



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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: Honorable Paula H. Thomas

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1. Do you plan to serve your full term if elected?
Yes, it is my intent at this time.
2. If elected, do you have any plans to return to private practice one day?
No, I have no plans at this time.
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?
My preference is no *ex parte* communications. Could be tolerated for scheduling purposes only so long as the other party is notified and agrees.
5. 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 err on the side of recusal rather than have a party feel that they did not have a fair disposition of their case.
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?
Yes, I would. Even if I did not think it would affect my ability to be fair and impartial. It is important to also avoid the look of impropriety.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I do not accept gifts or social hospitality unless it is provided to all judges as a group.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
If the lawyer or judge has committed a violation of the rules of professional conduct or judicial conduct that raises a substantial question as to that lawyer/judge's honesty, trustworthiness or fitness, I would inform the disciplinary council.
9. Are you affiliated with any political parties, boards or commissions that need to be evaluated?
No.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?
No
11. How would you prepare for cases that were before you?
I carefully review the briefs of the parties, the record presented to the court and apply the law on point.
12. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I understand very clearly that there are 3 branches to our government. The legislative branch makes the laws. The judicial branch applies and interrupts the law; it does not make the law.
13. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?
I intend to conduct my activities in a way that does not demean the judicial office or interfere with the proper performance of my duties. I have spoken regarding the administration of justice and our judicial system and may continue to do so. I would be honored to continue these activities as Chief Judge of the Court of Appeals.
14. 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 plan to address this?
No.
15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?
No

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?
- a) The use and value of historical evidence in practical application of the Constitution:
I agree with Justice Antonin Scalia's book (Reading Law: The Interpretation of Legal Texts, 2012). It advocates what is described as textual originalism.
 - b) The use and value of an agency's interpretation of the Constitution:
This would have the least impact upon my decision. Agencies should not interpret the constitution.
 - c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:
First I would look for the meaning in the governing text. I would thereafter ascribe to the text, the meaning that it would have had at its inception and prefer to reject judicial speculation as to the drafter's purposes. If the plain language does not allow this analysis, documents produced contemporaneously to the Constitution, such as the minutes, would assist in determining the intent.
17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?
Yes.
18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?
All grants of authority to the other levels of government flow from the state level. The Home Rule Act mandates that the General Assembly provide by general law the powers of counties and municipalities. The constitution further provides that the authority granted local governments under the constitution and the general laws passed in the General Assembly establishing the powers of local government be liberally construed in local governments favor. The Home Rule amendments do not however confer any inherent or plenary powers upon local governments.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
20. Do you belong to any organizations that discriminate based on race, religion, or gender?
No

21. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes
22. Have you written any scholarly articles?
No
23. What do you feel is the appropriate demeanor for a judge?
To be willing to impartially listen to and be courteous to all parties. Also to fairly deliberate and decide the issues presented without bias or prejudice.
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 believe judges should be approachable and courteous but mindful of their judicial position and appropriate demeanor at all times.
25. Would there be a role for sternness or anger in meetings with attorneys?
Anger is not appropriate, sternness, however, may be.
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 to date
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
No
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
31. Have you contacted any members of the Judicial Merit Selection Commission?

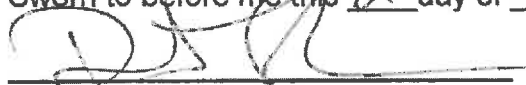
No I have not contacted any member of the Commission about my race or any other race.

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.



Sworn to before me this 2 day of MARCH, 2016.



(Signature)

DON S. THOMAS

(Print name)

Notary Public for South Carolina

My Commission Expires: 1/5/2019