



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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: Donald Wayne Beatty

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

Yes.

2. If elected, do you have any plans to return to private practice one day?

No.

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?

Ex parte communications should be avoided; however, ex parte communication is permissible for logistical purposes as long as opposing counsel is informed.

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

In every case, my goal is to avoid any appearance of impropriety. With that in mind, recusal would be appropriate if I believe external factors would influence my decision and prevent me from being fair and impartial to the litigants. I treat all litigants the same, their status is irrelevant.

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?

A judge has a duty to hear cases presented to him or her and recuse only when necessary. Given that, I would recuse if legitimately requested to do so because it is important that the public believe that the judicial system is fair and unbiased.

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

I only accept social hospitality and token gifts from close friends and judicial colleagues.

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

I would report it to disciplinary authorities.

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 begin by reading the parties' briefs to identify the issues and supporting arguments. I will then review the record of the proceedings below. Finally, I do an independent research of the applicable law.

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

Judges should not be activist, period. Personal opinions should not be a factor in any legal decision. Public policy is set by the legislature and a judge should be guided by legislative pronouncements embodied in Constitutional legislation.

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 would continue my efforts to educate youth in the importance of civics, the judicial process, and the rule of law.

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?

I am currently serving as a member of the South Carolina Commission on Continuing Legal Education and the South Carolina Access to Justice Commission.

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:

Some legal scholars, like Justice Scalia, believe that judges should never resort to anything outside of the words written in the Constitution when interpreting provisions of the Constitution. Other legal scholars strongly disagree and take a more flexible approach. I consider myself to be a textualist; however, I believe that an understanding of the historical evidence allows a better contextual appreciation of the language used in a Constitutional provision.

- b) The use and value of an agency's interpretation of the Constitution:

An agency's interpretation of the Constitution has no value. The interpretation of the Constitution is uniquely a judicial function.

- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

Minutes of the Constitutional Convention could be helpful in contextualizing the delegates' discussions; however, they would not be ~~dispositive of an interpretation question. All of the delegates' opinions are~~

not reflected in the minutes.

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 local governments flow from the state level through our Constitution and statutes.

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?

Both the Omega Psi Phi Fraternity, Inc. and the Sigma Pi Phi Fraternity are open to all races and religions; however, they are all-male organizations.

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

Yes.

22. Have you written any scholarly articles?

No. I do not have time for outside writing projects.

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

A judge should be respectful to litigants at all times; keeping in mind that they are people too, and they deserve the same respect that I do.

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?

These rules should apply seven days a week, twenty-four hours a day.

25. Would there be a role for sternness or anger in meetings with attorneys?

There may be times when it is necessary to be stern; however, anger should not be displayed.

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?

\$10.00 for postage.

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

Yes. I wrote a letter to my legislative delegation expressing my interest in the upcoming judicial vacancy. I was not a candidate at that time.

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.

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 4th day of March, 2016.



(Signature)

Marjorie Jones

(Print name)

Notary Public for South Carolina

My Commission Expires: 04/01/2020