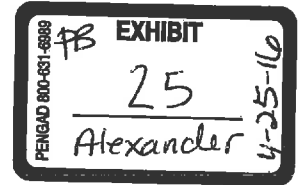


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)



Full Name: James C. Alexander

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1. Why do you want to serve as a Family Court Judge?

I have practiced law in South Carolina since 1978 and my practice has included cases in the Family Court during this entire time. All legal cases are important but it is my observation that Family Court cases affect the core of our society because we are structured around the family unit. When families break apart, it has a ripple effect across our society. These cases involve husbands and wives who have sometimes invested years with each other and raised children, or are still raising children. They have accumulated property, sometimes over a lifetime of work and sacrifice. This is a traumatic time for all involved, husband, wife, and children, and the emotions can run in many directions when these issues are litigated. I have seen how people react and how they are treated from the advocate's standpoint. I believe that all litigants and participants involved in Family court litigation must be treated respectfully, courteously, professionally, and impartially. Each person's case is the most important case before the Court because it is the only case which that person has, and a Judge must consider a case with that perspective. It is imperative that every person who comes before the Family Court feels that they were treated fairly and impartially, or they will not be able to go forward in a positive manner. I have had a fulfilling law practice and I believe that I have helped a lot of people along the way. I would like to try and give back something that would be of benefit to my community. I believe that I can do this by being a Judge who treats each case as important as each litigant thinks their case is, by treating all people involved with respect, courtesy and compassion, and by rendering a fair decision based on the presented case, regardless of who is involved. I welcome the opportunity based on my years of experience to make improvements to the Family Court system to enhance the hope that all parties can finish the process and go about their lives in a positive manner. There are ways that the system can be changed to make it better and more litigant friendly. I would like the opportunity to be able to use my experience to serve in this capacity to serve my community.

2. Do you plan to serve your full term if elected?

I intend to serve as long as I can, which in the interest of full disclosure is 5 years and 6 months.

3. Do you have any plans to return to private practice one day?

No, I do not intend to practice law again.

4. Have you met the statutory 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?

Ex parte communications should not exist. As a practicing attorney, I do not want the judge to be in ex parte communication with the other attorney or litigant if pro se in any way. It just does not look good. I would carry that philosophy over to the Bench. I am aware that there are certain limited situations in canon 3 that allows some limited ex parte communications. However, with today's technology it is relatively easy to get all lawyers on the phone and, in general, there is no reason for ex parte communications to happen for scheduling or administrative purposes, or even most situations that some people would call an emergency. However, I also recognize that there may be some rare emergency situation that may require such a communication, but I would make every effort to avoid such a communication, and if it did occur in an emergency, I would immediately follow the rules as set down in canon 3. .

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

Recusal is required if a conflict of interest exists or there is any hint of impropriety. As to lawyer-legislators, some Judge must hear their cases. If I did not have a connection to that person that required recusal, I would hear the case unless the other party raises a valid reason for recusal. I do practice with my son and could not hear any case in which he was involved, directly or indirectly, or in which any partner or associate that he may have is involved. Other than my son, I have three former law partners and one associate who still practice law. I have a continuing personal and sometimes business relationship with two of the former partners and would have to recuse myself if they were involved in any way. Recusal would not be required for the other two persons as my association was many years ago and they do not practice in the Family court. In general, I will not be involved in a case in which any hint of impropriety exists. Justice is not served if one side thinks that the Judge favors one side because of a past working relationship. Emotions in the Family Court are raw enough without a party thinking that the Judge could be biased.

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 disclose the issue and if either side objected, I would recuse myself and not hear the case. If I felt that the matter was important enough to raise, then that alone raises an appearance of bias and that is enough for recusal upon objection. In my experience, if a Family Court Judge ever raised such an issue, he/she would always recuse themselves upon an objection. I would continue to follow this practice. Emotions in the Family Court can get high and if bias is perceived that can taint the entire process.

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

If my spouse or a close relative had financial involvement with a party or issue to a case, I would recuse myself. Canon 3 does speak in terms of a de minimus interest but I consider any financial involvement to be an appearance of impropriety in which my impartiality might reasonably be questioned. As to social involvement, if I feel it is important enough to bring the matter up, then I would recuse myself upon objection. If someone else brought a matter up, I would determine if the facts would result in a conclusion that my impartiality might reasonably be questioned, and recuse myself if so determined. I would err on the side of caution and recuse myself to prevent the integrity of the judicial system from being questioned.

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

I would accept gifts from people that I get them from now. I would have to recuse myself from those cases anyway as these gifts are from family or good friends. I would not accept any gifts from others after election as it would be my view that there is only one reason that they are giving me a gift, and it would be because of my position, which is inappropriate. I also would not accept social hospitality from any person, other than my current social acquaintances, as the only reason for such an invitation is because of my position, which is inappropriate. Canon 4 gives guidelines on accepting gifts and social hospitality but I feel the better approach is to decline gifts and social invitations that I would not now receive.

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

Canon 3 deals with this situation. If I become aware of a situation that I believe involves a substantial likelihood of a Judge committing misconduct, I would take the appropriate action as set forth in that Canon.

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

No, I am not so affiliated.

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

I would remain involved in some way in my real property ventures. I would allow the other members to manage them as much as possible. I would not allow these ventures to interfere with judicial duties.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

It is the common practice of the Family Court to direct one of the lawyers to draft the order. I would continue this practice. However, I am aware of at least one Judge, now retired, who would sometimes draft his own orders, and I may do that if the occasion warranted. I draft orders now and would not object to doing so.

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

I would keep a calendar of cases by the week and a check sheet to ensure that all tasks are performed in a timely manner, particularly the submission of orders.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

Since cases are not assigned to one Judge from beginning to end, I do not know exactly the intent of this question because a Judge would apparently not have the responsibility to monitor a case for this reason. However, when a case came before me for hearing or some action, I would review the case to ensure that all statutory provisions are complied with.

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

Judges do not make law or set policy. Judges carry out the law and policy as set by the legislature and as interpreted by the Supreme Court. "Judicial activism" has no place on the trial Bench.

17. 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?

There are areas in the Family Court system where improvements can be made, These include revising standard schedules as to children, conducting status conferences on cases, and docketing and scheduling cases more efficiently. I would work with local Court personnel and with Court administration to improve the efficiency of the Court system to make the system work better for litigants and lawyers.

18. 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. I have been married for 44 years and my wife and family have been very supportive while I have pursued what is a high stress occupation. I do not anticipate any problems in this area.

19. Would you give any special considerations to a *pro se* litigant in family court?

No, I would treat a *pro se* litigant with the same courtesy and respect that I give all parties and attorneys. There would be no special consideration because they are *pro se* but there would also not be any less consideration.

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

I am not so involved.

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

No. It is my judgment that even if I determine an interest to be *de minimis* by a family member, it is still a financial interest in a case. This is a hint of impropriety involving money and adversely affects the public's perceptions of the justice system and I would recuse myself.

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

I do not belong to any such organizations.

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

Yes, but in full disclosure, I became exempt from CLE requirements for 2012.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have

experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

- a. Divorce and equitable distribution: In my overall Family Court practice, I estimate that 90 percent of my cases involve either divorce and equitable division of property or separate maintenance and equitable division of marital property.
- b. Child custody: I estimate 75% of the Family Court cases that I have handled involved custody or visitation issues along with divorce and equitable division of property.
- c. Adoption: I estimate that 1 to 2 percent of my Family Court cases involve adoptions in the past. My son handles all adoptions now. I have not handled many such cases but the cases that I have handled have made me familiar with the necessary law and procedure.
- d. Abuse and neglect: I estimate 5% over the years. During the last 5 years, I have handled a few cases for defendants with whom I am already involved as a client. My son represents the volunteer guardian program and I do not take new cases as he would be conflicted out if I represent a defendant and he must get a replacement. If the person is already a client and becomes involved in DSS, he could not represent the guardian anyway.
- e. Juvenile cases: I estimate 5 percent over the years. I handled a lot of juvenile cases for several years while assisting a former partner with a public defender contract. I have not handled many such cases since 2002. However, I have had sufficient experience to deal with these cases.

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

A judge must be courteous, professional, respectful, impartial, and punctual. A judge should treat all litigants and attorneys equally.

26. 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?

No, these traits must apply to a person and be exercised by that person all of the time. If a person does not have these traits in his private life and does not treat his family, friends, and particularly strangers with courtesy and respect, there is no way that he can effectively and consistently have these traits on the bench.

27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

No, anger never solved a problem. Anger just makes the problem worse. There is no excuse for a Judge to be angry on the bench. Anger leads to bad decisions and actions.

28. 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?

I have spent approximately \$90.00 on printing and postage.

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

Not applicable to this candidate.

30. Have you sought or received the pledge of any legislator prior to this date?

I have not sought or received a pledge.

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

I have not sought or received a conditional pledge.

32. 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 complied with section 2-19-70(C) of the South Carolina Code of Laws 1976.

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

I have been informed that Representatives Murrell Smith and Todd Rutherford are now members of the Merit Selection Commission. I do not know when these appointments were effective. I was not aware of this change until after the legislative session started in January of 2016. I did send emails to Representative Murrell Smith on November 6, 2015 and on January 3, 2016 and to Representative Todd Rutherford on November 1, 2015 and on January 3, 2016, all emails to announce my intention to run for this seat and discuss qualifications. These contacts were made before I became aware that a change had been made to the membership of the Commission and that Representatives Murrell Smith and Todd Rutherford had been added. I have had no contact since January 3, 2016 and since I became aware of the membership change. Except for representatives Murrell and Todd Rutherford, my answer to this question is No.

34. 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 aware of this requirement.

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

James C. Alexander

Sworn to before me this 1 day of March, 2016.

Jennifer J. Ellenburg

(Signature)

Jennifer J. Ellenburg

(Print name)

Notary Public for South Carolina

My commission expires: 3/25/13