

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

Circuit Court
(Incumbent)



Full Name: Alison Renee Lee

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1. Why do you want to serve another term as a Circuit Court Judge?

I have enjoyed my service as a circuit court judge and believe that I have contributed to society by serving in this capacity. I would like the opportunity to continue to serve the State of South Carolina in this role.

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

3. Do you have any plans to return to private practice one day?
No.

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 do not discuss the merits of any cases that have been assigned, are pending or closed with any of the parties, their attorneys or representatives. If a question arises, my administrative assistant or law clerk requests that the matter be addressed in writing, copies to all parties, or a conference call is scheduled to discuss the matter with all parties or their representatives. *Ex parte* communications are allowed in certain circumstances which include administrative matters in which substantive matters are not discussed, situations in which the other party is not placed at a disadvantage, and matters allowed by the Rules of Civil Procedure (e.g. temporary restraining orders). Simple clerical or scheduling questions are answered by the law clerk, administrative assistant, or referred to the Clerk of Court.

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?

Under the canons of judicial conduct, a judge should avoid the appearance of impropriety. A judge is required to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The judge should disclose information that the judge believes the parties or their lawyers might consider relevant, even if the judge believes there is no real basis for disqualification. Having determined that it is important to disclose the information, I would give great deference to the parties' requests. The record should contain some evidence to support a party's claim of judicial prejudice or bias. If no evidence is offered to support a claim of partiality, the judge may deny recusal. If the party can demonstrate such evidence, recusal would be required despite the judge's personal belief that he/she could be impartial.

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

The Canon of Judicial Conduct treat this situation the same as in Question 6. I would inform the parties of the conflict and would recuse myself in all situations involving my spouse or a close relative.

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

I have accepted lodging from lawyer associations (e.g. Association for Justice, Defense Trial Attorneys, S.C. Bar) when invitations to attend meetings have been extended to all judges. My policy is to accept invitations equally from both plaintiff and defense organizations. I have also accepted a meal from an organized group of lawyers (e.g. Richland County Bar) when all judges in the circuit or state have been invited. I do not accept any other offers of gifts or hospitality including food, beverage, lodging, etc. or gifts from lawyers who appear before me. I will accept a meal, transportation, or lodging in connection with an invitation to speak to a group out of town and/or the time of the engagement requires.

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

The Code of Judicial Conduct provides that if a judge becomes aware of information indicating a "substantial likelihood" that a violation of the code of conduct has occurred, the judge is required to take action. The violation must raise a substantial question of the judge's fitness for office or the lawyer's honesty, trustworthiness, or fitness. The action I would be required to take is to

report the information to the appropriate authority. Prior to making any report, I would have a conversation with the person about the information to determine whether a “substantial question” is raised, especially if it is not first-hand information or personal observation. If the conduct at issue meets the requirement of reporting, I would encourage the person to self-report with the caveat that if it is not reported then I would report it.

10. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.
No.

11. Do you have any business activities that you would envision remaining involved with if reelected to the bench?
No.

12. How do you handle the drafting of orders?

When a matter is scheduled for a hearing, the parties are requested to provide proposed orders to me and opposing counsel. After the hearing, I review the orders in conjunction with the file and arguments presented. Once a decision is made, the appropriate order is revised and executed. If a party is not represented by an attorney, my law clerk and I will draft an order after reviewing the file and the legal research. In situations in which no order is presented, I review all of the submissions and may request my law clerk to prepare a draft order for my review. On complex matters I may prepare a letter or email to all parties outlining the decision and the basis therefore, and then direct the prevailing party to prepare an order that comports with my instructions. A copy of the order is required to be sent to the opposing party for review and comment before it is finalized.

13. What methods do you use to ensure that you and your staff meet deadlines?

My law clerk and I take extensive notes during hearing. After the hearing, a list is made of the date matters are taken under advisement and the due date of any documents or orders. The due dates are recorded on a spreadsheet that lists all matters under advisement. The spreadsheet is updated which documents are received. This spreadsheet is reviewed at least monthly to prepare the required reports for Court Administration.

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

Judges should not initiate public policy or engage in activities infringing on the authority of other branches of government. The Supreme Court sets the standard for interpretation of the law. To the extent the courts are required to

determine the constitutionality of actions by the executive and legislative branches, there are certain standards that require the courts to give deference in favor of constitutionality. There is no place for judicial activism.

15. 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?

I speak at seminars, meetings, conferences, and on panel discussions on topics relating to the law in areas of which I have knowledge. I also speak to middle school and high school students encouraging them to study, set goals and work hard to achieve them in order to succeed. I have also briefly spoken to student groups (including law school classes) that come to observe court.

16. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

The demands on a judge can strain relationships. However, I have been in a judicial or quasi-judicial position for over 25 years. My husband is retired and my children are adults who no longer live at home. My professional life does not create a hardship in daily activities. My family and friends understand that I am bound by the Judicial Code of Conduct and that I may restrict activities to comply with those standards.

17. 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.
- a. Repeat offenders:
 - b. Juveniles (that have been waived to the Circuit Court):
 - c. White collar criminals:
 - d. Defendants with a socially and/or economically disadvantaged background:
 - e. Elderly defendants or those with some infirmity:

In all of these situations, the factors to consider are the same. The first consideration is the statutory requirements on the sentence and any conditions or restrictions. Second, I consider the facts surrounding the crime and its impact on the victim and community, including any aggravating or mitigating circumstances. Third, any prior convictions are considered. Fourth, I consider the capacity for rehabilitation and any programs available to assist the defendant to become a productive, law abiding citizen. Fifth, the societal costs for

incarceration and reasonable alternative designed to accomplish the goals of punishment and rehabilitation are considered.

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

No.

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

The Canons of Judicial Conduct do not required recusal unless the interest is more than *de minimis*. However, I would determine whether the interest has the potential of creating an appearance of impropriety. If so, the interest must be disclosed. If the parties do not consent or I feel that I could not be impartial then recusal is appropriate.

20. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

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

Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge should act fairly and impartially and should conduct himself/herself in a manner that bestows confidence in the legal system. Both personally and professionally, the judge should act in a manner that would not violate the law or call into question the judge's ability to act fairly and impartially. The Canons on Judicial Conduct apply at all times, seven days a week, twenty-four hours a day.

23. 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 a pro se litigant?

Judges should not display emotions that question professionalism. It is inappropriate for judges to display anger to litigants and attorneys. There are occasions when a judge should be stern to maintain order, dictate appropriate courtroom decorum, and communicate clearly a position or ruling.

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 ____ day of _____, 2019.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires:_____