delegates, Fee Dispute Resolution Board for the Ninth Judicial Circuit, Wills for Heroes Clinics, and other Bar affiliated community service projects. Additionally, I have given talks to law students about the practice of law and acted as a judge during oral arguments for a legal writing class. While I do not believe it would be appropriate as a judge to continue my participation in the Fee Dispute Resolution Board, I intend to continue these others and similar activities as my schedule may permit.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

Beyond the investment stocks I hold, I do not believe I have any other investments which might impair my appearance of impartiality.

17. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

While it might delay the resolution of a case, I believe it would be best not to handle any cases where a member of my family held any financial interest in a party involved other than the de minimus ownership of a public company. This would eliminate any possibility that handling the case would appear to be improper and erode any

particular party's or the public's confidence in our court system. However, if after disclosure the parties and their counsel wish to waive the disqualification, I would proceed to hear the matter.

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

I do not.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses?

I have.

20. What do you feel is the appropriate demeanor for a judge?

Dignified, open-minded, calm, respectful and engaged, so that the parties, their counsel, anyone in the gallery and the jurors feel the judge is listening, analyzing the arguments, and applying the law in an impartial manner in order to rule on every issue raised in the course of a trial or hearing.

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?

The conduct I outlined above would be equally applicable out of court as well as in.

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?

I do not believe it is appropriate for judges to allow their anger to manifest itself when dealing with anyone in court, including a criminal defendant. Judges should remember that attorneys are advocates for their client's positions and, to the extent there is no merit to their position, a ruling against counsel's position and an instruction to move on should obviate the need to get angry. Similarly, pro se litigants, who are unfamiliar with court procedure, should be given sufficient leeway to educate them on procedure and advance the administration of justice without getting angry. A judge can convey displeasure with inappropriate conduct without raising his or her voice and, if necessary, may discuss the problem with counsel or the pro se litigant outside the hearing of the jury, if there is one.

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?

I have not.

26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

I have not.

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?

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

28. Have you contacted any members of the Judicial Merit Selection Commission?

I have not.

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?

I am familiar with the prohibition and will abide by it.

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

s/David W. Wolf

Sworn to before me this 20th day of March, 2014.

Jay J. Von Lehe

Notary Public for S.C.

My Commission Expires: 5/19/2020