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PUBLIC HEARINGS

November 20, 2019

Judicial Merit Selection Commission, 2019

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND)
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5 JUDICIAL MERIT SELECTION COMMISSION
6 TRANSCRIPT OF PUBLIC HEARINGS

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8 BEFORE: REPRESENTATIVE G. MURRELL SMITH, JR., CHAIRMAN
9 SENATOR LUKE A. RANKIN, VICE CHAIRMAN
10 SENATOR RONNIE A. SABB
11 SENATOR TOM YOUNG, JR.
12 REPRESENTATIVE J. TODD RUTHERFORD
13 MS. HOPE BLACKLEY
14 REPRESENTATIVE CHRIS MURPHY
15 MR. J.P. "PETE" STROM
16 MS. LUCY GREY MCIVER
17 MR. ANDREW N. SAFRAN
18 MS. ERIN CRAWFORD, CHIEF COUNSEL

19 * * * * *

20 DATE: November 20, 2019
21 TIME: 10:08 a.m.
22 LOCATION: Gressette Building
23 1101 Pendleton Street
24 Columbia, South Carolina 29201
25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN SMITH: We're on the record right now and
2 we'll go ahead and get started. And we're
3 running a little bit behind, despite our best
4 efforts. And with that, Mr. Safran moves that we
5 go in executive session. All in favor say, aye.

6 (Ayes are heard.)

7 CHAIRMAN SMITH: All opposed.

8 (No replies are heard.)

9 CHAIRMAN SMITH: Ayes have it. We're in executive
10 session right now. Turn off your mics.

11 EXECUTIVE SESSION

12 CHAIRMAN SMITH: All right. We're back on the record
13 and Senator Young moves that we lift the veil and
14 we come out of executive session. All in favor
15 say, aye.

16 (Ayes are heard.)

17 CHAIRMAN SMITH: All opposed.

18 (No replies are heard.)

19 CHAIRMAN SMITH: Ayes have it. Let me state while we
20 were in executive session there were no matters
21 decided and no votes taken. So with that being
22 said, we're going to start the agenda today. And
23 first on the agenda is the Honorable Michael S.
24 Holt. Judge Holt, come forward. Sorry. We
25 bring you here early and tell you we're going to

1 start early and it doesn't happen.

2 JUDGE HOLT: That's okay.

3 CHAIRMAN SMITH: That's the nature of the beast. All
4 right. Judge Holt, raise your right hand.

5 THE HONORABLE MICHAEL S. HOLT having been duly sworn,
6 testifies as follows:

7 CHAIRMAN SMITH: Judge Holt, before you are your
8 Personal Data Questionnaire and your Sworn
9 Statement. Are these both documents you
10 submitted to the Commission?

11 JUDGE HOLT: Yes, sir.

12 CHAIRMAN SMITH: Are they both correct?

13 JUDGE HOLT: Yes, sir.

14 CHAIRMAN SMITH: Are there any changes?

15 JUDGE HOLT: None that I'm aware of.

16 CHAIRMAN SMITH: Hold on a second. Let me get you --
17 all right, I got your mic on. I got it. I've
18 learned to control it from up here, haven't I.
19 And any amendments or updates that you need to
20 make at this time?

21 JUDGE HOLT: Not that I'm aware of.

22 CHAIRMAN SMITH: Do you have any objection to us
23 making this -- these as exhibits to your sworn
24 testimony here today?

25 JUDGE HOLT: No objection.

1 CHAIRMAN SMITH: All right. Without objection. Hand
2 them to Lindi and we will make those exhibits to
3 your sworn testimony today. Judge Holt, the
4 Judicial Merit Selection Commission has
5 thoroughly investigated your qualifications for
6 the bench. Our inquiry has focused on nine
7 evaluative criteria and has included a ballot box
8 survey, a thorough study of your application
9 materials, verification of your compliance with
10 state ethics laws, a search of newspaper articles
11 in which your name appears and study of previous
12 screenings, checks -- and checks for economic
13 conflicts of interest. We received no affidavits
14 filed in opposition to your election and no
15 witnesses present to testify today. Do you wish
16 to make a brief opening statement to
17 the Commission?

18 (Exhibit Number 1 was marked for identification
19 purposes - (13 pages) Personal Data Questionnaire for
20 The Honorable Michael S. Holt.)

21 (Exhibit Number 2 was marked for identification
22 purposes - (4 pages) Sworn Statement of The Honorable
23 Michael S. Holt.)

24 JUDGE HOLT: I'm happy to be here and answer any
25 questions that you have for me.

1 CHAIRMAN SMITH: Thank you very much. Answer any
2 questions counsel may have, please, sir.

3 JUDGE HOLT: Yes, sir.

4 MR. COHL: Thank you, Mr. Chairman.

5 JUDGE HOLT - EXAMINATION BY MR. COHL:

6 **Q. Good morning, Judge Holt.**

7 A. Good morning.

8 **Q. Having served ten years on the Family Court, why**
9 **do you want to continue serving as a Family Court**
10 **judge?**

11 A. It's been the honor of my life being able to
12 serve on the bench, and I've thoroughly enjoyed
13 this role and feel like I was uniquely suited for
14 it. And I still find pleasure and energy in
15 doing the job. So I'm -- hope I'll continue to
16 have the opportunity to serve.

17 **Q. Thank you. Please explain one or two brief**
18 **accomplishments that you feel you have completed**
19 **during your tenure and then a goal you would like**
20 **to accomplish if reelected.**

21 A. Two accomplishments, you know, I don't have
22 anything that really jumps to mind. I've tried
23 to be fair and balanced in how I treat people.
24 I'm proud of my service, of my record. I've been
25 willing to serve in whatever capacity wherever in

1 the state I'm called to. So I've always stepped
2 up to whatever challenge has been offered to me.
3 As far as anything in particular, nothing really
4 jumps out to me.

5 **Q. Thank you, Judge Holt. What do you think your**
6 **reputation is among attorneys that practice**
7 **before you and the court personnel that work with**
8 **you?**

9 A. One of the challenges as a judge is you don't
10 always know how you're perceived. I've told
11 people that you have become the funniest person
12 in the courtroom because people laugh, you know,
13 whenever you -- you know, you make some comment.
14 You know, I hope that -- that I am seen to be
15 fair and to understand, you know, the plight that
16 people are going through, especially, you know,
17 the lawyers. I hope that I have a good
18 reputation with lawyers. Having been one, I know
19 how I wanted to be treated and I try to treat
20 lawyers the way I wanted to be treated. So I
21 hope that I have -- I believe I have enjoyed a
22 good reputation, certainly in my circuit where,
23 you know, I'm most often. And I have a good
24 relationship with the lawyers and the folks that
25 come into contact with the court, the different

1 agencies.

2 **Q. Thank you, Judge Holt. The Commission received**
3 **584 ballot box surveys regarding your candidacy**
4 **with 55 providing additional comments. The**
5 **ballot box survey, for example, contained the**
6 **following positive comments: Judge Holt is a**
7 **credit to the profession and is an excellent**
8 **judge. He is fair and takes an objective**
9 **approach in making rulings. Concerns were raised**
10 **over your ability to remain impartial when**
11 **adjudicating matters and that you may be swayed**
12 **by the identity of litigants. What response**
13 **would you offer to this concern?**

14 **A. The identity of litigants? I try to recuse**
15 **myself any time that I have any sort of conflict.**
16 **I had to do that this week on two occasions. And**
17 **I run into that mostly in Darlington County where**
18 **I live. Outside of my county, I don't typically**
19 **have any of those concerns. And this -- I was in**
20 **public office before and, you know, I have a lot**
21 **of relationships in Hartsville and in Darlington**
22 **County. And I do my best to try to steer clear**
23 **of those, and I don't typically hear those. I**
24 **will hear agreements, but I -- so I don't --**
25 **I don't know that that's a fair criticism because**

1 I'm pretty -- you know, I'm pretty consistent
2 with that.

3 Q. Thank you, Judge Holt. I would note that the Pee
4 Dee Citizens Committee found Judge Holt to be
5 qualified in the evaluative criteria of
6 constitutional qualifications, physical health
7 and mental stability. The committee found Judge
8 Holt well qualified in the evaluative criteria of
9 ethical fitness, professional and academic
10 ability, character, reputation, experience and
11 judicial temperament. The Committee stated in
12 summary, "Judge Holt enjoys a reputation of being
13 a compassionate judge who is committed to doing
14 his best." Judge Holt, since submitting your
15 letter of intent, have you contacted any members
16 of the Commission about your candidacy?

17 A. No, sir.

18 Q. Are you familiar with § 2-19-70, including the
19 limitations on contacting members of the General
20 Assembly regarding your screening?

21 A. Yes, sir.

22 Q. Since submitting your letter of intent, have you
23 sought or received the pledge of any legislator,
24 either prior to this date or pending the outcome
25 of your screening?

1 A. No, sir.

2 Q. Have you asked any third parties to contact
3 members of the General Assembly on your behalf or
4 are you aware of anyone attempting to intervene
5 in the process on your behalf?

6 A. I have not and I'm not aware of anybody.

7 Q. Have you reviewed and do you understand the
8 Commission's guidelines on pledging in SC Code §
9 2-19-70(E)?

10 A. Yes, sir.

11 MR. COHL: Mr. Chairman, I would just note for the
12 record that any concerns raised during the
13 investigation regarding the candidate were
14 incorporated into the questioning of the
15 candidate today.

16 CHAIRMAN SMITH: All right. Thank you very much. Any
17 questions for Judge Holt? Judge Holt -- Senator
18 Young.

19 SENATOR YOUNG: Thank you, Mr. Chairman.

20 JUDGE HOLT- EXAMINATION BY SENATOR YOUNG:

21 Q. Judge Holt, thank you so much for your service to
22 our state. You've been on the Family Court now
23 for ten years?

24 A. Ten years.

25 Q. My question to you is that based on your service

1 on the Family Court Bench, what change or changes
2 would you suggest as to how abuse and neglect
3 cases are handled and why do you make that
4 suggestion?

5 A. I don't have anything that jumps to me as far as
6 what recommendations for changes that I would --
7 that I would suggest. I note that the process
8 can be -- can take some period of time, which is
9 contrary to what's in the best interest of
10 children in providing them stability. I don't
11 know what the recommendation would be to try to
12 hasten that process, but each case is different
13 and unique in its own way. It's hard to -- you
14 know, they're never the same. Each child's
15 different what their needs are, what parents are
16 going through. But I do note that that's
17 frustrating, especially when children linger in
18 care. Cases get continued, a parent comes late
19 to the process, wants a lawyer, wants to have --
20 start working their treatment plan. And you just
21 have to take each one, you know, individually and
22 handle it the best that you can knowing that, you
23 know, you have children at the center of the --
24 center of the case.

25 Q. So I think what I'm hearing you say is that we

1 need to make any change that would expedite the
2 process so that the children are not caught in
3 the process any longer than is absolutely
4 necessary?

5 A. Yes, sir. I mean, I've tried a case recently
6 where children were -- came into care and
7 remained in care for a number of years before the
8 case was litigated. And there are some special
9 circumstances surrounding that, but -- so what
10 happens is, is that those children, wherever they
11 are, if they're with the foster family, well,
12 then they become bonded there and that's where
13 their attachment is, especially if they're
14 removed at a young age. And then a parent, you
15 know, you go through the termination of parental
16 rights hearing. And those are hard. You know,
17 those are -- I mean, when you tell a parent
18 they're no longer going to be a parent, that's a
19 hard thing to deal with. And so you don't want
20 that because you want -- you want to move on
21 those cases as quickly as possible. And I know
22 that -- I know the Department of Social Services
23 does, at various times, receive some criticism.
24 But I find that the lawyers that I work with do
25 work hard and they try to move the cases as

1 quickly as they can, my experience has been.

2 **Q. Have you seen where, I think, at least one**
3 **circuit had mediation for abuse and neglect**
4 **cases? And if so, is that -- have you noticed**
5 **whether that's -- has been successful?**

6 A. It makes sense in a private litigation. You give
7 parties an opportunity to sit down and talk with
8 somebody. It's always funny, they'll listen to
9 the mediator but they won't listen to their own
10 lawyer. But so that's certainly streamlined the
11 process. As far as abuse and neglect, I mean,
12 the issue is that the parent has abused and
13 neglected their child and they have to work a
14 treatment plan in order to rectify the situation.
15 And so that's the -- that's what's before them.
16 If they do that, then, in all likelihood, they're
17 going to have the child reunified. So I don't
18 know how the mediation process is going to be
19 effective, but I -- but in fairness, I didn't
20 know that mediation would be successful in the --
21 with the private Bar. I was a little skeptical
22 because, you know, I didn't know what that was
23 going to do to the role of lawyers and -- but it
24 has had benefits and I -- and so I certainly
25 advocate it now.

1 Q. I want to publicly commend you on the volume of
2 very positive comments that were received in the
3 ballot box survey. And keep up the good work.

4 A. I appreciate it.

5 JUDGE HOLT - EXAMINATION BY CHAIRMAN SMITH:

6 Q. Judge Holt, let me just follow up on a couple of
7 things that Senator Young said. And first you
8 hear the negative comments and we always ask
9 those to judges when we come in here so you can
10 respond. But you have an overwhelming number of
11 positive comments. And that's something of a
12 judge who's been on the bench for ten years and
13 you have to make difficult decisions from time to
14 time in the courtroom. And Family Court's
15 certainly a place where people don't exit the
16 courtroom, absent an agreement or an adoption,
17 where they're generally pleased. And so -- but
18 your comments show that you have a very good
19 temperament and you have a very good demeanor
20 about you to which people and attorneys
21 appreciate. So I think you ought to be commended
22 for that and I appreciate your service in that
23 regard. One of the things we struggle with a
24 little bit, and I'm probably blending the role as
25 a legislator more into this system here, but DSS

1 has, in my opinion, a lot of difficulties and
2 they're trying -- we're struggling on how to
3 improve the system. From y'all's standpoint, do
4 the judges see and do y'all discuss ways that you
5 can see that the legislature could improve the
6 system with the abuse and neglect or the
7 termination of parental rights when they get to
8 your area where you see them? I mean, are there
9 ways that we need to be considering, as
10 legislators, of what we can do to improve it?
11 Obviously, you know we're under this lawsuit that
12 under -- monitors of a court with the Department
13 of Social Services and the answers that we hear
14 back is we need more money. And, you know, the
15 answers I see on the ground and hear them from
16 people and from my colleagues in the Bar is that
17 we need better oversight and better decision-
18 making and more attention to the process. What's
19 your thoughts in that regard?

20 A. Well, to go back to what Senator Young mentioned
21 about mediation, I do find this could be a help,
22 is that the DSS lawyer, just like any lawyer, is
23 advocating for their client and, you know, their
24 client's wishes have to be followed, to a degree.
25 And I do see sometimes where the DSS attorney

1 expresses frustration that they have an
2 unreasonable client. And so perhaps the
3 mediation process would help if those folks would
4 sit down in an environment where they would have
5 to have a conversation and -- trying to figure
6 out what's the best path forward. That's one
7 thing that I have seen. Because, as you all
8 know, if you have a conference in chambers you
9 have the lawyers there and, you know, we have
10 very candid conversations about what's going on
11 in this case. And so I have noticed that from
12 time to time that the DSS attorney has expressed
13 frustration that, you know, my client doesn't get
14 it or my client is being difficult. And
15 sometimes there is a personal -- there's
16 frustration between maybe the parent and the
17 folks within the Agency and it's kind of a back-
18 and-forth and it becomes personal to them. And
19 so perhaps the mediation process would streamline
20 that and make it before you got to the
21 courthouse. Because tomorrow, you know, I'll
22 have a docket full of abuse and neglect. That's
23 what I'm doing tomorrow. And we have a full
24 docket. There's a lot of cases to hear and there
25 will be examples of that tomorrow that I will run

1 into.

2 Q. Well and, you know, you mentioned that and that's
3 a good point because last year there was a bill,
4 I believe it was on the House floor, which said -
5 - wanted to define who the attorney -- what the
6 DSS attorney's role was. And I think the concern
7 I had, as probably any attorney, is, you know,
8 our roles as attorneys and who our client is, is
9 defined by the rules of professional conduct and
10 the General Assembly shouldn't invade the rules
11 of professional conduct in a profession per the
12 constitutional separation of powers. But, you
13 know, I often hear from DSS attorneys the same
14 thing you're telling me, is frustrations. And,
15 you know, I know it's a difficult job for DSS to
16 perform. But, by the same token, you know, it
17 seems to me from what I hear from people is that
18 they're more concerned about the what ifs, if we
19 did not act in such a manner as we had to insist
20 upon that the child had to be protected and
21 preserved and should not go back into the home
22 under any circumstance. And what I'm afraid of,
23 that I'm starting to hear, is that DSS is more
24 letting that fall upon the judges and let them
25 make the decisions to return the child to the

1 home, even though they know that that probably
2 shouldn't occur, and, you know, that increases
3 the burden on the court. That increases the
4 decision making. And unfortunately, when there
5 are adverse problems that are inherent in every
6 judicial proceeding, and there's something that
7 occurs afterwards, then they are quick to blame
8 the judge. And so, you know, I know that's a --
9 I don't expect you to comment on that, but that's
10 what I'm hearing and it's a difficult proposition
11 for --

12 A. It happens.

13 Q. That's right. And, you know, you run for this
14 position like we do, and you accept the praise
15 and you accept the criticism. But by the same
16 token, you know, I always have a lot of
17 difficulty when lawyers know how it happens. And
18 I'm not saying the lawyers do it, but, you know,
19 we -- this is the right thing and let the judge
20 make the decision and then they turn around and
21 say the judge is a part of a problem and he or
22 she needs to be taken off the bench and the
23 pitchforks come out. And, you know, as -- I know
24 that's difficult for you all to sit there to make
25 those decisions, especially in those cases that

1 involve children. And, you know, that's what --
2 it's just got -- you know, I think all of us are
3 over here and it's been a struggle for three or
4 four years for us to try to figure out how to
5 deal with DSS and how to improve the system.
6 Senator Young had a committee; I chaired
7 the subcommittee that funded them for years. And
8 we've had all these debates internally. And
9 while there's been progress, you know, I'm still
10 -- I expect more progress than what I've seen
11 thus far.

12 A. Yes, sir.

13 Q. But I know -- I appreciate -- you know, there's
14 an input from y'all, and I believe that -- you
15 know, I don't know what Senator Young has done.
16 I know, you know, we're dealing in budgetary
17 issues. But, you know, to me, I think it would
18 be important if the judges could kind of --
19 Family Court bench could come together and show -
20 - you know, advise us of what improvements need
21 to be made because y'all are on the front lines
22 of it. You're the ones that have to deal with
23 it. You and the child protective services. And,
24 you know, I think that's important for us to hear
25 from them and not hear from the top and hear from

1 monitors that fly in from New Hampshire and tell
2 us how we need to run our system. So that's my
3 political rant for the day.

4 A. Thank you.

5 CHAIRMAN SMITH: Representative Rutherford.

6 JUDGE HOLT - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

7 Q. I just wanted to echo those concerns. When DSS
8 appeared -- when Representative Smith left the
9 committee charged with funding them, I came on
10 the committee. And when I posed the question to
11 the director of DSS, how many children had died
12 in their custody, and she has not given me an
13 answer in months since. But I don't have those
14 examples to show her of where the problems are.
15 I can only get what she's trying to feed back as
16 she tells me --

17 CHAIRMAN SMITH: It's a he now.

18 Q. He. Well, it was a she then. But that they're
19 working to try and do this and they're working.
20 And I just don't know. And so please if you all
21 could get together and tell us where we need to
22 be heading to make sure that we're doing what we
23 need to be doing I'd greatly appreciate it.

24 A. I know my peers. They would certainly be willing
25 to have those conversations and offer feedback.

1 **Q. Thank you.**

2 CHAIRMAN SMITH: All right. Any further questions for
3 Judge Holt?

4 (None being heard.)

5 CHAIRMAN SMITH: All right. Judge Holt, this
6 concludes this portion of your screening process.
7 I want to take this opportunity to remind you
8 that pursuant to the Commission's evaluative
9 criteria, the Commission expects candidates to
10 follow the spirit, as well as the letter, of the
11 ethics laws. And we view violations or the
12 appearance of impropriety as serious and
13 potentially deserving of heavy weight in the
14 screening deliberations. As you know, the record
15 will remain open until the formal release of the
16 Report of Qualifications and you may be called
17 back at such time if the need arises. I thank
18 you for your offering for this position and I
19 thank you for your service to the state of South
20 Carolina.

21 JUDGE HOLT: I thank y'all for your service as well.

22 CHAIRMAN SMITH: All right. Safe travels back home.

23 JUDGE HOLT: Yes, sir. Thank you. Good to see y'all.

24 (Off the Record)

25 CHAIRMAN SMITH: All right. Judge Matthews, how are

1 you doing today?

2 JUDGE MATTHEWS: I'm doing well, thank you. How about
3 you?

4 CHAIRMAN SMITH: Okay. I'm doing well. Will you
5 raise your right hand? You don't have anybody
6 here today, do you? I think -- weren't you here
7 a few ago?

8 JUDGE MATTHEWS: Two years ago.

9 CHAIRMAN SMITH: Two years ago. You had a whole
10 family with you at that time, didn't you?

11 JUDGE MATTHEWS: I had my two sons and my future
12 daughter-in-law.

13 CHAIRMAN SMITH: Okay. All right. Well, raise your
14 right hand, please, ma'am.

15 THE HONORABLE DEBRA A. MATTHEWS having been duly
16 sworn, testifies as follows:

17 CHAIRMAN SMITH: Judge Matthews, before you, you have
18 your Personal Data Questionnaire and your Sworn
19 Statement. Are those both documents that you've
20 submitted to this Commission?

21 JUDGE MATTHEWS: They are, sir.

22 CHAIRMAN SMITH: Okay. Are they correct?

23 JUDGE MATTHEWS: They are, but I do have one
24 correction to make.

25 CHAIRMAN SMITH: Okay. Have you already made it or do

1 you need to make an oral amendment here?

2 JUDGE MATTHEWS: An oral amendment.

3 CHAIRMAN SMITH: All right. Let's put that on the
4 record if you would, please.

5 JUDGE MATTHEWS: I mistakenly forgot to list a
6 contribution in 2016 to Mark Palmer in the amount
7 of \$250.

8 CHAIRMAN SMITH: All right. And that was prior to you
9 being elected to the Family Court bench?

10 JUDGE MATTHEWS: Yes, sir.

11 CHAIRMAN SMITH: Okay. And you have not made any
12 contributions while you were serving in the
13 capacity as a Family Court judge?

14 JUDGE MATTHEWS: No, sir.

15 CHAIRMAN SMITH: Are there any other amendments that
16 you need -- or updates that you need to make at
17 this time?

18 JUDGE MATTHEWS: No, sir.

19 CHAIRMAN SMITH: And do you have any objection to this
20 -- these documents in the oral amendment that you
21 made become a part of the record of your sworn
22 testimony today?

23 JUDGE MATTHEWS: No objection.

24 CHAIRMAN SMITH: All right. Without objection, we're
25 going to make those as exhibits to her sworn

1 testimony and we also make the oral amendment she
2 has reported to us an exhibit to the sworn
3 testimony. Judge Matthews, the Judicial Merit
4 Selection Commission has thoroughly investigated
5 your qualifications for the bench. Our inquiry
6 is focused on nine evaluative criteria and has
7 included a ballot box survey, a thorough study of
8 your application materials, verification of your
9 compliance with state ethics laws, a search of
10 newspaper articles in which your name appears,
11 study of previous screenings and checks for
12 economic conflicts of interest. We have received
13 no affidavits filed in your opposition and no
14 witnesses are here present to testify today. Do
15 you wish to make a brief opening statement?

16 (Exhibit Number 3 was marked for identification
17 purposes - (12 pages) Personal Data Questionnaire for
18 The Honorable Debra A. Matthews.)

19 (Exhibit Number 4 was marked for identification
20 purposes - (4 pages) Sworn Statement of The Honorable
21 Debra A. Matthews.)

22 JUDGE MATTHEWS: No, sir, I will waive.

23 CHAIRMAN SMITH: All right. Thank you very much.

24 Answer any questions counsel may have for us.

25 JUDGE MATTHEWS: Thank you.

1 MS. BARTON: Thank you, Mr. Chairman.

2 JUDGE MATTHEWS - EXAMINATION BY MS. BARTON:

3 Q. Judge Matthews, after serving a little over a
4 year on the Family Court bench, why do you want
5 to continue serving as a family judge?

6 A. Thank you. I take pride in my work. I believe
7 that I'm doing a good job. I'm learning --
8 continually learning all the time. I think I
9 have improved tremendously and there's a lot more
10 for me to do on the bench.

11 Q. Thank you. Could you please explain one or two
12 brief accomplishments that you feel you have
13 completed during your tenure, and then a goal you
14 would like to accomplish if reelected or
15 reappointed?

16 A. I think I've accomplished in being a more
17 scholarly judge. I study all the time. What was
18 the second part, I'm sorry?

19 Q. No, no problem. I'll read it again for you. One
20 or two brief accomplishments that you feel you
21 have completed during your tenure, and then a
22 goal you would like to accomplish?

23 A. Well, let me start with a goal that I would like
24 to accomplish. I would like to see a drug court
25 come into Chester and Fairfield County. I think

1 there's a great need for it. My accomplishments
2 are the cases that I've ruled over. I think I've
3 done a fair and good job.

4 **Q. Thank you. Judge Matthews, your SLED reported**
5 **indicated that there were two lawsuits filed**
6 **against you since your last screening. Both were**
7 **filed in the United States District Court for the**
8 **District of South Carolina May 4th, 2018. Both**
9 **were dismissed shortly thereafter by the Court**
10 **and service was not completed. Since service was**
11 **not completed, do you have any personal knowledge**
12 **of these suits?**

13 **A. I did not have any personal knowledge until you**
14 **informed me about them.**

15 **Q. Judge Matthews, what do you think your reputation**
16 **is among attorneys that practice before you?**

17 **A. I think the attorneys that appear before me find**
18 **me very respectful.**

19 **Q. The Commission received 392 ballot box surveys**
20 **regarding you, with 15 additional comments. The**
21 **ballot box survey, for example, contained the**
22 **following positive comments: An excellent judge.**
23 **Very good judicial temperament and fair ruler.**
24 **Very smart and pleasant demeanor. None of the**
25 **written comments expressed concerns. Do you have**

1 any response to those comments?

2 A. Just that I appreciate them.

3 Q. Thank you. I would note that the Piedmont
4 Citizens Committee found Judge Matthews to be
5 well qualified in the evaluative criteria of
6 ethical fitness, professional and academic
7 ability, character, reputation, experience and
8 judicial temperament and qualified in evaluative
9 criteria of constitutional qualifications,
10 physical health and mental stability.
11 The Committee stated in summary, "Judge Matthews
12 has been on the bench for only a year-and-a-half
13 but she has already acquired a reputation as a
14 diligent, thoughtful and fair-minded Family Court
15 judge. The Committee strongly urges her
16 reappointment to the bench for another term."
17 Judge Matthews, just a few housekeeping matters.
18 Since submitting your letter of intent, have you
19 contacted any members of the Commission about
20 your candidacy?

21 A. No, ma'am.

22 Q. Are you familiar with § 2-19-70, including the
23 limitations on contacting members of the general
24 assembly regarding your screening?

25 A. I am.

1 Q. Since submitting your letter of intent, have you
2 sought or received the pledge of any legislator
3 either prior to this date or pending the outcome
4 of your screening?

5 A. No, ma'am.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly on your behalf or
8 are you aware of anyone attempting to intervene
9 in the process on your behalf?

10 A. No, ma'am.

11 Q. Have you reviewed and do you understand the
12 Commission's guidelines on pledging in SC Code §
13 2-19-70(e)?

14 A. I do.

15 MS. BARTON: I would note for the record that any
16 concerns raised during the investigation
17 regarding the candidate were incorporated into
18 the questioning of the candidate today. Mr.
19 Chairman, I have no further questions.

20 CHAIRMAN SMITH: All right. Thank you very much.
21 Does anybody have any questions for Judge
22 Matthews?

23 JUDGE MATTHEWS - EXAMINATION BY CHAIRMAN SMITH:

24 Q. Judge, let me ask this just -- so there were two
25 lawsuits, and I know you didn't have any

1 knowledge about them, but can you tell us what
2 they were related to? Was it related to your
3 position as a Family Court judge?

4 A. They must have been but I did not look them up.

5 Q. Okay.

6 A. I'm assuming -- I don't know what they are.

7 Q. And they were dismissed without service upon you;
8 is that correct?

9 A. Yes, sir. I had no knowledge of them until Ms.
10 Barton informed me about them.

11 CHAIRMAN SMITH: Donna, were they related to her role
12 as a Family Court judge?

13 MS. BARTON: Yes, sir. She was one of numerous
14 parties, including the Department of Social
15 Services.

16 CHAIRMAN SMITH: Okay. And that was dismissed by a
17 magistrate upon -- it was pro se?

18 MS. BARTON: Yes, sir.

19 CHAIRMAN SMITH: And upon review of that litigation,
20 it was dismissed?

21 MS. BARTON: That is correct.

22 CHAIRMAN SMITH: All right. And the second one was
23 similar situation?

24 MS. BARTON: They were -- yes, sir.

25 CHAIRMAN SMITH: They were two -- they were same

1 related lawsuit?

2 MS. BARTON: They were filed on the same day, so
3 there's some indication that they might be
4 related.

5 CHAIRMAN SMITH: Okay. Any questions? Representative
6 Murphy.

7 JUDGE MATTHEWS - EXAMINATION BY REPRESENTATIVE MURPHY:

8 Q. Judge Matthews, thank you for coming back. You
9 had mentioned that there's no drug court in
10 Fairfield or Chesterfield counties?

11 A. Chester.

12 Q. Chester County. You're in the Sixth Judicial
13 Circuit, correct?

14 A. I am.

15 Q. Is there a drug court at all in the --

16 A. In Lancaster. There is one in Lancaster.

17 Q. All right. And so the Sixth Judicial Circuit is
18 Lancaster, Fairfield --

19 A. Chester and Fairfield, yes, sir.

20 Q. Okay. Do y'all send -- are y'all able to send
21 cases or clients from your county -- from Chester
22 County to Lancaster?

23 A. From Chester we are.

24 Q. Okay.

25 A. I'm not aware of us being able to send Fairfield

1 candidates over.

2 **Q. And that's run by the solicitor's office or --**

3 A. It is.

4 **Q. Okay. Thank you, ma'am.**

5 A. Thank you.

6 REPRESENTATIVE RUTHERFORD: That's a long way.

7 CHAIRMAN SMITH: Yeah.

8 REPRESENTATIVE RUTHERFORD: It's about an hour drive.

9 JUDGE MATTHEWS: It is an hour. It takes me an hour.

10 CHAIRMAN SMITH: But that does not -- those -- they
11 don't have the drug court people? Fairfield and
12 Chester counties can't go to Lancaster County for
13 the drug court solicitor?

14 JUDGE MATTHEWS: I think there have been some
15 candidates from Chester, but none from Fairfield.

16 REPRESENTATIVE RUTHERFORD: And again, it's an hour
17 drive.

18 JUDGE MATTHEWS: It is an hour drive. It takes me an
19 hour to get to Lancaster.

20 CHAIRMAN SMITH: No, I mean, we -- in our Third
21 Circuit we've got a drug court judge and she goes
22 around to every -- we got four counties, and goes
23 around to every four counties. That's again --

24 REPRESENTATIVE RUTHERFORD: They only have court in
25 Fairfield once every other month.

1 JUDGE MATTHEWS: Once a month.

2 REPRESENTATIVE MURPHY: Do they not -- does like
3 Representative Smith said, does the drug court
4 judge not travel the circuit?

5 JUDGE MATTHEWS: No.

6 REPRESENTATIVE RUTHERFORD: Chris, you got to go to
7 Chester and Fairfield first and then you can get
8 a better understanding.

9 JUDGE MATTHEWS: We're in the country.

10 CHAIRMAN SMITH: It's remote areas and it's, you know
11 --

12 REPRESENTATIVE MURPHY: Well, just with the success we
13 have in drug courts --

14 REPRESENTATIVE RUTHERFORD: I understand. You need
15 to go first.

16 SENATOR SABB: But I just don't think it gets anymore
17 country than Williamsburg --

18 REPRESENTATIVE RUTHERFORD: You'd be surprised.

19 CHAIRMAN SMITH: Sumter, Lee and Clarendon Counties.

20 SENATOR SABB: I'd really be surprised.

21 REPRESENTATIVE RUTHERFORD: But Fairfield is a bedroom
22 community. Everybody that lives there typically
23 goes to work someplace else. So like, you know,
24 they have the grand jury, the petite jury and the
25 defendants all in the same courtroom on the same

1 day of the roll call.

2 CHAIRMAN SMITH: Judge, let me just make a few
3 comments and I tell you that I recall your
4 screening a few years ago and your election and I
5 read your ballot box comments and they're
6 outstanding.

7 JUDGE MATTHEWS: Thank you.

8 CHAIRMAN SMITH: I mean, you know, it says, you know,
9 just the example of these is, you know, very good
10 judicial temperament, very conscientious and
11 smart. The prevailing theme through all of this
12 is perfect demeanor. One of these says -- I just
13 think this is a great testament to how you're
14 doing. "Judge Matthews is off to a good start.
15 Let's hope she stays as long as she can." So,
16 you know, it's -- you know, I'm pleased when we
17 sit up her and we screen and we try to wonder
18 whether candidates going to be good judges, bad
19 judges, how they're going to do. And, you know,
20 within a year or two we come back and we see
21 comments that are all glowing, no negatives, and
22 talk about your demeanor, your hard work, how you
23 put a lot of academic work into it. Your
24 decisions, they're well-reasoned decisions. And
25 as I was just telling a prior candidate, you

1 don't -- this is not a case where people -- a
2 courtroom where people leave happy unless it's an
3 adoption or an agreement, generally. And so, you
4 know, I think that's a testament to the work
5 you're doing and appreciate your diligence, your
6 conscientiousness and your pride in upholding the
7 integrity of our profession, but more importantly
8 the integrity of the judiciary. So thank you for
9 your hard work.

10 JUDGE MATTHEWS: Thank you.

11 CHAIRMAN SMITH: All right. Any further questions?
12 Senator Young.

13 SENATOR YOUNG: Thank you, Mr. Chairman.

14 JUDGE MATTHEWS - EXAMINATION BY SENATOR YOUNG:

15 **Q. Judge Matthews, I appreciate your service to the**
16 **state and also want to compliment you on the Bar**
17 **comments that have been received so far during**
18 **your, I think it is, two years now on the bench.**

19 **A. Going on two years.**

20 **Q. I would like to ask you that based on your time**
21 **on the bench so far for the almost two years,**
22 **what changes would you suggest as to how abuse**
23 **and neglect cases are handled in South Carolina**
24 **and why do you make that suggestion?**

25 **A. Well, okay. The Department of Social Services**

1 probably needs more funding to draw in better
2 attorneys. Also to enable them to hire more case
3 workers. They're fairly loaded up with cases.
4 Does that answer your question, sir?

5 **Q. I mean, that's obviously a suggestion that -- I**
6 **mean, I know that the General Assembly has funded**
7 **more case workers. There's been some question**
8 **about that money being allocated. Within the**
9 **Agency there's also an issue with the Agency**
10 **retaining case workers. But I was particularly**
11 **interested in your insight having served on the**
12 **bench and what you observed as to how we could**
13 **improve the system for the children in the**
14 **system, and in particular in abuse and neglect**
15 **cases. It sounds like your two recommendations**
16 **are we need to get more case workers and we also**
17 **need -- DSS overall needs better quality**
18 **attorneys.**

19 **A. That would be my suggestion. I work with the**
20 **Department of Social Services in my circuit to**
21 **try and make them adhere to the rules, like the**
22 **simple thing of noticing, filing their notices**
23 **and filing their certificates of service. I work**
24 **with my Department of Social Services to help any**
25 **flaws that I see. Probable cause hearings, when**

1 I took the bench, they were wanting to come in
2 without serving a parent and I just -- I don't
3 accept that. If they can't find the parent or
4 if the parent doesn't have a ride, I ask the
5 Department to go get them. So I will not have a
6 hearing unless there's a parent there. I work
7 with my Department of Social Services to make the
8 process and the system better.

9 **Q. I thank you for your input and your service.**

10 A. Thank you, sir.

11 CHAIRMAN SMITH: Any further questions?

12 (No replies are heard.)

13 CHAIRMAN SMITH: Judge Matthews, thank you for that
14 input. I was just telling Representative
15 Rutherford, who sits on the subcommittee
16 that funds DSS, some of those recommendations you
17 made are very, very interesting. And so we'll
18 certainly look at some of that last year. I
19 think you hit on a couple of points that are
20 probably fairly salient to the issues going on
21 with DSS. All right. With no further questions,
22 Judge Matthews, this concludes this portion of
23 our screening process. I want to take this
24 opportunity to remind you that pursuant to the
25 Commission's evaluative criteria, the Commission

1 expects candidates to follow the spirit as well as
2 the letter of the ethics law and we will view
3 violations or the appearance of impropriety as
4 serious and potentially deserving of heavy weight
5 and screening deliberations. As you know, the
6 record will remain open until the formal release
7 of the Report of Qualifications and you may be
8 called back at such time if the need arises. I
9 thank you for being here today and I thank you
10 for your service to the state of South Carolina.

11 JUDGE MATTHEWS: Thank you very much.

12 CHAIRMAN SMITH: Thank you. Appreciate it.

13 (Off the Record)

14 CHAIRMAN SMITH: Welcome back, Judge.

15 JUDGE VAN SLAMBROOK: Good morning, everyone.

16 CHAIRMAN SMITH: As you see, Senator Rankin and I have
17 alternated places, seating places this year. So
18 you get both of us in two years. Judge
19 Slambrook, will you raise your right hand,
20 please, sir. Or Van Slambrook, sorry.

21 THE HONORABLE DALE E. VAN SLAMBROOK having been duly
22 sworn, testifies as follows:

23 CHAIRMAN SMITH: Before you is your Personal Data
24 Questionnaire and your Sworn Statement. Those
25 both documents that you have submitted to

1 Commission?

2 JUDGE VAN SLAMBROOK: Yes, they are.

3 CHAIRMAN SMITH: Are they both correct?

4 HONORABLE VAN SLAMBROOK: They are, including
5 amendments or additions that were made to it as
6 well.

7 CHAIRMAN SMITH: And so do you have any other
8 additions or updates at this time?

9 JUDGE VAN SLAMBROOK: No, I do not.

10 CHAIRMAN SMITH: Do you have any objection to us
11 making those documents and the amendments a part
12 of the record of your sworn testimony here today?

13 JUDGE VAN SLAMBROOK: No objection whatsoever.

14 CHAIRMAN SMITH: All right. Without objection we're
15 going to make those an exhibit to the sworn
16 testimony. Judge, the Judicial Merit Selection
17 Commission has thoroughly investigated your
18 qualifications for the bench. Our inquiry has
19 focused on nine evaluative criteria and has
20 included a ballot box survey, a thorough study of
21 your application materials, verification of your
22 compliance with state ethics laws, a search of
23 newspaper articles in which your name appears,
24 study of previous screenings and checks for
25 economic conflicts of interest. We received no

1 affidavits in opposition to your election. No
2 witnesses are present to testify. Do you wish to
3 make a brief opening statement to the Commission?

4 (Exhibit Number 5 was marked for identification
5 purposes - (13 pages) Personal Data Questionnaire for
6 The Honorable Dale E. Van Slambrook.)

7 (Exhibit Number 6 was marked for identification
8 purposes - (3 pages) Sworn Statement of The Honorable
9 Dale E. Van Slambrook.)

10 (Exhibit Number 7 was marked for identification
11 purposes - (1 page) Amendment to Personal Data
12 Questionnaire for the Honorable Dale Van Slambrook.)

13 (Exhibit Number 8 was marked for identification
14 purposes - (1 page) Amendment to Personal Data
15 Questionnaire for the Honorable Dale Van Slambrook.)

16 (Exhibit Number 9 was marked for identification
17 purposes - (1 page) Amendment to Personal Data
18 Questionnaire for the Honorable Dale Van Slambrook.)

19 JUDGE VAN SLAMBROOK: I'll waive the statement.

20 CHAIRMAN SMITH: All right. Thank you very much.

21 Answer any questions that counsel may have of
22 you, please, sir.

23 JUDGE VAN SLAMBROOK - EXAMINATION BY MR. TRIPLETT:

24 **Q. Judge Van Slambrook, after serving five years as**
25 **a Master in Equity, why do you want to continue**

1 **serving as a Master in Equity?**

2 A. I truly enjoy what I'm doing. I feel like I'm
3 doing a good job. It was a good fit moving into
4 the position. And I think I've grown into the
5 position, as well.

6 **Q. Please explain one or two brief accomplishments**
7 **that you feel you've completed during your tenure**
8 **and then a goal you would like to accomplish if**
9 **reelected.**

10 A. Accomplishment during the tenure relative to the
11 position. The office has modernized, moved
12 forward. There's -- check writing was by hand
13 when we started. We've moved it into the
14 computer age with that. We've also participated
15 in the new e-filing system and rolled into that,
16 as well. Been more efficient, I think, through
17 that and learning as we went along that way with
18 the e-filing system. Also, we had turnover of
19 staff. I started out with two very experienced
20 administrative people that one left by
21 retirement, the other by getting married and
22 leaving. And we hired new staff, rolled them in
23 and continued, I think, to provide very good
24 service. As I stated, as an accomplishment,
25 modernizing the office and becoming more

1 efficient through the available electronic means,
2 as well as doing it with new staff and staff
3 turnover.

4 **Q. All right. Judge Van Slambrook, since you have**
5 **indicated in your PDQ that since your last**
6 **screening a few lawsuits were filed against you**
7 **in 2019. The first was in 2019 in US District**
8 **Court by Samuel Daniel Cooper, III. Please**
9 **explain the nature and disposition of that**
10 **lawsuit.**

11 **A.** I think I've listed all of those on the
12 amendments. Those were either -- I think federal
13 lawsuits loosely based on folks that were
14 involved in foreclosure actions that appeared
15 before me. They come within -- under the
16 umbrella, I think, with -- normally referred to
17 as sovereign citizens. And as far as I know,
18 none of those things have gone to any kind of
19 trial. Some of them weren't even served. Some
20 of them I had to find out about through y'all's
21 office when you alerted me to that. So I
22 provided notice of all of those. As far as I'm
23 concerned, there isn't any substance to it. It's
24 just part of I think a process that the folks who
25 are disputing foreclosures or similar actions in

1 front of me are using.

2 **Q. Judge Van Slambrook, what do you think your**
3 **reputation is among attorneys that practice**
4 **before you?**

5 A. Unfortunately, I don't know that they necessarily
6 share what they think of you all the time. What
7 feedback I do get, I think it's pretty good.
8 I've got a few fellows that are lawyers that I've
9 known for a long time and have asked them to
10 alert me if there's any problems. One of the
11 phrases that I heard a recent seminar was give
12 somebody permission to call you out if you need
13 it. And I think I had informally did that when I
14 first got on the bench. I said if I'm acting up
15 or if I'm doing something I'm not supposed to do
16 or if you hear anything, you let me know. And I,
17 from time to time, check with a person that I
18 trust who I think has his ear to the ground. And
19 so I haven't heard anything adverse, at least
20 through those means. And nothing directly. So I
21 think it's pretty good.

22 **Q. Judge Van Slambrook, the Commission received 529**
23 **ballot box surveys regarding you, with 25**
24 **additional comments. The ballot box survey, for**
25 **example, contained the following positive**

1 **comments: outstanding judge. Great judicial**
2 **temperament. Fair, hard working. Thoughtful and**
3 **thorough consideration from the bench as a**
4 **Berkeley Master in Equity. Two of the written**
5 **comments express concerns. The first deals with**
6 **your rulings being based on facts and not the**
7 **law. What response would you offer to this**
8 **concern?**

9 A. That one, I'm not sure exactly what that means.
10 I'm not sure of the context. Certainly the facts
11 have something to do with some of the rulings,
12 and I'm not sure -- I'm not quite sure what that
13 means. If there are some more specific, I could
14 certainly understand the nature of the complaint,
15 but that's pretty general. I'm not sure if I can
16 even address that.

17 **Q. All right. And the second issue deals with**
18 **showing deferential treatment towards defendants.**
19 **What response would you have for that concern?**

20 A. Well, that information had been shared, and
21 I don't know that there's -- I don't do any
22 criminal work. I'm not a judge in general
23 sessions showing deference to defendants. I
24 think what could possibly be meant by that is
25 there's a huge number of pro se folks that appear

1 in foreclosure actions. And you have lawyers
2 that are doing a lot in a high volume of
3 foreclosure actions and their practice is
4 interrupted when pro se folks show up at
5 hearings. So when I'm talking to a lawyer, they
6 know what they're talking about. And it's almost
7 shorthand sometimes where you're talking to
8 attorneys that know what they're doing. With pro
9 se folks, who in a very stressful time in their
10 life are getting foreclosed on, they show up in
11 court and want to have something to say, I am
12 going to be deferential to a certain point. I'm
13 going to make them abide by the rules and the
14 law, but sometimes I'm going to give them some
15 additional time or an opportunity to speak when
16 someone, on the other hand, who is moving forward
17 with a foreclosure doesn't see anything wrong
18 with their case and wants to get it done. So
19 that was the only thing that I could think of in
20 that context. But again, it wasn't fleshed out.
21 So that's kind of surmised on my part.

22 **Q. And Judge, you mentioned in your PDQ that you**
23 **preside over the drug court in Berkeley County.**
24 **Describe the impact the drug court has had in the**
25 **community and in the judicial system.**

1 A. I'm a big believer in the drug court. I got
2 initially involved as the associate judge and
3 then took over when Judge Harrington retired. It
4 was splitting off from Charleston. There was a
5 few number of folks. We developed the program
6 out there. I work with a team that involves the
7 solicitor's office, public defender's office,
8 someone from the sheriff's office, from South
9 Carolina Voc Rehab, all of which strain and give
10 the involvement to these folks in the drug court.
11 It's a great program. I'm a hundred-percent
12 believer in it. It's expanded to the extent that
13 this last year they authorized a drug court
14 coordinator, not just under the umbrella of
15 Charleston, but to independently stand in
16 Berkeley County to allow the program to be fully
17 developed and not just kind of an offshoot of
18 Charleston. Within that, they're also going to
19 do some work in under that same umbrella in the
20 mental health court and so forth. As far as
21 helping folks recover, I think it's a wonderful
22 tool. As far as keeping people out of jail and
23 saving money for the County, I mean, that's
24 another practical aspect of it because they're
25 not in jail on these things. And it's an

1 intensive program. And believe me, there's highs
2 and lows. You're very happy when
3 somebody graduates and you think they've really
4 hit their stride and recovered. And then you're
5 on the low end when somebody can't do it and you
6 have to terminate them from the program and
7 activate a sentence that they had already agreed
8 to. So emotionally, there's some highs and lows,
9 but I think it's a great program.

10 **Q. Thank you, Judge.**

11 MR. TRIPLETT: I would note that the Lowcountry
12 Citizens Committee found Judge Van Slambrook
13 qualified in the evaluative criteria of
14 constitutional qualifications, physical health
15 and mental stability. The Committee found him
16 well qualified in the evaluative criteria of
17 ethical fitness, professional and academic
18 ability, character, reputation, experience and
19 judicial temperament. The Committee stated in
20 summary, "Judge Van Slambrook is highly qualified
21 in every way."

22 **Q. For a few housekeeping issues. Judge, since**
23 **submitting your letter of intent, have you**
24 **contacted any members of the Commission about**
25 **your candidacy?**

1 A. No, I have not.

2 Q. Are you familiar with § 2-19-70 of the South
3 Carolina code, including the limitations on
4 contacting members of the general assembly
5 regarding your screening?

6 A. I'm familiar with it.

7 Q. Since submitting your letter of intent, have you
8 sought or received the pledge of any legislator
9 either prior to this date or pending the outcome
10 of your screening?

11 A. No, I have not.

12 Q. Have you asked any third parties to contact
13 members of the General Assembly on your behalf or
14 are you aware of anyone attempting to intervene
15 in this process on your behalf?

16 A. No, I have not.

17 Q. Have you reviewed and do you understand the
18 Commission's guidelines on pledging in SC Code §
19 2-19-70(e)?

20 A. Yes, I do.

21 MR. TRIPLETT: I would just note for the record that
22 any concerns raised during the investigation
23 regarding the candidate were incorporated into
24 the questioning of the candidate today. Mr.
25 Chairman, I have no further questions.

1 CHAIRMAN SMITH: All right. Thank you very much.

2 JUDGE VAN SLAMBROOK - EXAMINATION BY CHAIRMAN SMITH:

3 Q. Judge Van Slambrook, you're full-time at Berkeley
4 County; is that right?

5 A. Yes.

6 Q. Y'all are one of the fastest growing counties in
7 the state, we see from the recent census
8 estimates.

9 A. We are.

10 Q. As you -- have you seen an uptick in cases and in
11 the workload you've had over the past ten years -
12 - or few years?

13 A. That's a good question. That's something I try
14 and talk to some of the lawyers that come before
15 me. As the economy has gotten better, cases have
16 dropped off, but the population increases so
17 there's an offset in it. I think it's
18 stabilized. It's not near as bad as it was a few
19 years before I started in '07 and '08. But it
20 seems to be pretty steady, based on the
21 population. I expect it will grow just because
22 of the population alone, not because of the
23 economy at this point.

24 Q. And I was interested to hear about your drug
25 court and mental health court. You know,

1 obviously the Ninth Judicial Circuit does a good
2 job with alternative courts. And did Solicitor
3 Wilson split y'all off of Charleston and I heard
4 you say y'all were creating your own courts up in
5 Berkeley County?

6 A. It's under the Ninth Circuit umbrella. It was
7 Charleston and Berkeley up until I guess about
8 two years ago when it was set up so that there
9 was just the Charleston court and the Berkeley
10 court -- drug court, but all under the same
11 umbrella. As far as funding and so forth, it
12 comes through the Ninth Circuit.

13 Q. But it's still -- but y'all have -- you're not --
14 you have your separate courts now, separate
15 judges, I presume?

16 A. Yes.

17 Q. You're doing it in Berkeley and they got someone
18 in Charleston?

19 A. Judge Condon, the probate judge, is the primary
20 judge in Charleston and there's two associate
21 judges in Charleston. I'm the primary judge for
22 Berkeley County. And we're in the process of
23 having someone appointed as an associate or a
24 back up judge for me.

25 Q. And are you doing the mental health court too?

1 A. I am not. That is not fully underway. That's
2 kind of on the horizon. I don't expect that I'll
3 be involved in that, to the degree that I would
4 be running it. I think that we'll look for
5 somebody else with probably better qualifications
6 in the mental health field to help out with that.

7 **Q. And are they doing that in Charleston County now?**

8 A. That's my understanding, that they are there in
9 Charleston. They also have the veterans court in
10 Charleston as well.

11 **Q. That was going to be my next question is what**
12 **other alternative courts. So it seems like**
13 **Charleston is kind of ahead of the curve of**
14 **alternative courts and commend the Ninth Circuit**
15 **Solicitor's Office --**

16 A. I think that's a fair --

17 **Q. -- and you all down there.**

18 A. -- statement with the solicitor's office being on
19 the forefront of that.

20 **Q. I appreciate that work of the solicitor and her**
21 **office over there, as well as you all who are**
22 **playing a part in it. Thank you for your service**
23 **in that regard.**

24 A. Thank y'all.

25 **Q. It's very important to us. Any further questions**

1 of Judge Van Slambrook? Senator Rankin.

2 JUDGE VAN SLAMBROOK - EXAMINATION BY SENATOR RANKIN:

3 Q. Judge, welcome back. And the Chairman and I both
4 seized on the ballot box comments. And again,
5 glowing reviews, glowing statements about your
6 demeanor and a perfect jurist. Citizens
7 Committee, likewise, just again, no surprise to
8 us, continues to sing your praises in terms of
9 your temperament and your ability to handle this
10 job and others, in fact, that may yet be before
11 you. Two things. Your preacher wrote a great
12 note about you and your ability within the church
13 and recognized as a guy that can help navigate
14 difficult subjects. And so kudos to you that you
15 stick your toe in the politics of church work is
16 deserving of combat pay and/or perhaps a waiver
17 for the tithing that you would otherwise be
18 required to do, if the Methodists will allow you
19 that hereafter. And then the personal is how
20 many Centuries have you ridden since we've last
21 had you under oath?

22 A. Probably on one or two.

23 Q. Well, I am proud to tell you that I've done two
24 more since, so my --

25 A. Excellent.

1 Q. -- list is at three. So you have encouraged the
2 biking world in this lame guy to press on to
3 finish another hundred, so.

4 A. Well, I'm glad to hear that. I'd be happy to
5 help -- come out and ride with you one day.

6 Q. I would just need a tether or a chain to hang on.
7 That's all. Thank you. Thank you for your
8 service.

9 A. Thank you.

10 Q. You deserve it.

11 CHAIRMAN SMITH: All right. Any further questions?
12 Mr. Safran.

13 MR. SAFRAN: Just briefly.

14 JUDGE VAN SLAMBROOK - EXAMINATION BY MR. SAFRAN:

15 Q. Thank you for coming back this time. I think I
16 said before, I date back to law school with the
17 Judge. And, you know, I've said this in the
18 past, but I think it bears repeating: we get a
19 lot of criticism for pointing out the flaws in
20 people, in terms of how they've behaved on the
21 bench. And I don't think we necessarily
22 are noted for recognizing the good thing. I
23 mean, when I look here and I see a comment, "I
24 respect few other attorneys or judges as much as
25 I do this candidate. After a decade, I could to

1 admire his knowledge of the law, calmness in the
2 face of agitation and strong work ethic." I
3 mean, it's hard to top something like that. And
4 I think pretty well just across the board
5 everything that we see is pointing to nothing but
6 positive things that are coming from your being
7 in this position. And again, I think it's
8 important to let people know they are doing a
9 good job. You're doing an exceptional job, and
10 we're really appreciative of the fact you're
11 continuing on with it.

12 JUDGE VAN SLAMBROOK: Thank you.

13 CHAIRMAN SMITH: All right. Any further questions?

14 (No replies are heard.)

15 CHAIRMAN SMITH: All right. This will conclude this
16 portion of your screening process, Judge Van
17 Slambrook. Let me take this opportunity to
18 remind you that pursuant to the Commission's
19 evaluative criteria, the Commission expects
20 candidates to follow the spirit as well as the
21 letter of the ethics law. And we will view
22 violations or the appearance of impropriety as
23 serious and potentially deserving of heavy weight
24 in screening deliberations. On that note, and as
25 you know, the record will remain open until the

1 formal release of the Report of Qualifications,
2 and you may be called back at such time if the
3 need arises. I thank you for your offering again
4 for this position and for your service to the
5 state of South Carolina.

6 JUDGE VAN SLAMBROOK: Thank y'all.

7 CHAIRMAN SMITH: Safe travels home. Enjoy I-26.

8 (Off the Record)

9 CHAIRMAN SMITH: Mr. McElhannon, is that correct?

10 MR. McELHANNON: Yes, sir.

11 CHAIRMAN SMITH: All right. How you doing today?

12 MR. McELHANNON: I'm fine. How are y'all?

13 CHAIRMAN SMITH: I'm well. I see you've got a guest
14 with you here today.

15 MR. McELHANNON: I do.

16 CHAIRMAN SMITH: You'd like to introduce her?

17 MR. McELHANNON: I sure would. This is my wife,
18 Shirley.

19 MRS. McELHANNON: Hello.

20 CHAIRMAN SMITH: Hey, Shirley. How you doing today?
21 Welcome, appreciate you being here. Mr.
22 McElhannon, will you please raise your right
23 hand.

24 M. SCOTT McELHANNON having been duly sworn, testifies
25 as follows:

1 CHAIRMAN SMITH: Before you, you have your Personal
2 Data Questionnaire and your Sworn Statement. Are
3 these documents you have submitted to the
4 Commission?

5 MR. McELHANNON: Yes, sir.

6 CHAIRMAN SMITH: Are they correct?

7 MR. McELHANNON: Yes, sir.

8 CHAIRMAN SMITH: Does there need to be any changes or
9 updates made at this time?

10 MR. McELHANNON: Not to these two documents, no, Your
11 Honor -- I mean, no.

12 CHAIRMAN SMITH: And do you have any objection to us
13 making those documents as an exhibit to your
14 sworn testimony here today?

15 MR. McELHANNON: No, sir.

16 CHAIRMAN SMITH: Without objection, we're going to
17 make those exhibits to the sworn testimony. Mr.
18 McElhannon, the Judicial Merit Selection
19 Commission has thoroughly investigated your
20 qualifications for the bench. Our inquiry has
21 focused on nine evaluative criteria and has
22 included a ballot box survey, a thorough study of
23 your application materials, verification of your
24 compliance with state ethics laws, a search of
25 newspaper articles in which your name appears,

1 study of previous screenings and checks for
2 economic conflicts of interest. We have received
3 no affidavits in the opposition to your candidacy
4 and no witnesses are here today to testify. Do
5 you wish to make a brief opening statement to the
6 Commission?

7 (Exhibit Number 10 was marked for identification
8 purposes - (15 pages) Personal Data Questionnaire for
9 M. Scott McElhannon.)

10 (Exhibit Number 11 was marked for identification
11 purposes - (5 pages) Sworn Statement of M. Scott
12 McElhannon.)

13 MR. McELHANNON: I would just say I will stand on what
14 my Personal Data Questionnaire summary that I put
15 of why I believe I'm qualified to be a Family
16 Court judge. I would just let that stand.

17 CHAIRMAN SMITH: All right. Thank you very much.
18 Answer any questions counsel may have for you.

19 MR. McELHANNON: Thank you.

20 MR. MALDONADO: Thank you, Mr. Chairman.

21 MR. McELHANNON - EXAMINATION BY MR. MALDONADO:

22 **Q. Mr. McElhannon, can you please state for the**
23 **record the city and circuit in which you reside.**

24 A. Anderson, Tenth Circuit.

25 MR. MALDONADO: I would note for the record that based

1 on the testimony contained in the candidate's
2 PDQ, which has been included in the record with
3 the candidate's consent, Mr. M. Scott McElhannon
4 meets the constitutional and statutory
5 requirements for this position, regarding age,
6 residence and years of practice.

7 **Q. Mr. McElhannon, why do you want to serve as a**
8 **Family Court judge and why do you feel that your**
9 **legal and professional experience qualify and**
10 **will assist you in becoming an effective judge?**

11 A. Well, I began practice in 1988. And, since that
12 time, I was in Family Court practice in private
13 practice. I did that for twelve years and
14 domestic law was a good part of my private
15 practice. In 2000, I went into -- January of
16 2000, I went into the solicitor's office in the
17 Tenth Circuit where I did solely juvenile justice
18 matters and in Family Court for five years.
19 After that, I started doing general sessions work
20 as well as filling in for Family Court. After
21 that, I went back into private practice for six-
22 and-a-half more years, got more experience in
23 Family Court, private actions as well as I took a
24 job with DSS for a year-and-a-half and then I
25 went back to the solicitor's office for the past

1 almost three years, again doing some juvenile law
2 as well as waiver hearings, juvenile waiver
3 hearings. I've done three of those for murder
4 cases in my career. I believe that my 31 years
5 of practicing in the public sector as well as the
6 private sector has basically made me qualified to
7 be a Family Court judge. And, as I stated,
8 Family Court law has always been a major part of
9 my practice, either private or in the public
10 sector.

11 **Q. Thank you. Are there any areas of the law for**
12 **which you would -- you might need additional**
13 **preparation in order to serve as a Family Court**
14 **judge, and how would you handle such preparation?**

15 **A.** I can't think of any others that I would actually
16 need for preparation for. It's always a learning
17 process. I mean, you know, for the hearings, I
18 pulled the last two years of advance sheets, the
19 law, and see if any of it changed. But so
20 far it's remained primarily static. But I don't
21 see any areas that I actually need, you know, to
22 be more qualified in.

23 **Q. Thank you. Can you -- excuse me. Can you please**
24 **briefly describe your experience in handling**
25 **complex cases, contested Family Court matters and**

specifically, discuss your experience with the financial aspects of Family Court work.

A. Well, I have had handled complex domestic matters in private practice where, you know, personal property, spousal support, child support, all of those factors came into play. I mean, my experience over my entire career has been -- all of them have not been complex. And certainly the majority probably would not qualify as complex, but I have been involved in various complex litigation. And for one thing, and on the criminal side of it, the waiver -- juvenile waiver hearings are complex, especially when you're talking about a murder case and trying to waive a juvenile up to adult court. Those are all complex issues. But like I said, I've been involved from beginning to end in three of those.

Q. Thank you. Mr. McElhannon, the Commission received 204 ballot box surveys regarding you, with 21 additional comments. The ballot box surveys, for example, contain the following positive comments: outstanding applicant, experienced in private and public sector, experience in prosecution and defense side, great demeanor. Also, "Scott McElhannon is a perfect

1 candidate for this position and would be an
2 incredible asset to the judiciary. He has worked
3 for the solicitor's office in both general
4 sessions and juvenile court, for DSS, private
5 practice and has a variety of perspectives he
6 would bring to the bench." Four of the written
7 comments expressed concerns, including concerns
8 about work ethic. How would you address these
9 concerns?

10 A. Well, as far as my work ethic, I think the people
11 who actually know me and certainly two of the
12 people -- well, three of the people that gave me
13 letters of recommendation, Retired Judge Barry
14 Knobel, George Duckworth who hired me at the
15 solicitor's office, as well as Rebecca Lynch who
16 was a supervisor at DSS when I was an attorney
17 there, all gave letters of recommendation and
18 they all put in there how my work ethic was and
19 how I was always prepared for court, which is
20 true. So I understand -- well, I don't know
21 where those comments came from, but I would just
22 say that I am -- I do have a good work ethic.

23 Q. One comment expressed concerns regarding your
24 experience. What response would you offer this
25 concern?

1 A. There again, I've done everything in Family Court
2 that you can do, from both sides, DSS prosecution
3 as well as defending and private practice,
4 juvenile law -- juvenile justice, I actually
5 prosecuted, like I said, for over five years. I
6 defended juveniles on a public defender contract
7 from '98 to 2000. So I've defended. When I went
8 back in private practice I was a 608 conflict
9 attorney, so I got juvenile conflict cases there.
10 In domestic relations matters, I've represented
11 plaintiffs and defendants, as well as been a
12 guardian ad litem for the children. So I've done
13 virtually everything in Family Court that you can
14 do. And I think my experience should stand on
15 its own.

16 **Q. Thank you. Mr. McElhannon, your SLED report**
17 **indicated that you were a party to several**
18 **lawsuits. Can you please briefly describe your**
19 **role in these lawsuits, McElhannon v. A.P. Green**
20 **Industries in 1998.**

21 A. That was one where I was appointed by the probate
22 court to be a personal representative for a
23 gentleman who died, for his estate in a products
24 liability case, and his family did not wish to
25 serve as personal representative.

1 **Q. Next was Scott McElhannon v. Glenda Porter in**
2 **1993.**

3 A. That one -- I tried to research that. That was
4 26 years ago, and I didn't remember the actual
5 details of that. That was a summary court
6 matter, I do believe, in magistrate's court. And
7 I -- from what I could see on the judicial index.
8 And I believe that probably had to be where I
9 represented a plaintiff in a summary court matter
10 and won and was awarded attorney's fees. And
11 maybe Ms. Porter never paid my attorney's fees
12 and I filed suit to collect them from her.

13 **Q. And the last one is Scott McElhannon v. William**
14 **Franklin Gunnells in 2012.**

15 A. That was where I was appointed guardian ad
16 litem to represent a minor in a minor settlement
17 from a car accident.

18 **Q. Thank you, Mr. McElhannon. I would note that the**
19 **Upstate Citizens Committee reported Mr.**
20 **McElhannon to be well qualified as to ethical**
21 **fitness, professional and academic ability,**
22 **character, reputation, experience and judicial**
23 **temperament. The Upstate Citizens Committee**
24 **found Mr. McElhannon to be qualified as to the**
25 **constitutional qualifications, physical health**

1 and mental stability. Mr. McElhannon, are you
2 aware that as a judicial candidate you're bound
3 by the Code of Judicial Conduct as found in Rule
4 501 of the South Carolina Appellate Court Rules?

5 A. Yes, sir.

6 Q. Since submitting your letter of intent, have you
7 contacted any members of the Commission about
8 your candidacy?

9 A. No.

10 Q. Since submitting your letter of intent, have you
11 sought or received the pledge of any legislator,
12 either prior to this date or pending the outcome
13 of your screening?

14 A. No.

15 Q. Are you familiar with § 2-19-70, including the
16 limitations on contacting members of the General
17 Assembly regarding your screening?

18 A. Yes.

19 Q. Have you asked any third parties to contact
20 members of the General Assembly on your behalf or
21 are you aware of anyone attempting to intervene
22 in this process on your behalf?

23 A. No.

24 Q. I'm sorry?

25 A. No.

1 **Q. Have you reviewed and do you understand the**
2 **Commission's guidelines on pledging in SC Code §**
3 **2-19-70(e)?**

4 A. Yes.

5 MR. MALDONADO: Mr. Chairman, I would note for the
6 record that any concerns raised during the
7 investigation by staff regarding this candidate
8 were incorporated into the questioning of the
9 candidate today. I have no further questions.

10 CHAIRMAN SMITH: All right. Thank you. Any questions
11 for Mr. McElhannon? Senator Young.

12 SENATOR YOUNG: Thank you, Mr. Chairman.

13 MR. McELHANNON - EXAMINATION BY SENATOR YOUNG:

14 **Q. Mr. McElhannon, I want to commend you on your**
15 **extensive career. It looks like you practiced**
16 **for more than 30 years.**

17 A. Thirty-one, yes, sir.

18 **Q. And I note that you received the Ernest F.**
19 **Hollings award for excellence in state**
20 **prosecution Family Court -- in Family Court**
21 **cases?**

22 A. That's correct. Yes, sir.

23 **Q. And it appears that was in 2001.**

24 A. Yes, sir.

25 **Q. I know that's a very high honor, and I know**

1 that's something that you've been proud of and
2 worked hard to achieve and earn. My question is:
3 do you believe that you have extensive experience
4 in being involved in abuse and neglect cases?

5 A. I do.

6 **Q. Could you elaborate?**

7 A. Sure. I was the staff attorney very recently --
8 well, in 2015, with Department of Social Services
9 where I prosecuted abuse and neglect cases and
10 then was made managing attorney over the Tenth
11 Circuit for the past nine months while I was
12 there. So I handled I don't know how many abuse
13 and neglect cases for DSS, but I've also in
14 private practice represented parties that were
15 accused, or the defensive side of it. So I've
16 represented both sides of abuse and neglect
17 cases, children and vulnerable adults.

18 **Q. And in your experience being a practicing**
19 **attorney and being involved on both sides in**
20 **abuse and neglect cases, is it your impression**
21 **that those cases move quickly through the court**
22 **system?**

23 A. No, sir. They're very slow.

24 **Q. Do you have any suggestions on how those cases**
25 **could be moved quicker through the system?**

1 A. Well, one thing we tried to implement at
2 Department of Social Services, and it works to a
3 certain extent -- well, I guess they're still
4 doing it. I'm not there anymore, of course. But
5 was not consenting to continuances made by
6 defense attorneys or whomever. A lot of times I
7 think DSS attorneys are so overwhelmed with the
8 sheer volume of cases that they would just
9 consent to a continuance. So we started saying
10 we would not consent; just let the judge hear on
11 the record what the motion for the continuance
12 was, and if the judge granted it then we couldn't
13 do much about it. One of the main, I think,
14 problems with the cases not being -- not moving
15 quicker, other than just like I said, the sheer
16 volume, is case worker turnover at the Department
17 of Social Services is pretty rampant. And when
18 one case worker leaves, a new case worker has to
19 jump in their caseload and get up to speed. So I
20 think a lot of that delays those cases as well.

21 **Q. We've heard a lot about case worker turnover over**
22 **the last several years at the State House and**
23 **we've attempted to address it. There's several**
24 **members of this panel that are very familiar with**
25 **it. I appreciate your input, and I thank you.**

1 CHAIRMAN SMITH: Any further questions?

2 (No replies are heard.)

3 MR. McELHANNON - EXAMINATION BY CHAIRMAN SMITH:

4 Q. Mr. McElhannon, let me follow up on just a couple
5 of things. First, thank you for offering for
6 this position and your 31 years in the practice
7 of law and obviously you've had a successful law
8 practice. And I read your ballot box comments,
9 and as a solicitor and, you know, which is one of
10 the adversarial processes that you get into with
11 defense attorneys from time to time, you seem not
12 to have any critics of the way you handle your
13 docket, and that's admirable. And I appreciate
14 the way you conduct yourself and, to me, that's a
15 good indication of the temperament you would
16 probably have as a judge because, as I always
17 tell people, I think probably that one of the
18 best attributes of a judge is their temperament
19 and their demeanor because, you know, you don't
20 have to be the brightest person, you don't have
21 to be a law review person, but -- or student or -
22 - but by the same token, you need to be able to
23 know how to treat people, handle people, not only
24 lawyers, but the litigants that come before you,
25 so that people have trust into the integrity of

1 the judiciary.

2 A. Absolutely.

3 Q. And I think you obviously have demonstrated that
4 through this, so I appreciate you being here.
5 You know, I think it's important that we have
6 attorneys that have given a lifetime of service
7 to the profession and decide that they want to
8 provide that same service to the bench. And it
9 appears to me that you're probably one of those
10 one of those folks.

11 A. Thank you.

12 Q. So I appreciate you offering here today. I think
13 it's important when we see people with the
14 comments that you have on the ballot box and, I
15 mean, very few people have anything -- you have
16 one or two that said you were unqualified or not
17 completely qualified. And if that's all the
18 enemies you made in 31 years of practicing law,
19 you ought to be commended for that.

20 A. Thank you, sir.

21 Q. So I appreciate it. I appreciate you being here.
22 I appreciate you offering for this position.

23 CHAIRMAN SMITH: And any further questions that we
24 have here today?

25 (No replies are heard.)

1 CHAIRMAN SMITH: With no further questions, this will
2 conclude this portion of your screening process.
3 I want to take this opportunity to remind you
4 that pursuant to the Commission's evaluative
5 criteria, the Commission expects candidates to
6 follow the spirit as well as the letter of the
7 ethics laws. And we will view violations or the
8 appearance of impropriety as serious and
9 potentially deserving of heavy weight in the
10 screening deliberations. As you know, the record
11 will remain open until the formal release of the
12 Report of Qualifications. You may be called back
13 at such time if the need arises. I thank you for
14 offering for this position and thank you for your
15 service to the state of South Carolina.

16 MR. McELHANNON: Thank you, sir.

17 CHAIRMAN SMITH: All right. Take care. Thank you for
18 coming.

19 MR. McELHANNON: Thank y'all.

20 (Off the Record)

21 CHAIRMAN SMITH: Ms. Senerius. Is -- am I saying it,
22 Senerius?

23 MS. SENERIUS: Senerius.

24 CHAIRMAN SMITH: Senerius, okay.

25 MS. SENERIUS: Yes.

1 CHAIRMAN SMITH: Thank you very much. People can't
2 pronounce my name too well either, so don't feel
3 bad. Will you raise your right -- oh, I see.
4 You have somebody with you today?

5 MS. SENERIUS: I do. I have a good friend of mine
6 with me.

7 CHAIRMAN SMITH: Would you like to introduce him to
8 the Commission?

9 MS. SENERIUS: This is Tobias Moore. He works with me
10 at DSS, and one of my good friends that has been
11 with me through this process. So I thought I'd
12 let him at least see the end result.

13 CHAIRMAN SMITH: Okay. Awesome. Welcome, appreciate
14 you being here, Tobias. Will you raise your
15 right hand, please.

16 BRITTANY DREHER SENERIUS having been duly sworn,
17 testifies as follows:

18 CHAIRMAN SMITH: Before you, you have your Personal
19 Data Questionnaire and your Sworn Statement. Are
20 these both documents you submitted to the
21 Commission?

22 MS. SENERIUS: Yes, sir.

23 CHAIRMAN SMITH: Are they both correct?

24 MS. SENERIUS: Yes, sir. To the best of my knowledge.

25 CHAIRMAN SMITH: Any changes or updates you need to

1 make?

2 MS. SENERIUS: The only thing that was updated I
3 believe from this time was the fact that I am now
4 the managing attorney in Anderson at DSS versus
5 just being one of the full-time attorneys.

6 CHAIRMAN SMITH: Okay. All right. And do you have
7 any objection to us making these documents -- and
8 I guess that's going to be an oral amendment that
9 you're now chief -- or managing attorney --

10 MS. SENERIUS: Managing attorney.

11 CHAIRMAN SMITH: -- of DSS in Anderson. So we'll make
12 that an amendment to your PDQ. So you have any
13 objection to us making those documents, as well
14 as that amendment, as exhibits to your sworn
15 testimony?

16 MS. SENERIUS: No, sir.

17 CHAIRMAN SMITH: All right. Without objection, we're
18 going to make those exhibits to the sworn
19 testimony. The Judicial Merit Selection
20 Commission has thoroughly investigated your
21 qualifications for the bench. Our inquiry has
22 focused on nine evaluative criteria, has included
23 a ballot box survey, a thorough study of your
24 application materials, verification of your
25 compliance with state ethics laws, a search of

1 newspaper articles in which your name appears,
2 study of previous screenings, and checks for
3 economic conflicts of interest. We've received
4 no affidavits filed in opposition to your
5 election and no witnesses are present here today
6 to testify. Do you wish to make a brief opening
7 statement to the Commission?

8 (Exhibit Number 12 was marked for identification
9 purposes - (15 pages) Personal Data Questionnaire for
10 Ms. Brittany Dreher Senerius.)

11 (Exhibit Number 13 was marked for identification
12 purposes - (7 pages) Sworn Statement of Ms. Brittany
13 Dreher Senerius.)

14 MS. SENERIUS: Just that this process has definitely
15 been eye opening. This is the first time that
16 I've gone through it, so there's been quite a bit
17 that I've learned. But very honored to be able
18 to go through this.

19 CHAIRMAN SMITH: Well, thank you for being here.

20 Answer any questions that counsel may have for
21 you, please.

22 MS. SENERIUS: Yes, sir.

23 MS. BENSON: Thank you, Mr. Chairman.

24 MS. SENERIUS - EXAMINATION BY MS. BENSON:

25 **Q. Ms. Senerius, please state for the record the**

1 **city and the circuit that you reside in.**

2 A. I am in Anderson. I'm actually in Anderson
3 County and I'm in the Tenth Circuit.

4 **Q. Thank you.**

5 MS. BENSON: Mr. Chairman, I note for the record that
6 based on the testimony contained in the
7 candidate's PDQ, which has been included in the
8 record, with the candidate's consent, Ms.
9 Senerius meets the statutory requirements for
10 this position regarding age, residence and years
11 of practice.

12 **Q. Ms. Senerius, why do you want to serve as a**
13 **Family Court judge and why do you feel that your**
14 **legal and your professional experience qualify**
15 **and will assist you to be an effective judge?**

16 A. This is something that -- I was actually never on
17 the attorney track for a number of years. I was
18 a very different major in college. And I started
19 working with my dad one year when I was at
20 Clemson, and essentially never left. I -- it
21 kind of consumed me. I got into it and I felt
22 very passionate about it and really enjoyed
23 Family Court, which was a bit strange for most
24 people that I interacted with. They all kind of
25 felt that was a bit of an odd love or an odd

1 passion. But Family Court tends to -- the
2 decisions that are made there affect people's
3 every single moment, every single day; and their
4 lives are so touched by those cases. It was
5 always something to try to remember in private
6 practice that this may be one of 60 cases that
7 you have; this is their whole world. This is
8 whether or not their child wakes up with them in
9 the morning. This is whether or not this minor
10 child goes into detention or goes behind Bars for
11 a number of years or has a second chance. This
12 is whether an adoption goes through. This is
13 whether somebody actually does get prosecuted for
14 abuse or neglect. There's so many very serious
15 and very emotional topics that it was something
16 that just kind of consumed me and I became very
17 passionate about from almost the moment I started
18 practicing. I was very lucky to practice with my
19 dad for almost ten years. He was not the biggest
20 Family Court fan. So initially that's almost how
21 I got thrown into it was he thought, hey, I don't
22 really want to go here, I'm going to send you and
23 you can do it and see how you go. I just became,
24 like I said, consumed with it. I loved it. And
25 so I was able to find all of the little niches

1 and just the different corners of Family Court,
2 because there's so many different pieces to it.
3 And I think I've been able to -- I've held almost
4 every single position that you can in a
5 courtroom, other than being a Family Court judge
6 and other than being a prosecutor through DJJ.
7 So there have been a lot of different things that
8 I've been able to see. I've had a chance to
9 really get involved and have the time with my
10 different jobs that I've had to kind of focus on
11 certain topics at certain times. So I've been
12 able to really get into guardian work. I've been
13 really been able to get into DSS work. I've had
14 a good bit of time in DJJ court, especially as a
15 guardian, as well as defending a couple of the
16 DJJ cases. And now as a DSS attorney, I spend a
17 good bit of time in DJJ court too with our
18 dually-involved youth program. So for me, it's
19 something that I love. It's something I've been
20 passionate about and I've wanted since almost the
21 moment I set foot in Family Court. And I think
22 the experience that I've had, I don't go anywhere
23 else. I don't go to probate court, other than
24 with the random DSS case that has a vulnerable
25 adult that I need to. I haven't really been in

1 civil court that much or criminal court that
2 much. I've lived in Family Court for over a
3 decade, at this point, and I think the experience
4 that I've had and the different things that I've
5 been able to see, the different people that I've
6 been able to interact with, has really made it so
7 that I have not only the experience and the
8 knowledge, but the compassion from seeing
9 those people in their everyday lives as well.

10 **Q. Thank you. Ms. Senerius, are there any areas**
11 **of the law for which you would need additional**
12 **preparation and how would you handle getting that**
13 **preparation?**

14 **A.** There are a couple of the DJJ situations that I
15 would like to have and have more knowledge on.
16 But to be honest, a lot of those are with the new
17 changes that have come into place. And I think
18 that is something that can only be done by having
19 the experience and getting through and getting
20 into some of those hearings. But I also have --
21 the group of judges that I have in my counties,
22 both Oconee and Anderson, as well as just the
23 Family Court Bar that I have in Anderson, the
24 amount of knowledge base that is there is
25 incredible. And I believe I've developed a great

1 relationship with all of them, including our
2 bench, to the point that I'd be able to reach out
3 to my colleagues if I did have any questions.
4 And I have no issue with learning things. I
5 mean, you can spend 30 years in Family Court and
6 still not see a certain issue or you can spend
7 ten minutes in Family Court and that issue hits
8 you first out the door. So it's going to be
9 something that there will be those types of
10 things that I need to learn and I know exactly
11 where to go to find them.

12 **Q. Could you briefly describe your experience in**
13 **handling complex contested Family Court matters**
14 **and specifically your experience with financial**
15 **aspects of Family Court work?**

16 **A.** Yes, ma'am. The complex nature of Family Court,
17 there are those trials go to three, four, five,
18 seven days. I have not been involved in as many
19 as those as I guess I could have been,
20 necessarily. However, I've lived every day in
21 Family Court, like I said, for almost -- well,
22 over a decade at this point. And so much of the
23 complexity of those cases is handled prior to
24 trial. So there are a lot of those issues that
25 are worked out whether it's through mediation,

1 whether it's through back and forth with the
2 attorneys and them -- and the two sides kind of
3 trying to come together on issues. And so I
4 think, despite the fact that I have not spent as
5 much time arguing those issues to a court, I have
6 spent the time dealing with those issues in a
7 number of private cases, whether it be divorces
8 or even just custody issues. Because a number of
9 custody issues can bring up quite a bit of
10 financial problems, so to speak. I have a -- I
11 mean, my practice now, I'm a DSS attorney. So I
12 spend most of my time dealing with obviously the
13 abuse and neglect, not as much on the side of the
14 financial issues as I was when I was in
15 private practice. But the other thing I did was
16 a lot of guardian work. And a lot of the
17 guardian work, even though you are not diving
18 into their financials to look and see if they're
19 a good parent based on their income, you are
20 looking at those pieces to try to make sure that
21 the children are being affected appropriately by
22 whatever the income is or whether or not child
23 support needs to go back and forth, whether
24 there's daycare that's not being taken care of,
25 doctors visits, et cetera. All of those end up

1 having a financial piece that I think I have had
2 a chance to review and have had a chance to look
3 at and have been very much a part of, even if it
4 has not been through an actual trial process.

5 **Q. Ms. Senerius, your SLED report came back with a**
6 **reference of one case, Senerius v. Joseph Farmer.**

7 A. Yes, ma'am.

8 **Q. Could you please tell the Commission about that**
9 **case and its status at this time?**

10 A. The status of the case is it is ended. It was a
11 personal representative situation. I was Mr.
12 Farmer's personal representative for a little
13 over a year. He had quite a bit of family. I
14 think he was actually one of ten brothers and
15 sisters. However, he was one of the younger ones
16 and many of them had passed on. He had a younger
17 sister that was approximately 85 when he became
18 in need of a PR, and she had just closed out one
19 of her other brother's estates. And she could
20 not handle it. So it was a -- I had a connection
21 with DSS at that point because I was doing the
22 guardian work, and one of the DSS -- I think it
23 was a case worker asked if I would be part of
24 that process to get his estate set up so that we
25 could make the payments for his room and board,

1 et cetera. So I got involved with that through
2 that process. And his family was very closely
3 involved with me. They would come. We would go
4 visit together and they would come to the office.
5 They would make sure that if they needed to
6 go buy hats or coats or whatever it was, they
7 would come to me with the bill. So I was able to
8 work very closely with the family, and the family
9 then -- one of the nieces was able to take over
10 his estate. He unfortunately passed away pretty
11 close after that. I want to say it was the end
12 of 2016 or the beginning of 2017. But he was
13 very well taken care of and so that case is not
14 active at all at this point.

15 **Q. Thank you.**

16 **A. Yes, ma'am.**

17 **Q. Ms. Senerius, the Commission received 250 ballot**
18 **box surveys regarding you, 24 had additional**
19 **comments. And many of them were positive**
20 **comments, such as: always represents her clients**
21 **with integrity and knowledge. A poised and**
22 **knowledgeable advocate. And excellent legal**
23 **mind. And conducts herself with professionalism**
24 **and grace. Twelve of the written comments**
25 **expressed concern. And basically the concern**

1 that was expressed was that you lacked
2 experience. What response would you make to that
3 concern?

4 A. To be honest, that -- the only thing I can figure
5 is that is based solely on my age. That is not
6 something I can change. I would have loved to
7 have been able to come before the Commission and
8 say, hey, I've added ten years, so I'm good and
9 there's no issue with it. Yes, I am 36. I have
10 been practicing, as I said, for over a decade and
11 almost primarily in Family Court. So I think you
12 would probably find many practitioners that have
13 been practicing for 30 years that may not have
14 spent as much time in the actual courtroom in
15 Family Court as I have. I have been in a
16 courtroom three to five days a week for many,
17 many years now, and especially now with DSS. I
18 spend a lot more time even outside of our regular
19 DSS days in a courtroom. So I -- there, in my
20 mind, is absolutely no concern about my
21 experience. I have seen and I have heard a lot,
22 not everything; that's impossible. But I have
23 also been part of a Family Court Bar that has
24 seen a number of other things and I have -- our
25 Bar is great in Anderson. And we talk and we

1 have discussions about things. So even things
2 that I was not a direct representative or
3 involved in, I have been peripherally involved in
4 and been able to gather a lot of information even
5 that way. So I have no concerns about my own
6 experience with it, but I do understand that that
7 is something that I kind of knew was coming, just
8 from age. And I have heard that before, but no,
9 I'm not concerned.

10 **Q. Ms. Senerius, you clerked for Judge Alexander**
11 **Macaulay?**

12 A. Yes.

13 **Q. What qualities did you see in him and other**
14 **judges before whom you've practiced that you feel**
15 **are necessary in dealing with both lawyers and**
16 **litigants in Family Court?**

17 A. Judge Macaulay is one of the most fair men you
18 will ever meet in your entire life. No one comes
19 before him and have them think that he is better
20 than they are. He talks to every single person
21 as if they are his absolute equal. I admired him
22 from the moment -- well, I've known him for years
23 before I actually clerked with him. He is just
24 so calm and collected. And he is, just generally
25 speaking, one of the people that I have tried to

1 emulate since I was around him. He is also
2 extremely thoughtful in all of his decisions. He
3 doesn't make decisions quickly or irrationally.
4 There is a logic. Not everybody always
5 understands some of his logic, but there is an
6 absolute logic to everything he does. And I have
7 seen him go back into chambers a number of times
8 before he was going to sentence somebody in a
9 criminal case. And he sat down and worked out a
10 plan and a logic for exactly how many years he
11 was going to give this person and why. And it
12 was the most thoughtful thing I had ever seen.
13 So often we hear how many people do things so
14 irrationally and quickly and it's just part of
15 the system and we've got to move on. Judge
16 Macaulay never let that be something that guided
17 what he was doing. And watching him treat all of
18 the clerks, people in the clerk's office, people
19 upstairs, people that walked in, all the same was
20 incredible. Anywhere we went, he was like a rock
21 star. We walked in and everybody just knew him.
22 In Abbeville, he spent a number of weeks doing a
23 few death penalty trials. So when we were in
24 Abbeville later on, you know, a year or so later,
25 we came in, I thought they love him, they revere

1 this man. And they did because of his attitude
2 and because of his humbleness and his nature.
3 That is something that I've been able to see
4 obviously in him. My dad was the same way. My
5 dad has always told me every single person is two
6 steps away -- two wrong steps away from being
7 right where these people are, whether it's a
8 criminal case or a financial issue or a Family
9 Court matter. It's something that can come up at
10 any point. And to treat them like they're any
11 less than you is not going to get you anywhere.
12 It's also not going to let you see their side of
13 the story. So you may get a lot more logic and
14 understanding if you can try to follow what
15 they're saying and what they're thinking. I've
16 been -- have the distinct pleasure of being in
17 front of Judge Long in Anderson for a number of
18 years. And Judge Long is one of the same -- I
19 think they're all cut from that same cloth, I
20 guess. And he has been incredible and has been
21 very knowledgeable and has guided me a lot. And
22 just as I said, they're -- the way they speak to
23 people and the way they truly care about the
24 decisions that they're making, it's not something
25 that they make the decision and walk out of

1 the courtroom and it's out of their mind. They
2 thought about it before they ever did anything.

3 **Q. Thank you. Ms. Senerius, you have responsibility**
4 **for a very young child.**

5 A. Yes, ma'am.

6 **Q. Please tell me the commission about your support**
7 **system that you have so that you can continue to**
8 **maintain a very fulfilling family life for**
9 **yourself and the young child, if you indeed were**
10 **elected.**

11 A. Yes, ma'am. I have a two-year-old, although in
12 her mind she may be about 16. She has been
13 talking nonstop since about nine months old. And
14 the things that she comes up with -- the other
15 day she asked me who put the air in the planes.
16 These are the kind of questions that my brain
17 obviously doesn't wrap around and nobody's does
18 until you have a two-year-old ask you that while
19 riding down road. But she is the absolute light
20 of my life and she couldn't deny me if she
21 wanted to, she couldn't pay money for it. She is
22 the spitting image of me. So parenting the me
23 out of my child has also been kind of fun some
24 days. But she has a support system and I have a
25 support system to the point that I wouldn't have

1 to see my child ever if I didn't want to. We go
2 to church on Sundays. I don't see her for two
3 hours. She is passed around and it's shocking.
4 I mean, I literally have to go pick up my child
5 from whoever she's with. We have at least five
6 to ten members of my church that have kept her on
7 occasion if they've had to, sometimes just
8 because they called and said we'd like to hang
9 out with Claire Frances for a little while, can
10 you drop her off. My mother is also there, and
11 she has -- is retired and so she keeps her three
12 days a week. Her father's parents keep her two
13 days a week and her father is also very active
14 and involved in her life. So I have the support
15 system. Like I said, I wouldn't have to see her
16 if I didn't want to. But she has never ever been
17 without care, and she'll never be without me if
18 she actually needs me. And I want this to be a
19 process that she's proud of me going through.
20 And I think following a goal and really trying to
21 do that is something I owe her as a mother, as
22 well. And I want it to be something that she
23 learns. And so for me, it was a very -- not
24 difficult decision to make, but it was something
25 that I weighed a lot. There was a lot on my mind

1 before I even applied this because I knew if this
2 went the way I wanted it to, then yes, there are
3 going to be times that I will not be present in
4 her life that I may have been before. But I am a
5 working mother. She has a working father. She
6 also has a lot of other family members are there.
7 She still has a working grandfather as well. So,
8 I mean, she's got all kind of people that I want
9 her to look up to and admire. And I think it's
10 important for her to see that. But I also think
11 that this whole process is something that she
12 will hopefully be very proud of one day.

13 Q. Thank you.

14 MS. BENSON: Mr. Chairman, I'd like to request that we
15 now go into an executive session to handle a
16 matter.

17 CHAIRMAN SMITH: All right. Mr. Safran moves that we
18 go into executive session for a confidential
19 matter. All in favor say, aye.

20 (Ayes are heard.)

21 CHAIRMAN SMITH: All opposed?

22 (No replies are heard.)

23 CHAIRMAN SMITH: Ayes have it. We go into executive
24 session. Everyone leave the room except Ms.
25 Senerius.

EXECUTIVE SESSION

CHAIRMAN SMITH: Ms. McIver makes motion to lift the veil and come out of executive session. All in favor say, aye.

(Ayes are heard.)

CHAIRMAN SMITH: All opposed.

(No replies are heard.)

CHAIRMAN SMITH: Ayes have it. Let me state while we were in executive session there were no decisions made. It was for confidential information, per the Statute, and there were not votes taken. All right. If you'll continue questions, please, ma'am.

MS. BENSON: Mr. Chairman, I would note for the record that the Upstate Citizens Committee found Ms. Senerius qualified in the evaluative criteria of constitutional qualifications, physical health, mental stability and experience. They found her well qualified in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation and judicial temperament. The Committee stated in summary, In private cases which constitute a large and important portion of the Family Court's workload, a large portion of the candidate's experience has

1 been as a guardian ad litem instead of
2 representing a party in litigation. Therefore,
3 the Committee rated her qualified as to
4 experience.

5 **Q. Ms. Senerius, would you care to respond to that?**

6 A. Absolutely. I think, number one, when they say a
7 majority of it, from a technical perspective,
8 possibly as of 60 percent, but not so much that I
9 was not in the Family Court courtroom as a
10 defense attorney or a plaintiff's attorney or a
11 third-party attorney or an adoption attorney, for
12 that matter. So there was quite a bit of time,
13 especially towards the middle of my practice that
14 was spent doing a lot of work as a -- an attorney
15 for one of the parties, one of the sides. To me,
16 the fact that I was then able to go into the
17 process of being a guardian was I think helpful.
18 I was in that courtroom for a number of things
19 and was able to really observe and really get a
20 good vibe and understanding of what was going on
21 in the case and able to see a lot of different
22 arguments. One of the -- I joke about it, but
23 one of the best things that I got when I was with
24 Judge Macaulay was just watching people, watching
25 their temperament, watching their interaction, et

1 cetera. That's one of the other benefits of
2 being a guardian, as well as the guardian's
3 attorney. So I spent quite a bit of time in
4 Family Court through DSS work as well at that
5 time, so it wasn't -- I honestly may have spent
6 more time as the guardian's attorney than I did
7 specifically as a guardian. I spent quite a bit
8 of time in DSS court and now full-time as a DSS
9 attorney prosecuting those abuse and neglect
10 cases. I don't believe it's been a majority. If
11 it has been, it's been very slight when it comes
12 to the fact that it was guardian work. There has
13 been a lot of guardian, I guess, work whether
14 it's through the guardian program or through
15 private practice. But I also spent quite a bit
16 of time on one side or the other.

17 **Q. Thank you. Ms. Senerius, just a few housekeeping**
18 **issues.**

19 A. Yes, ma'am.

20 **Q. Are you aware that as a judicial candidate that**
21 **you're bound by the Code of Judicial Conduct as**
22 **found in Rule 501 of the South Carolina Appellate**
23 **Court Rules?**

24 A. Yes, ma'am.

25 **Q. Since submitting your letter of intent, have you**

1 **contacted any members of the Commission about**
2 **your candidacy?**

3 A. No, ma'am.

4 **Q. Are you familiar with § 2-19-70, including the**
5 **limitations on contacting members of the General**
6 **Assembly regarding your screening?**

7 A. Yes, ma'am.

8 **Q. Since submitting your letter of intent, have you**
9 **sought or received the pledge of any legislator,**
10 **either prior to this date or pending the outcome**
11 **of your screening?**

12 A. No, ma'am.

13 **Q. Have you asked any third parties to contact**
14 **members of the General Assembly on your behalf or**
15 **are you aware of anyone attempting to do this on**
16 **your behalf?**

17 A. No, ma'am.

18 **Q. And have you reviewed and do you understand the**
19 **Commission's guidelines on pledging in SC Code §**
20 **2-19-70(e)?**

21 A. Yes, ma'am.

22 MS. BENSON: I would just note for the record that any
23 concerns raised during the investigation have
24 been incorporated into the questioning of the
25 candidate today. And Mr. Chairman, I have no

1 further questions.

2 CHAIRMAN SMITH: All right. Thank you very much. Any
3 questions? Ms. McIver.

4 MS. McIVER: Thank you, Mr. Chairman.

5 MS. SENERIUS - EXAMINATION BY MS. McIVER:

6 Q. Ms. Senerius, obviously you are having a
7 successful career with DSS --

8 A. Yes, ma'am.

9 Q. -- and it looks like you've been promoted there,
10 moving up to managing attorney. I commend you
11 for that --

12 A. Thank you.

13 Q. -- and the good work that obviously you're doing
14 there. I know that when you were just responding
15 to questions from your screening attorney, you
16 indicated that you had done a good deal of work
17 on either side in the private sector.

18 A. Yes, ma'am.

19 Q. The private side. Have you tried any cases not
20 within your role at DSS but when you were
21 handling a private case --

22 A. Yes, ma'am. And I apologize, I did not mean to
23 interrupt. There were some --

24 Q. Please go ahead. I was going to ask you if there
25 were complex issues involved such as child

1 **custody, equitable property division and that**
2 **type of thing.**

3 A. Yes. There were definitely contested custody
4 issues. That tended to be the majority of kind
5 of what comes up. And I guess in Family Court
6 these days most of it is custody related. So
7 there were quite a bit of those. To be honest,
8 our area is not necessarily the most affluent.
9 So they're not always the cases that are able to
10 afford going through complex trial. So there are
11 quite a bit of cases that settle prior to it. So
12 I think I mentioned before that there was a lot
13 of discussion, whether it be in mediation,
14 whether it be ahead of time even just back and
15 forth with negotiations that was spent. And a
16 lot of motion practice. Because in Family Court
17 I think there is quite a bit of motion practice,
18 whether it's motions for temporary relief or
19 other motions asking for relief throughout those
20 cases that I was a part of that included both
21 custody -- complex custody issues as well as the
22 financial piece to it.

23 **Q. Thank you.**

24 A. Yes, ma'am.

25 CHAIRMAN SMITH: Representative Murphy.

1 REPRESENTATIVE MURPHY: Thank you Mr. Chairman.

2 MS. SENERIUS - EXAMINATION BY REPRESENTATIVE MURPHY:

3 Q. Ms. Senerius, I know when you first spoke you had
4 the joke about your youth.

5 A. Yes, sir.

6 Q. I notice that one of the individuals that wrote a
7 letter of recommendation for you was Scott
8 Bischoff.

9 A. Yes.

10 Q. And I have known Scott. And I think y'all went
11 to law school together

12 A. We did.

13 Q. And he is as -- one of the finest defense
14 attorneys in the Charleston area, despite his
15 young age.

16 A. Yes.

17 Q. I've worked with him and worked against him on
18 some issues. And I think that the fact that he
19 has given you such a glowing recommendation and
20 speaks highly of you. So I just wanted to point
21 that out.

22 A. Thank you. I very much appreciate that. Scott's
23 passion is something that is next to none. He
24 is incredible with that.

25 Q. Just need to keep him out of Dorchester County.

1 A. I understand. I'll call him.

2 Q. Thank you.

3 CHAIRMAN SMITH: Any questions?

4 MS. SENERIUS - EXAMINATION BY SENATOR RANKIN:

5 Q. Ma'am, I was listening but not looking.

6 A. Yes, sir.

7 Q. You are certainly energized and excited about
8 this role --

9 A. Yes, sir.

10 Q. -- and certainly your -- it appears your presence
11 here today. The smile might belie the fact that
12 you really don't want to be here.

13 A. That's --

14 Q. You don't have to answer that.

15 A. No. And I genuinely -- and this is a process.
16 It's, like I said, something not a lot of people
17 get to go do.

18 Q. And Ms. McIver's comments and your responses
19 to those, I appreciate. I want to ask perhaps
20 repeating it, the second part, but in terms of
21 the Citizens Committee's comments about you --

22 A. Yes, sir.

23 Q. -- and your appearance and participation only as
24 the guardian ad litem. Is that a fair
25 assessment, do you think?

1 A. I don't believe it is fair if it is taken to the
2 extreme. I think there definitely is -- I did
3 spend quite a bit of my practice in some form or
4 fashion as a guardian or a guardian attorney. To
5 be honest with you, that, to me, is one of the
6 positions in a courtroom that is most akin to a
7 Family Court judge. You have to see both sides
8 of that process; you're required to. So I think,
9 to me, if anything, the fact that I spent some
10 more time as a guardian attorney or a guardian in
11 the private cases, I think that's actually a
12 benefit. I think that's a role that not a lot of
13 people really get involved in as much and may not
14 fully understand some of the complexities there.
15 I was very blessed to be part of -- there's a
16 relatively small group in Anderson that gets --
17 got appointed on a relatively regular basis, and
18 I was lucky to be one of those. And I feel like
19 because those are things that a lot of times are
20 done from the bench, I was appreciative of the
21 fact that the Family Court clearly felt that I
22 was -- something I would do a good job at because
23 they continued to appoint me to those roles.

24 **Q. And I note on your PDQ you have one child.**

25 A. Yes, sir.

1 **Q. And he/she?**

2 A. She is two.

3 **Q. What is her name?**

4 A. Her name is Claire Frances.

5 **Q. And then clerking with Judge Macaulay, did you**
6 **laugh at his jokes?**

7 A. Yes. He told me in my interview --

8 **Q. Let the record reflect that she smiled broadly.**

9 A. He told me in my interview that my job as the
10 clerk was to take the bullet, take the blame and
11 eat the notes. And I took that very seriously
12 the entire time I clerked for him. It was quite
13 a year with him. I actually should have stayed
14 another year, to be honest.

15 **Q. Very good. That's all I have.**

16 A. Yes, sir. Thank you.

17 MS. SENERIUS - EXAMINATION BY CHAIRMAN SMITH:

18 **Q. Let me just follow up a little bit on**
19 **those questions. As I read it, you practiced**
20 **with your father from August 2009 to 2017; is**
21 **that right?**

22 A. Yes, sir.

23 **Q. So you clerked with Judge Macaulay for a year and**
24 **then went into practice with your father?**

25 A. Yes, sir.

1 **Q. And then concurrently, you were doing the**
2 **Anderson -- the guardian ad litem work, too?**

3 A. Yes. Both for Anderson and then subsequently
4 Ocone. And I also was able to get the contract
5 for the vulnerable adult attorney program. So I
6 was the vulnerable adult guardian attorney for a
7 number of years as well.

8 **Q. All right. But while you were doing that as role**
9 **of guardian, I presume the guardian was in DSS**
10 **cases for other than your appointed custody case**
11 **where -- we'll talk about in a second, about the**
12 **judge appointing you as guardian in contested**
13 **child custody cases.**

14 A. In that situation, by that point for 2012 when
15 the Supreme Court decree came down that all the
16 guardians for DSS cases became volunteers, that's
17 when that program really took off and I was able
18 to become part of that program after that. So
19 unless there was a true conflict, we really
20 didn't have any attorney guardians appointed in
21 our DSS cases in Anderson County.

22 **Q. And then -- but you would get appointed by judges**
23 **or by agreement of parties in litigation. In**
24 **custody litigation, they would appoint you as a**
25 **guardian?**

1 A. Yes. In private matters, yes.

2 Q. In private matters. And my -- from my
3 experience, as I say, it's probably been 20 years
4 now. But from my experience, those are -- you
5 have your go-to people, especially in these small
6 Bars of who you know, who you trust is going to
7 be fair and independent and do a diligent job.
8 And that's -- the judges appoint those people
9 routinely --

10 A. Yes, sir.

11 Q. -- and the parties agree to those people
12 routinely?

13 A. Yes, sir.

14 Q. And if I'm hearing what you're telling me, you
15 are one of those people that you were getting a
16 lot of guardian appointments as a result, I
17 guess, of probably some pretty good work you were
18 doing as a guardian?

19 A. I hope that's the reflection. Like I said, the
20 judges were the ones that were doing a lot of
21 that appointing. And I had a lot of my local Bar
22 members that were agreeing to have me appointed,
23 which I also was very appreciate of.

24 Q. Right. But that's, from my experience -- you
25 don't have to comment on it, but my experience

1 when we did that, those -- that meant when you
2 had those go-to guardians that the judges
3 routinely appointed and that the party would
4 agree upon, then that meant that you were -- had
5 a good reputation as a Family Court attorney.

6 A. Yes, sir.

7 Q. And while doing that, also you were handling
8 contested custody cases and representing parties
9 at the same time; is that right?

10 A. Yes, sir.

11 Q. None of this was exclusive work when you were
12 dealing with guardians?

13 A. No. In my private practice, that was all on top
14 of each other, yes, sir.

15 Q. Well, I'll echo what Senator Rankin said. You
16 know, I look at it and your eleven years --
17 eleven, twelve years into the practice --

18 A. Yes, sir.

19 Q. -- so you're in the beginning of the curve of
20 practicing law, but you've got a lot of
21 enthusiasm. You make a great presentation --

22 A. Thank you.

23 Q. -- and so it seems like you've got a bright
24 future ahead of you.

25 A. I appreciate that.

1 **Q. Thank you.**

2 CHAIRMAN SMITH: Any further questions?

3 SENATOR YOUNG: Mr. Chairman.

4 CHAIRMAN SMITH: Senator Young.

5 MS. SENERIUS -EXAMINATION BY SENATOR YOUNG:

6 **Q. Thank you. I do want to just follow up on -- in**
7 **the area of abuse and neglect.**

8 A. Yes, sir.

9 **Q. Have you handled abuse and neglect cases?**

10 A. Yes, sir. I'm the managing attorney in Anderson
11 now and have been -- I've been as a full-time
12 attorney with the DSS office in Anderson since
13 May 2017. And so I am in court handling abuse
14 and neglect cases at least every Thursday. But
15 we are also quite involved with a lot of our
16 probable cause hearings throughout the week, so
17 sometimes five days a week at this point.

18 **Q. We have been asking some of the candidates, they**
19 **have experience in that area, what they would**
20 **recommend as ways to improve the system for**
21 **children that are in the abuse and neglect case**
22 **system.**

23 A. Yes, sir.

24 **Q. Do you have any suggestions?**

25 A. There are a lot of pieces to those puzzles that -

1 - our system really is good. I know we don't
2 have -- we have a lot of cases that have come
3 through and we have a lot of what people would
4 consider backlog. But you have some incredible
5 people that are working on the front lines of
6 that, whether it's through the investigations
7 stage or the actual CPS workers or the APS
8 workers that are doing really good work and
9 working with a lot of families. There's actually
10 quite a few cases that don't end up in court
11 because they're able to find family members and
12 they're able to work with people. To address the
13 issue of backlog and the fact that there are
14 cases that take some time, I think it's part of a
15 product of a system. There are things that can
16 be done, though, if you ask from -- I mean, other
17 than adding more judges -- the issue is people
18 think if we just have more court time that will
19 fix it. Unfortunately, if you have more court
20 time, you have to have more DSS attorneys. And
21 to be honest, to increase the likelihood of
22 getting some really great DSS attorneys, we
23 probably would need to up the pay for some of
24 those, especially the lower level, to really
25 entice some of those people to come. You've got

1 to also have guardian attorneys, because that
2 program is taking off as well. You have to have
3 a guardian attorney in all of the courtrooms, as
4 well. So we can't just have hearings without
5 them, so we would need more guardian attorneys.
6 We would also need a better push for the
7 volunteer program to get more volunteer
8 guardians. Because that's one of the issues that
9 we have is even sometimes when we have hearings,
10 they may not have enough volunteer guardians so
11 that they can help have somebody in the courtroom
12 for them. On top of that, you're going to need
13 more 608 attorneys. So it's -- you're also going
14 to need more court reporters and you're going to
15 need some more court time. So it -- when people
16 think that there's one quick fix that we can just
17 add some more court time and give Anderson DSS
18 maybe another three, four days, you're also
19 talking about paralegals that would need to be
20 added to DSS. There's just so many moving pieces
21 to that puzzle that there is not one quick fix.
22 Unfortunately, like almost all the problems you
23 guys probably see, if we had a lot, lot more
24 money, we could probably make it work. But it
25 really is a good system and I hate that

1 it's gotten such down view in the last few years,
2 in particular, because you've really got some
3 people that are working very, very hard and doing
4 a really good job throughout that system, whether
5 it's from guardian attorney to judges to case
6 workers to even the paralegals. My
7 paralegals work tirelessly. And so it's -- the
8 system's not broken it just maybe is -- needs a
9 little more money, need a little more love, a
10 little care and concern.

11 **Q. One more -- thank you for that.**

12 A. Yes, sir.

13 **Q. One other question is -- And I know you've been**
14 **asked in other ways --**

15 A. Sure.

16 **Q. -- but I want to make sure I ask it too, because**
17 **-- do you believe that you have sufficient**
18 **experience representing private parties in the**
19 **Family Court to be on the Family Court bench?**

20 A. I have no doubt that I have sufficient
21 experience. I think at least half of the people
22 -- it sounded like there were 24 people that
23 wrote back. At least half of those people felt
24 like there were -- there was enough experience.
25 And I think from my reading of it, the people

1 that said that I might not, I don't know that
2 anyone said that there was not, that I did not
3 have the experience, that I couldn't do it or I
4 wasn't capable. I think if anything, they looked
5 at it as an honestly a numbers situation that,
6 yes, I am young. But if you look at the other
7 sides of those comments, I think there were quite
8 a few people that have been in that Family Court
9 courtroom with me for this last decade, Family
10 Court years are like dog years. It's like one
11 regular lawyer year is like seven Family Court
12 years. So if you look at it that way, I've been
13 practicing for quite a while.

14 **Q. Thank you.**

15 A. Yes, sir.

16 MS. SENERIUS - RE-EXAMINATION BY CHAIRMAN SMITH:

17 **Q. Let me follow up on with what Senator Young said**

18 **--**

19 A. Yes, sir.

20 **Q. -- and I'm keenly interested in DSS.**

21 **Representative Rutherford and I sit on the**
22 **finance committee in the House on doing that.**

23 A. Yes, sir.

24 **Q. One thing that was mentioned earlier by another**
25 **judge, and if this goes into your attorney-client**

1 privilege then don't answer it.

2 A. Yes, sir.

3 Q. You know, we had a bill last year where people
4 came and said they wanted to define the role of
5 the DSS attorney in not that they're completely
6 wedded to DSS's recommendation, but that they
7 needed to follow what they believe their ethical
8 obligation was and what they felt the law was.
9 So sometimes, obviously, I guess the genesis of
10 it is they don't intersect --

11 A. Not always.

12 Q. -- always. So is that something that you find as
13 a DSS attorney that there are positions that DSS
14 kind of punts on and says let the judge make this
15 difficult decision rather than us and -- which
16 causes to the back -- creates some of the backlog
17 that we see over there or is that generally
18 they're making the tough decisions and y'all are
19 concurring with it and are they routinely seeking
20 your legal advice? I know I met with the
21 director of DSS not too long ago, and he wants to
22 increase attorneys and paralegals so he can
23 increase court time. But I raised that issue
24 with him that these are some of the complaints
25 that we're hearing on our side --

1 A. Yes, sir.

2 Q. -- and so, you know, what's your experience with
3 that, if you can remark about that?

4 A. Well, I've had the benefit of being able to see
5 it from a couple of different perspectives. And
6 it is different from the guardian-attorney
7 perspective as well as I've defended some DSS
8 cases prior to being involved with any of that
9 process. The only thing that I can figure --
10 because I don't see that issue on my side. I
11 disagree with some of the people that come to me,
12 and that is why they come and seek my legal
13 counsel. And I tell them I have an ethical
14 obligation and I will file this or I will file
15 that, but I can't file this, it's not
16 appropriate. And they don't -- I don't have a
17 fight with them on it. They may not like it all
18 the time, but neither do my private clients when
19 I told them I couldn't do that, so -- and they
20 stopped paying me at that point. So DSS has been
21 great when it comes to understanding the role of
22 the attorney in our office. I think the only
23 thing that I can figure is that those people have
24 a very limited view of what the whole process is,
25 because I did even as a guardian attorney. I

1 thought, you have all these cases, you've got
2 these attorneys, you've got this court time, why
3 are you not trying cases, why is this a problem.
4 Well, I didn't think about all of the other
5 moving pieces. I didn't think about the fact
6 that there had to be a judge first. We don't
7 always have those. There have been some times
8 when, you know, we have a judge that gets sick or
9 a court reporter, for that matter. So I think
10 there are just so many moving pieces to it that
11 to -- there is no simple answer. So if anybody
12 is coming to you with a simple answer, I would
13 dare say that they haven't been able to see the
14 whole picture.

15 **Q. And I'm not going to ask you what your salary is,**
16 **but what's the starting salary of a -- you**
17 **referenced DSS attorneys have a low-start salary.**
18 **What's the starting salary in your area of a DSS**
19 **attorney?**

20 **A.** Luckily, I did not have to come in at it, but it
21 is my understanding that it is in the 40s to 50s
22 range. To be honest with you, I have -- when I
23 looked at the -- I was with the guardian program,
24 and I was appreciative they asked me to stay with
25 them and not go to DSS. And their state director

1 was making not that much more than I was about to
2 be making, so they have a problem as well. But
3 our numbers at DSS, the problem, to be honest
4 with you, is the fact that right now there are so
5 many people in private practice that I have
6 begged, and I mean begged personally, to come and
7 join us because they're incredible attorneys,
8 whether they're through the 608 list or not. And
9 it would be a ten to \$15,000 pay cut if they're
10 coming in on the higher end.

11 **Q. So that is -- the next question that I was going**
12 **to ask is recruitment is a problem with attorneys**
13 **at DSS due to the salary?**

14 **A.** Recruitment and keeping them. Since I've been in
15 Anderson, I have seen -- our legal staff, other
16 than me, looked completely different and I've
17 only been there for two years. That includes my
18 paralegals. None of the paralegals that were
19 there when I started are still there. They've
20 all moved on to other jobs. So that's the other
21 big piece is the paralegals are paid very, very
22 low compared to what they can get in the private
23 sector or even at other places, at other private
24 -- I guess world. But yeah, the salary issue is
25 a problem, mainly just for the recruitment piece

1 of it, but also keeping people.

2 Q. All of us who practice law around here can tell
3 you a paralegal's probably more important than an
4 associate attorney --

5 A. Yes.

6 Q. -- at times.

7 A. Yes. Give me four good paralegals and I'll do
8 the rest of it myself. I love the help of the
9 attorneys, but those paralegals will make or
10 break.

11 Q. I appreciate that. This is just for our own
12 information.

13 A. Absolutely.

14 MS. SENERIUS - EXAMINATION BY MS. BLACKLEY:

15 Q. Just a quick question. If you were appointed a
16 judgeship, tell me, based on what you've seen as
17 an attorney, how judges handle DSS cases? Have
18 you ever experienced or seen where the docket was
19 set but -- and cases were assigned but judges
20 didn't like those cases or debated the fact or --

21 A. Not in the upstate. And I apologize, I didn't
22 mean to interrupt you. We've had great -- even
23 this past year, because we have an open seat, we
24 have had quite a few visiting judges. But I've
25 not had that issue at all. If anything, they'll

1 keep us there until 6:00, 7:00 o'clock to make
2 sure we get those things. They all -- the ones
3 that we have been in front of all seem to have a
4 very good understanding of the fact that these
5 are peoples' lives, that we've got to get this
6 moving. And they have all been very cautious
7 about granting continuances. And they want to
8 make sure that we are not only using the docket
9 time that we have, but they offer -- many times
10 they offer us more docket time, if they can
11 provide it, than we're even scheduled to have.
12 So our judges, especially in Anderson and Ocone, I
13 include Judge Ballinger, they have been
14 incredibly helpful and very understanding of the
15 DSS docket.

16 **Q. Thank you.**

17 CHAIRMAN SMITH: Mr. Safran.

18 MS. SENERIUS - EXAMINATION BY MR. SAFRAN:

19 **Q. First of all, we appreciate you here.**

20 A. Thank you.

21 **Q. We also recognize that you've been up here**
22 **talking for a good long while, and I don't want**
23 **to prolong --**

24 A. Oh, that's okay.

25 **Q. -- it unnecessarily, but --**

1 A. Anything you need.

2 Q. -- we had a number of Family Court judges come
3 through last year, and there were some concerns
4 that I certainly had listening to how aspects of
5 court were handled.

6 A. Yes, sir.

7 Q. And you, at least from what I'm hearing, have
8 been in court as a guardian in the more, I guess,
9 private context, so you've certainly witnessed
10 this in different situations. And I guess what I
11 came away with -- and I want to know your slant
12 on it as a judge potentially.

13 A. Yes, sir.

14 Q. There were some judges that almost took pride in
15 the fact that these hearings would only go 15
16 minutes, you know, when they would come in for
17 these temporary hearings, that they were going to
18 make sure that the lawyers didn't say a word,
19 they were going to take the time to read those
20 affidavits. And yet, when asked about the
21 significance of that hearing as it really bore on
22 the rest of the case, some of them seem to be
23 oblivious. Because at least it's my
24 understanding, and I haven't done Family Court
25 for a number years, that what happens in that

1 temporary hearing generally is what's going to be
2 ultimate ruling in that case. So it has a
3 tremendous degree of importance.

4 A. Yes, sir.

5 Q. And I would think that if we recognize that, that
6 first hearing, everybody ought to have their say.
7 And what's the point in bringing a lawyer in if
8 he's not going to be able to talk. And, you
9 know, should this ultimately boil down to who
10 writes or produces the most affidavits?

11 A. Right.

12 Q. And so, you know, we know it's an affidavit-
13 driven function at that point. What I want to
14 know -- and frankly, we heard from several of the
15 judges that are considered to be the cream, that
16 the time element was not what dictated their
17 determination, that if they had to stay late,
18 they did. And they understood they were on a
19 schedule. And so I guess what I want to know
20 from you is are you going to basically default to
21 the idea that, hey, we got 15 minutes, we're in
22 and out, sorry, I'll get back with you, or are
23 you going to basically recognize the reality of
24 it which is this first hearing is probably going
25 to make or break whatever positions people have

1 **in a particular case?**

2 A. When you initially said that you probably saw my
3 face. My mother tells me my face is very loud
4 sometimes, so I apologize. But that feeling just
5 gives me anxiety. Because the facts of the
6 matter is as you said, those hearings not only
7 dictate that case, but they're dictating
8 potentially that child's whole rest of their
9 juvenile life. If they are at mom's house at
10 this point and, you know, nothing changes from a
11 circumstance changing situation and that's how
12 that case ends, that's it. So not that that's a
13 bad thing, but if everything's not taken into
14 consideration it could be a very concerning
15 thing. So I think there are a couple of pieces
16 to that that I would respond to. And number one,
17 you have to keep an understanding of the docket.
18 But that means from a judge's perspective, in my
19 opinion, you don't continue to pontificate on the
20 issues involved. You don't need to yell at
21 people. It's not a court of punishment. That is
22 not what you're there for. Sometimes you may
23 need to have a come-to-Jesus meeting with some of
24 them, but I think the fact of the matter is, is
25 you can't just dictate your docket. You can't

1 look at the docket and have that be the only
2 issue. But you also can't linger and make it
3 longer yourself. You need to really try to have
4 that balance there so that you say what you need
5 to and get the information that you need, but not
6 just continue on just to continue on. At
7 the same time, I think there are some pieces that
8 I, as a practicing attorney, tried to get Family
9 Court judges to do, which was in those
10 situations, where I thought maybe it wasn't going
11 my client's way but I could see the writing on
12 the wall, I would ask for another hearing to be
13 held within 60 days, 90 days, and have filed my
14 own motions in those situations basically stating
15 there's information that the court wasn't able to
16 take into consideration, the guardian has now had
17 a chance to do their investigation, or we have
18 some more information and some new pieces and
19 I've asked to come back. And I've been able to
20 make changes to cases that way. So I think there
21 are pieces that can help if that first hearing is
22 a problem. But at the same time, that first
23 hearing is kind of where that starts. That is
24 the capstone of that case.

25 **Q. Well, and I guess you would recognize that --**

1 A. Yes, sir. Yes, sir.

2 Q. And so it's not so much a matter of looking at
3 the clock --

4 A. Oh, no.

5 Q. I mean, I've gotten this sense from at least
6 several who, again, we saw based upon the
7 feedback and our own understanding of what we
8 hear are the better judges. And they seem to
9 think I'm going to do what it takes to make sure
10 I get it right the first time, as opposed to
11 necessarily just worrying about how, you know,
12 fast the trains ran.

13 A. That -- and the attorneys or pro se parties need
14 to be able to give a little bit of information
15 because there are a lot of people that do a
16 really great job in vocalizing issues that
17 they may not do the best job when they're writing
18 it down. So you need to really make sure you
19 have all the pieces. That doesn't mean you let
20 everybody go for 45 minutes. But you really do
21 need to kind of get some information from the
22 people that are in front of you, whether it be
23 attorneys or pro se parties.

24 Q. Well, and just to finalize, I remember appearing
25 in front of Judge Macaulay and found him to be a

1 **delight.**

2 A. Yes.

3 **Q. And I got -- at least from my experience, he gave**
4 **you the time to kind of elaborate on what you**
5 **needed to.**

6 A. Yes, sir.

7 **Q. Because as you said, he wanted to make sure**
8 **anything was thoughtfully considered.**

9 A. Yes, sir.

10 **Q. And I'm getting the sense from you that a lot of**
11 **what you try to put into practice is based upon**
12 **the values that he instilled.**

13 A. Yes.

14 **Q. And I'm assuming that will continue.**

15 A. Yes, sir. Absolutely. He and my father, like I
16 said, they're both very -- I took care of both of
17 them for a number of years. And it was something
18 that I thoroughly enjoyed, but I learned so
19 much from both of them. And I think that's
20 something that really did -- those were my
21 growing up years as an attorney, so to speak. So
22 that was how I learned.

23 **Q. Well, thank you very much for your responses.**

24 A. Yes, sir.

25 CHAIRMAN SMITH: All right. Any further question?

1 (None being heard.)

2 CHAIRMAN SMITH: Ms. Senerius, thank you so much.

3 This concludes this concludes this portion of
4 your screening process. I want to take this
5 opportunity to remind you that pursuant to the
6 Commission's evaluative criteria, the Commission
7 expects candidates to follow the spirit as well
8 as the letter of the ethics laws. And we will
9 view violations or the appearance of impropriety
10 as serious and potentially deserving of heavy
11 weight in screening deliberations. As you know,
12 the record will remain open until the formal
13 release of the Report of Qualifications and you
14 may be called back at such time if the need
15 arises. I thank you for your offering for this
16 position and I thank you for your service to the
17 state of South Carolina.

18 MS. SENERIUS: Thank you, Your Honor. Thank y'all.
19 Have a wonderful afternoon.

20 CHAIRMAN SMITH: Safe travels home. With that Senator
21 Sabb moves that we go into executive session and
22 we're going to take a lunch break shortly
23 thereafter. And we will reconvene at 1:40.

24 (EXECUTIVE SESSION)

25 CHAIRMAN SMITH: All right we're going to move to lift

1 the veil and come out executive session. Senator
2 Sabb does that so, all in favor say aye?

3 (Ayes are heard.)

4 CHAIRMAN SMITH: All opposed?

5 (No replies are heard.)

6 CHAIRMAN SMITH: Ayes have it. We are out of
7 executive session. Let me state while we were in
8 executive session there were no decisions made,
9 no actions taken. We'll move on next to the
10 Family Court of the Fifth Circuit seat one and
11 first up is Laurel Harvey Hendrick. Doesn't say
12 that on my notes. But they don't give me the
13 schedule. You go by Eden, I know that, I'm just
14 reading what they have on my script. So I'm not
15 going to follow my script anymore so just start.

16 MS. HENDRICK: Well good afternoon.

17 CHAIRMAN SMITH: Good afternoon.

18 MS. HENDRICK: I'm very happy to be here, thank you
19 for having me.

20 CHAIRMAN SMITH: I appreciate you being here today.
21 Raise your right hand please, ma'am.

22 LAUREL EDEN HARVEY HENDRICK, having been duly sworn,
23 testifies as follows:

24 CHAIRMAN SMITH: All right. Thank you. Now obviously
25 lunch has taken a toll on my judgement today, I

1 see you have a guest with you here today, would
2 you like to introduce him?

3 MS. HENDRICK: Yes. This is my father, Jonathon
4 Harvey.

5 CHAIRMAN SMITH: All right Jonathon, welcome.

6 MR. HARVEY: Thank you.

7 MS. HENDRICK: And my husband actually was going to be
8 here but he couldn't be here. He actually is in
9 a deposition. He is not a lawyer. But he
10 randomly saw a car wreck, and is in a deposition
11 at the same exact time.

12 CHAIRMAN SMITH: So is he testifying for the plaintiff
13 or defendant, because that's going to make a big
14 difference to some of us up here.

15 MS. HENDRICK: Well if you know who the plaintiff and
16 defendant are, it's actually kind of a
17 complicated case. The person who -- the people
18 was a private citizen and then a government
19 official got in a wreck, so it's kind of an
20 interesting -- he's testified actually at the
21 criminal case, this, he wrote a statement, he's
22 very prepared.

23 CHAIRMAN SMITH: Seems like he saw too much, yeah.

24 MS. HENDRICK: Yeah, he -- I don't actually know who
25 the lawyers are to be honest.

1 CHAIRMAN SMITH: Let's get started. Ms. Hendrick,
2 before you you have your Personal Data
3 Questionnaire and your Sworn Statement. Are both
4 those documents you've submitted to the
5 commission?

6 MS. HENDRICK: Yes. And there is one amendment, there
7 was a typo and I made an amendment.

8 CHAIRMAN SMITH: All right. Are all those documents
9 in the amendment correct?

10 MS. HENDRICK: They are. Yes, sir, they appear to be.

11 CHAIRMAN SMITH: All right. Any changes or updates
12 that need to be made at this time?

13 MS. HENDRICK: Not that I'm aware of at this time.

14 CHAIRMAN SMITH: All right. Do you have any objection
15 to us making those documents a part of the
16 transcript of your sworn testimony here today?

17 MS. HENDRICK: No, sir.

18 CHAIRMAN SMITH: All right. Thank you very much. The
19 Judicial Merit Selection Commission has
20 thoroughly investigated your qualifications for
21 the bench. Our inquiry is focused on nine
22 evaluative criteria and has included a ballet box
23 survey, a thorough study of your application
24 materials, verification of your compliance with
25 state ethics laws, search of newspaper articles

1 in which your name appears, study of previous
2 screenings and checks for economic conflicts of
3 interest. We have received no affidavits filed
4 in opposition to your election, there are no
5 witnesses present to testify. Do you wish to
6 make a brief opening statement to the commission?

7 (Exhibit Number 14 was marked for identification
8 purposes - (19 pages) Personal Data Questionnaire for
9 Laurel Eden Harvey Hendrick.)

10 (Exhibit Number 15 was marked for identification
11 purposes - (19 pages) Sworn Statement of Laurel Eden
12 Harvey Hendrick.)

13 (Exhibit Number 16 was marked for identification
14 purposes - (1 page) Amendment to Personal Data
15 Questionnaire for Laurel Eden Harvey Hendrick.)

16 MS. HENDRICK: Well considering I think y'all said
17 you've been through some things and y'all are
18 running kind of behind, I will waive that and I
19 just really do want to say thank you for having
20 me. I appreciate all of y'all's service to the
21 state and I'm happy to be here and welcome any
22 questions you may have.

23 CHAIRMAN SMITH: All right. Great, thank you very
24 much. Answer any questions counsel may have for
25 you.

1 MS. HENDRICK: Thank you, sir.

2 MS. HENDRICK - EXAMINATION BY MS. ROSS:

3 Q. Ms. Hendrick, please state for the record the
4 city and circuit in which you reside.

5 A. Columbia South Carolina, Richland County, the
6 Fifth Circuit.

7 MS. ROSS: Mr. Chairman, I note for the record that
8 based on the testimony contained in the
9 candidates PDQ, which has been included in the
10 record with the candidates consent, Ms. Hendrick
11 meets the statutory requirements for this
12 position regarding age, residence, and years of
13 practice. Ms. Hendrick, why do you want to serve
14 as a Family Court judge, and why do you feel that
15 your legal and professional experience qualify
16 and will assist you to be an effective judge?

17 A. That is a -- I could probably talk for a long
18 time about that answer but I will try to keep it
19 brief. First of all, when you're in Family Court
20 most of the time, even for an adoption, you're
21 nervous, it's a difficult day, something has
22 probably drastically happened in your life, and
23 you want to be assured that someone is there that
24 will listen and take into consideration
25 everything that's been presented to them. You

1 want someone that has compassion, understanding,
2 but also knows the law. And I feel like I do
3 have that ability. I've also dedicated all of my
4 career to working in Family Court. Whether it's
5 been DJJ, juvenile justice arena, or the child
6 welfare arena or adoption, I've dedicated my
7 entire career to helping children and families in
8 South Carolina. And I really do feel like that
9 that is what I'm good at and that is what my gift
10 is in. Everyone, whether they're in the legal
11 profession or not, has different skills and
12 different abilities. My ability seems to be to
13 communicate and guide people through Family Court
14 when it's a very difficult process. I'm in
15 Family Court every day. I was there this
16 morning. I'll be there this afternoon. You
17 know, I tend to -- people tend to gravitate
18 towards me when I'm there. I don't know if I
19 look like I know what I'm doing or I work there.
20 People always ask me, do you work here, where do
21 I go? And I'm often running around guiding
22 people who don't know where to go in court. Like
23 if they need to go to a child support hearing or
24 they're supposed to be waiting in this lobby. So
25 I'm just helping people who I'm not even supposed

1 to be -- I don't know them from anywhere, but
2 they ask me questions and I'm always there to
3 help. And I feel like that is truly what I'm
4 good at. I'm good at talking to everyone. I
5 like to talk. Y'all know my dad, he's a talker
6 too. And I like to hear people's stories and
7 help them craft different solutions to their
8 problems. And I really feel like that is why I'm
9 meant to be a Family Court judge. I've worked in
10 almost every type of Family Court situation there
11 is. I've seen every type of Family Court hearing
12 there is to hear. And again, I'm in that
13 courthouse. I'm in a Family Courtroom, day in
14 and day out.

15 **Q. Ms. Hendrick, are there any areas of the law for**
16 **which you would need additional preparation in**
17 **order to serve as a Family Court judge, and how**
18 **would you handle that additional preparation?**

19 **A.** I'm not going to hide the boat or anything.
20 Everyone knows that I have never been in private
21 practice. However, I do have such vast knowledge
22 and skill and experience in working in juvenile
23 justice and child welfare that I think that I
24 would be able to dedicate the time necessary to
25 learn the skills necessary for what's called

1 private divorces. I've done many things that
2 overlap with private custody disputes and other
3 things like that, but I do think that I will have
4 to dedicate time and I'm willing to do that.
5 I've gone to numerous CLEs about that topic. I
6 try to watch as many hearings and interact with
7 different lawyers who do practice that. I'm
8 always asking questions. I ask judges questions.
9 I try to pop over if I'm waiting on a defendant
10 to get brought up, pop over to hear a hearing in
11 the court room next to me so I can watch and
12 learn. I read the advance sheets. I carry
13 around a statute book with me at all times. I'm
14 always thumbing through the statutes books to
15 learn different things and see how -- ways the
16 different areas of Family Court overlap. I will
17 say that, you know, I do need to learn. I will
18 have to learn a little bit about that area of the
19 law. However, I do think that because I do have
20 such great expertise in juvenile justice and
21 child welfare that I will be able to dedicate my
22 time to learning that area and not so much the
23 others.

24 **Q. Ms. Hendrick, please briefly describe your**
25 **experience in handling complex contested Family**

1 **Court matters, and specifically discuss your**
2 **experience with the financial aspects of Family**
3 **Court work.**

4 A. So when you say complex Family Court matters, to
5 me that means a variety of different things. I
6 was just actually, while we were waiting
7 discussing with a fellow DSS lawyer, this very
8 complicated multi-jurisdictional interstate
9 compact case that involves a interstate compact
10 of DSS and DJJ and has fallen down to the
11 solicitor's office to have a probation violation
12 hearing. And so that's very complex with a
13 juvenile who's been in foster care now in two
14 states with -- now also detained and on juvenile
15 justice probation. So you have those types of
16 situations too that are very complex although
17 they might not involve, you know, the valuation
18 of property or equitable distribution of
19 property. But you do have complex Family Court
20 cases that are out there. Especially, I would
21 say, in Richland County where the docket, the
22 agency docket, is growing by the day. The agency
23 docket in Richland County takes up a lot. I know
24 DSS has a minimum of two full days, DJJ has a
25 minimum of two full days. And that's the

1 minimum. We're often afforded extra time on the
2 docket to handle more complex cases. There's
3 also emergency hearings. I've also been involved
4 in several complex cases for when I worked at the
5 foster care review board in DSS involving TPR
6 adoption, and those type of cases. I've handled
7 numerous violent criminal cases, including
8 murders, armed robberies, waiver cases. Those
9 are all, to me, complex. Recently what has
10 actually taken over a lot of my docket, which to
11 me is very complex because of the family
12 relationships involved, are criminal sexual
13 conduct cases. Cases that have lifetime
14 implications for juveniles because of the
15 registry. And talking to family members, because
16 often the victim is unfortunately a family
17 member. And working through those cases is very
18 complex because of the family dynamic involved.
19 As far as the financial aspect again, as I
20 mentioned earlier, I have dedicated my career to
21 public service. I have also worked for the
22 government so I've not had ability or the
23 opportunity to participate in that.

24 **Q. Ms. Hendrick, the Commission received 220 ballot**
25 **box surveys regarding you with 38 additional**

1 comments. The ballot box surveys for example
2 contained the following positive comments: Eden
3 will be a wonderful addition to the bench not
4 just for the Bar at large but the whole of South
5 Carolina. Eden would be an excellent judge and
6 she has real world experience that would serve
7 her well on the bench. She has excellent
8 judgement and would be a huge benefit to the
9 Family Court bench. Eden has the unique
10 combination of intelligence, toughness, and
11 compassion which make her perfect to serve on the
12 Family Court bench. The South Carolina Family
13 Court system would be fortune to have her on the
14 bench. A few of the written comments expressed
15 concerns. For instance, several comments
16 indicated that you may lack the requisite
17 experience in private practice and divorce
18 matters to be qualified for this position. I
19 know you've touched on that but if you could
20 expand upon what response you'd offer for this
21 concern.

22 A. Again, you know, I had five years of experience
23 at the solicitor's office. When I left the
24 solicitor's office and went to work for the
25 foster care review board I had zero experience in

1 child welfare law. Zero experience. I was able
2 to learn that law and become an advocate for the
3 foster care review board very fast. I spent
4 hours researching, reading the law, learning the
5 law and watching hearings. And was able to pick
6 that up. And I think that, you know, when you
7 transition to a totally different type of law and
8 have to learn that, you immerse yourself in it.
9 And I've already begun that process. I also feel
10 like being a judge is a lot about learning and
11 understanding the law, but it's also about
12 interacting with people and giving them the
13 respect and time and dignity they need. I feel
14 like I do have a lot of experience in that and I
15 think that I'll be able to learn the law that's
16 necessary. But I do feel like I already have
17 that people and that real-world courtroom
18 experience that's necessary to be a good judge.

19 **Q. There is one comment that raised a concern**
20 **regarding your ethical fitness for this position.**
21 **What response would you offer to this concern?**

22 **A.** I think since we talked about my screening
23 interview I've thought about that every night. I
24 have no idea what that comment is about. It's
25 very hard to kind of respond when no one knows. I

1 try to have followed all the rules of
2 professional responsibility and ethics to the
3 utmost -- to the utmost of my ability. Honestly,
4 if I had more information I'd love to be able to
5 respond to that but I have no idea what that
6 could possibly be about. But I do know that I
7 try to do what's always right. Being the
8 prosecutor you have to please, kind of, different
9 people. You have to hear from law enforcement,
10 the victims, the defense attorney. But luckily,
11 in Family Court, I know that I have to do always
12 what's in the best interest of the child before
13 me and all the other children considering public
14 safety as well. So, you know, those are what
15 you're always balancing. So I have no idea what
16 that comment would be about. If you can give me
17 more information I'd be more than happy to
18 respond, but other than that I don't know.

19 **Q. Thank you. Ms. Hendrick what is the appropriate**
20 **demeanor for a judge and do you think a judge's**
21 **demeanor should be any different with a lawyer**
22 **versus a non-lawyer in a courtroom?**

23 **A.** I don't think anyone's demeanor should be
24 different with a pro se litigant versus a lawyer.
25 I think a lawyer -- a judge needs to listen, be

1 respectful and understanding. Like I've said,
2 you know, we're in court every day. I'm in court
3 every day, all the time. When people come to
4 court that's there first time, or maybe their
5 only time. It's a very stressful situation. So
6 having someone who's calm and listens carefully
7 and doesn't yell or doesn't scream, or just
8 understands that that person is nervous, is
9 always helpful. Lawyers are going to make
10 mistakes in court, that's going to happen. But I
11 don't think it's appropriate for a judge to
12 chastise or yell at lawyer in front of their
13 client. That can be handled in a different way.
14 I also think that judges should always give
15 lawyers the chance to talk. You know, I've heard
16 about sometimes the judges can have temporary
17 hearings in Family Court where judges don't even
18 let lawyers talk. I don't think that's
19 appropriate. So I think I would be the type of
20 lawyer that always listens and always is willing
21 to give everyone their opportunity to be heard.

22 **Q. I would note that the Midlands Citizens Committee**
23 **found Ms. Hendrick well qualified in the**
24 **evaluative criteria of ethical fitness,**
25 **professional and academic ability, character,**

1 reputation, experience and judicial temperament.
2 The Committee found Ms. Hendrick qualified in the
3 evaluative criteria of constitutional
4 qualifications, physical health and mental
5 stability. Also noted in the committee report is
6 that Ms. Hendrick is very well qualified, is very
7 energetic and will make and will make an
8 excellent judge. A few housekeeping items for
9 you. Ms. Hendrick, are you aware that as a
10 judicial candidate are bound by the Code of
11 Judicial Conduct as found in Rule 501 of the
12 South Carolina Appellate Court Rules.

13 A. I am.

14 Q. Since submitting your letter of intent, have you
15 contacted any members of the Commission about
16 your candidacy?

17 A. No, ma'am.

18 Q. Are you familiar with § 2-19-70 including the
19 limitations on contacting members of the General
20 Assembly regarding your screening?

21 A. Yes, I'm familiar with it.

22 Q. Since submitting your letter of intent have you
23 sought or received the pledge of any legislator,
24 either prior to this date or pending the outcome
25 of your screening?

1 A. No.

2 Q. Have you asked any third parties to contact
3 members of the General Assembly on your behalf or
4 are you aware of anyone attempting to intervene
5 in this process on your behalf?

6 A. No.

7 Q. Have you reviewed and do you understand the
8 Commission's guidelines on pledging in SC Code §
9 2-19-70(e)?

10 A. Yes, I've reviewed them and understand them.

11 MS. ROSS: I would just note for the record that any
12 concerns raised during the investigation
13 regarding the candidate were incorporated into
14 the questioning of the candidate today. And, Mr.
15 Chairman, I have no further questions.

16 CHAIRMAN SMITH: All right. Thank you very much, any
17 questions. Let me make a comment too if you've
18 worked as long as you have as a solicitor in an
19 adversarial position and you only have one
20 negative comment, that's something you ought to
21 be very proud of, so.

22 MS. HENDRICK: Thank you.

23 CHAIRMAN SMITH: Any questions? Mr. Strom.

24 MS. HENDRICK - EXAMINATION BY MR. STROM:

25 Q. Ms. Hendrick, I don't know that I've met you but

1 I feel like I know you. Because every young
2 lawyer in Columbia just raves about what a good
3 job you do. And, of course, I've known her dad
4 for 30 years and Jonathon Harvey is just the
5 epitome of professionalism. He's in a -- some
6 court, magistrate's court, city court, circuit
7 court, Family Court, every day helping people and
8 if you've got any part of his DNA I know you're
9 professionalism is really high. I do have one
10 question. Did you pull for Georgia or Carolina
11 in the football game?

12 A. I knew that was coming. I knew that was coming.
13 I'll be honest, I pulled for Georgia. It was a
14 long day in my family, because my husband is a
15 very big -- he's not from South Carolina but he
16 has become a fast and furious Gamecock fan. So
17 that was a long day in our household. I don't
18 know if you know but my dad and mom both went to
19 Georgia too. So my husband was -- he loved that.

20 Q. And I see you've won the highlights award for
21 prosecution in Family Court, congratulations on
22 that.

23 A. Thank you.

24 CHAIRMAN SMITH: All right. Any further questions?
25 Senator Rankin?

1 MS. HENDRICK - EXAMINATION BY SENATOR RANKIN:

2 Q. I remember you well and I hate to say it but I
3 remember your father better, longer ago back when
4 there was this place called Columbia Athletic
5 Club, maybe. He has grayed substantially. I do
6 not dye my hair yet. But, anyway I welcome you
7 back. And we were all together how long ago, two
8 years ago?

9 A. It was actually I think the election was two
10 years ago but I think it was a total of three
11 years ago when I ran.

12 Q. And you have done nothing but prepare yourself
13 even better in the intervening time then when
14 last met you. And as Pete says the buzz about
15 you is being professional and very encouraging
16 about your chances. You, perhaps of all
17 candidates, may win the single -- the award for
18 the most reference letters that go to two pages,
19 not just one. And I might be wrong, don't check
20 the record. But I'm pretty sure I've flowed
21 through these and I've never seen so many words
22 written about a candidate that's about you, all
23 glowing as well. Why do you want to be a Family
24 Court judge? Pray tell, why do you want to do
25 this?

1 A. A lot of people ask me that because they think
2 it's -- but I really enjoy it. I enjoy the fast
3 pace. I enjoy the interaction. It's the same
4 question I got asked when I -- why did you want
5 to be a DSS attorney? I mean, who would want to
6 do that? Because I enjoy the opportunity to
7 truly make a difference in people's lives. And I
8 feel like I can do that even more as a Family
9 Court judge than I can as an assistant solicitor.
10 I am used to a volume of cases. Right now we
11 have probably 400 pending petitions. Last year I
12 think I moved almost 1,100 petitions. That was
13 before I had another assistant solicitor myself.
14 And so I am used to the volume. And I'm used to
15 the fast pace and the interaction between people.
16 And it's kind of sometimes chaotic. And I think
17 I thrive on that and I think I have an ability to
18 make good decisions even in that environment.
19 And I don't think a lot of people like that. And
20 I don't think a lot of people enjoy that. And I
21 don't think a lot of people are good at that, and
22 apparently I am. So I want to use my abilities
23 to the best way possible for the State, and that
24 would be being a Family Court judge. I know it
25 seems very foreign to people who don't practice

1 in Family Court. But I truly enjoy it and I
2 think that I do have that ability to make that
3 difference in everyone, who would come before me
4 as a litigant's, lives.

5 Q. And I may -- I don't know whether one of the
6 other Commission members is going to ask this, if
7 you are I will not that speed to volume, you
8 going to? Okay. Thank you very much.

9 CHAIRMAN SMITH: Mr. Safran, you've been invited to
10 ask questions.

11 MR. SAFRAN: Thank you. We appreciate you being here
12 today --

13 SENATOR RANKIN: Interrupt real quick.

14 MR. SAFRAN: Go right ahead.

15 Q. So I don't mess the train of thought up. If you
16 have any of your father's demeanor -- I
17 apologize, an unflappable personality that I've
18 seen in the best and the worst. And maybe I've
19 not been in the trenches to see the real this is
20 going to hurt you more, Eden, than it is me.
21 Perhaps I've never seen that. But he's got the
22 right personality. Do you have that too? I'm
23 asking you, Eden?

24 MS. HENDRICK: You can't answer that, dad.

25 A. I know what he would say. He would say thank god

1 for maternal traits. That's exactly what he
2 would say because he always gives deference to my
3 mom, which is always the appropriate thing to say
4 as well if you know my mom. I think I have a lot
5 of him in me, but I think have also a lot of my
6 mom in me as well. And I think that combination
7 is pretty good if you know both of them and I
8 think that's what makes me who I am.

9 Q. I don't know both of them but you couldn't have
10 said a nicer thing about your mother too, so I'm
11 going to leave that alone. Sorry for the
12 interruption.

13 CHAIRMAN SMITH: Mr. Safran.

14 MS. HENDRICK - EXAMINATION BY MR. SAFRAN:

15 Q. Thank you. I do know both of her parents and,
16 frankly, I can understand what you're saying.
17 And, you know, for the record when people see
18 Jonathon Harvey and I together they look at me
19 and say that's how you're supposed to behave, not
20 the way that you do. Let me just point out, I
21 guess, a concern I've had and this has nothing to
22 do with you specifically. But sitting here last
23 year and literally watching a parade of Family
24 Court judges come through, I became very
25 concerned about the whole notion of this speed of

1 process. And I asked questions a number of times
2 and kind of -- I'm sure in some situations they
3 looked at me like I was out of my mind. But I'm
4 looking at it more from a practical standpoint.
5 I haven't personally been doing Family Court
6 practice in many, many years. Maybe I'm just out
7 of touch. But what concern is this: I know you
8 from the level of being in the criminal or the
9 juvenile context. There is a flow that has to
10 keep going. That things are done just like in
11 general sessions. There's a processing that goes
12 on. On the other hand, what has caused me
13 concern, and it's in an area that you may have
14 been able to observe but haven't necessarily
15 participated in to the level you might have
16 liked, is that when you go in on these -- the
17 private cases, the divorces, the custody, what we
18 recognize as a practical matter is, is that
19 temporary hearing sets pretty much the foundation
20 for that case. And unfortunately, too often what
21 happens in that small, short hearing becomes the
22 ultimate ruling in that case. I heard Family
23 Court judges last year some of whom, you know,
24 seemed to take great pride in the fact they were
25 limiting lawyers from participating in terms of

1 argument and really kind of fleshing out what was
2 going on. That it effectively became who wrote
3 the longest and potentially the best affidavit.
4 And, you know, candidly, with so much at stake,
5 that caused me a lot of concern. I guess my
6 question to you is this, you come in with a clean
7 slate, a blank slate. You haven't done those
8 things yet. And always you have to start
9 wondering is, when you get in there, as you're
10 trying to kind of acclimate yourself and learn,
11 that there's a potential to want to default to
12 kind of what you're used to. And also maybe what
13 people are telling you, which is you've got 15
14 minutes, move it, move it. I want know your
15 thoughts about that. Because when we consider
16 just how much really the impact of that 15
17 minutes, if we limit it to that, can be in the
18 outcome of a case, is it really doing the parties
19 justice to necessarily worry so much about
20 looking at the clock, as opposed to what was
21 really going on before you?

22 A. And I think I understand what -- you're talking
23 about the 15 minute temporary hearings?

24 Q. Correct.

25 A. That start the beginning of a case, and like you

1 said, even though that's only supposed to be a
2 temporary ruling, that does set the stage and
3 it's kind of hard to overcome what's decided in
4 that first 15 minutes. Most temporaries are set
5 for 15 minutes because I think there's a belief
6 that you can get on the docket faster if you only
7 request 15 minutes instead of a full 30 minutes.
8 Also with 15 minutes, as I'm sure everyone knows,
9 you're limited to the number of affidavits that
10 you can produce. If you have 30 minutes the
11 number of affidavits can be voluminous for a
12 judge to read. I do think that I will be the
13 type of judge that will take the time to hear
14 from every lawyer. I do feel like each litigant
15 is there, if they're represented by a lawyer,
16 they'd expect for their lawyer to do something in
17 court and make an argument for them. And I do
18 think that good lawyers can highlight for the
19 judge what the judge needs to read in those
20 affidavits. Of course I'll read all of the
21 affidavits but I do think each judge should give
22 the opportunity for the lawyers to be heard. I
23 do think because issues -- especially if the
24 issue involves a child, deciding in that 15
25 minutes might not be practical. And you might

1 get behind. However it's necessary to have
2 everyone have their day in court and really think
3 and hear and decide the issues before you. The
4 way they do temporaries in Richland County I know
5 this -- they schedule I think it is between six
6 and eight at 9:00 and then another set at 11:00,
7 and a set at 2:00, and I think a set at 3:00.
8 What tends to happen, and I've noticed this when
9 I was doing DSS and with juveniles, the longer
10 you spend on the contested cases it seems like
11 those cases later on the docket seem to magically
12 miraculously work themselves out somehow. So it
13 seems that there's -- you have to find a balance.
14 Of course you don't want to keep people waiting
15 forever because some of them are missing work or
16 paying by the hour. You know, you can't let
17 something that's scheduled for 15 minutes go on
18 for hours but I don't think it's fair to not let
19 anyone talk at all. Again, you know, I will have
20 to talk to different judges. Most of the judges,
21 and the ones I have observed, have always let
22 them talk. Some judges rule from the bench.
23 Most of the judges I've observed do rule from the
24 bench. I think there's some judges always take
25 it under advisement just to keep the docket

1 rolling. I think that creates a lot of extra
2 work on that judge but if that's what's necessary
3 then that's what's necessary. You know, the
4 Richland County docket is very packed with agency
5 days and with the private cases. And it's going
6 to be even more packed I think in the coming
7 future because of the expansion of the juvenile
8 justice age. So I do think that, you know,
9 everyone needs to be conscious of that but I
10 don't like the idea of not deciding something
11 without hearing from people. I know there's also
12 the possibility that if you go over a judge might
13 just mis-try it. After they've heard all of this
14 information and then trying to get everyone back
15 together in the same place that seems like that
16 would create even more of a delay in trial than
17 just maybe waiting then taking the extra 15
18 minutes to hear it. And then trying to figure
19 out how you can rework in those other people in
20 the day.

21 **Q. Well, and candidly I think somebody mentioned**
22 **last time about mis-trying something after**
23 **spending that much time on it. Which seems to me**
24 **to be kind of irreconcilable with what you're**
25 **there for.**

1 A. I would agree with that. But again, I would
2 probably want to get my feel and figure out
3 what's right for me. But I do feel like I at
4 least understand and very aware of this issue.

5 **Q. All right. Thank you.**

6 CHAIRMAN SMITH: Any further questions? Senator
7 Young.

8 SENATOR YOUNG: Thank you, Mr. Chairman.

9 MS. HENDRICK - EXAMINATION BY SENATOR YOUNG:

10 **Q. Ms. Hendrick, thank you so much for your interest**
11 **in serving our state on the Family Court bench.**
12 **I read through your application and I'm very**
13 **impressed with everything that I've read. I do**
14 **want to ask you on -- in the area of abuse and**
15 **neglect cases, you -- obviously, from the**
16 **application you've submitted, it certainly**
17 **appears that you've had a pretty extensive**
18 **experience in that area; is that fair to say?**

19 A. Yes, sir.

20 **Q. So one of the things I'd like to know is if you**
21 **could suggest improvements on how those cases can**
22 **be handled within the existing Family Court**
23 **system, what would you suggest?**

24 A. Well, I'm very excited. I know most of y'all
25 know that we just got a new DSS director. And I

1 think he is going to make a lot of changes. But
2 what you're talking about it boils down to the
3 cases come and how they're handled in court. And
4 oftentimes, as many -- as you have so many
5 temporary hearings in one day, you can have just
6 as many DSS cases in one day. And that involves
7 a great group of litigants. It can involve
8 numerous parents, foster parents, guardian ad
9 litem, a lot of people to be heard in that
10 limited amount of time. So I do think that I
11 would not say more court time off the bat because
12 I think in Richland County we give people more
13 court time and then it's not used appropriately.
14 I've heard a lot of judges complain about that,
15 that they'll set aside a whole week for a hearing
16 and then notice wasn't given. And based on my
17 experience, I really think that if a DSS lawyer
18 had a smaller case load it could really, really
19 help prepare a case better for court. That that
20 would be the best way. The DSS case loads are
21 huge. And I think that, you know, as a
22 prosecutor I went into working for DSS and I
23 didn't realize the type of orders that were
24 required for a DSS case. And I'm a stickler for
25 orders. I was taught by a man named Robin

1 Chandler who is now deceased. But he taught me
2 everything I know about writing orders and he was
3 a stickler. My paralegals in the DJJ cases can't
4 stand it because my orders are so long and cover
5 so much. But I think that's so important because
6 we don't have consistency in judges, for that
7 judge to have everything in that order. So if
8 DSS lawyers had more time to really work on their
9 cases, talk to the case workers, prepare the
10 witnesses. I've heard stories of DSS workers --
11 or excuse me DSS lawyers having children in the
12 court house and not talking to them beforehand.
13 That's un-excusable to me, coming from the
14 prosecution side. You should have prepped with
15 that witness, you should have brought them to the
16 courthouse, you should have made sure they've
17 seen their forensic interview with the victim
18 advocate. There are certain steps you have to
19 take. But if you're a DSS lawyers you just don't
20 have that kind of time.

21 **Q. If you are -- if you're a judge, Family Court**
22 **judge, and you're on the bench and somebody comes**
23 **before you and you find out what you just said,**
24 **are you going to move forward and hear that case?**

25 **A. I think it would depend on the time line, who**

1 else is there, a lot of other circumstances. I
2 wouldn't want a child to be put back in a bad or
3 dangerous situation because I didn't hear
4 something. Or I wouldn't want the whole case to
5 be delayed if there are certain groups of people
6 there. But I certainly would encourage all DSS
7 attorneys to try to. Having children testify,
8 these kids have already been through so much.
9 They've already been traumatized so much. And if
10 they're testifying and no one's moved first to
11 have it by closed circuit TV, because there's a
12 whole process you can do to have it done by that,
13 if no one's moved to have the forensic interview
14 be put in. If those steps aren't taken and
15 you're just throwing a child up there to testify
16 about abuse that the parent has done to them and
17 the parent is in the court room, I don't think
18 that's appropriate. I think I would want to know
19 all of those things first.

20 **Q. I appreciate your input and I'm very impressed**
21 **with your candidness, thank you.**

22 CHAIRMAN SMITH: Any further questions? Ms. Hendrick
23 let me just ask you a couple of questions.

24 MS. HENDRICK - EXAMINATION BY CHAIRMAN SMITH:

25 **Q. I recall you being up here and campaigning for --**

1 a few years ago so I'm very familiar with you and
2 still impressed with you as we sit here today.
3 I'm interested in -- you've been in the --
4 continuing to prosecute juvenile cases and been
5 in that system now and we've had a number of
6 reforms lately. And I guess raising age and
7 things to that effect?

8 A. Yes, sir.

9 Q. What -- your observation as a prosecutor, is that
10 -- how is that affecting the juvenile system and?

11 A. Well, how as raise the age? It's slowly
12 starting, we are slowly -- it's slowly affecting
13 is. I think it's going to more. So what raise
14 the age did is now kids who are automatically
15 adults at age 16 are now still in Family Court.
16 And so we have a lot of -- those are the more
17 violent offenders, class A through D felonies.
18 And so that has caused us to have some -- a
19 second look at those offenders and maybe more
20 waiver hearings because they're not automatically
21 juveniles. It has also kind of created a very
22 interesting dichotomy. I have a case tomorrow on
23 my docket where the young man is out on bond for
24 several charges he committed before July 1st and
25 now he's detained as a juvenile for several

1 misdemeanor charges he committed as a juvenile.
2 So we're working through all of that. I think I
3 do have a really good handle what raise the age
4 was meant to do. I was a very active participant
5 actually in a lot of those legislative
6 stakeholder meetings for raise the age. And I'm
7 also -- I'm sure Meredith will tell you, I was
8 here for four and a half hours yesterday. I'm a
9 very active participant in the juvenile justice
10 reform movement that's going on now. And I'm
11 very optimistic that this is the right time to
12 make some really good changes for the kids in our
13 state. The way our state handled mental health
14 issues has changed in the past ten years. And I
15 can honestly say I've definitely seen the impact
16 that has had on the juvenile justice and child
17 welfare system. And I think that's a bigger
18 issue than maybe including 17-year-olds. I think
19 it's appropriate for a 17-year-old who makes a
20 minor mistake to be in the juvenile justice
21 system and not have something very minor impact
22 the rest of their life.

23 **Q. And are you fine then with the more serious**
24 **felonies that, you know, would automatically take**
25 **them into the adult system? I'll never forget**

1 Mr. Strom over there with US attorney came and
2 spoke to my rotary club and shortly -- about the
3 juvenile crime years ago. And then all of a
4 sudden we started passing the laws to
5 automatically send kids to -- 16 years old who
6 commit those felonies to the general sessions
7 docket. But as we have raised age and pulled
8 that back some, do you find that there's just
9 having to do the waiver hearings anyway or are
10 y'all assessing each child and trying to say is
11 there a reason and is there a way we can -- the
12 juvenile system can intervene and benefit? How
13 are y'all handling that?

14 A. So I think we take every case. We look at every
15 case and consider every -- there is not a blanket
16 rule for juveniles ever, and I think that's
17 important. You can't just say because this kid
18 committed this crime that he automatically --
19 unless it's the law, like 17-year-olds, class A
20 through D felony 17-year-olds are automatically
21 adults. A lot of times with the waiver cases
22 you're talking about, so we'll have a 16-year-old
23 who committed a murder. What I tend to do is
24 begin the waiver process so that process does not
25 get delayed because that's a lengthy process.

1 I'll make the motion for the waiver evaluation
2 and then I'll get that waiver evaluation back and
3 so I know a lot more about the kid and reassess
4 what the State is going to do. Of course, you
5 have to have input from victims, law enforcement,
6 and overall what's in the safety of the
7 community. Waiver is based on the Kent Factors,
8 which taken into consideration all of these
9 things as well. So that's kind of my system of
10 doing that. And I've actually -- since I've been
11 back -- I did a great number of waivers when I
12 was first at the solicitors office. Since I've
13 been back, I have moved to waive maybe four or
14 five cases and actually withdrawn all but I think
15 one motion to waive based on what I read in that
16 waiver evaluation and based on the evidence of
17 the case.

18 **Q. And as we've engaged in more juvenile justice**
19 **reform and DJJ, so to speak, and trying to**
20 **concentrate more on rehabilitation as opposed to**
21 **just trying to incarcerate them, have you seen**
22 **any success there in your role as a prosecutor**
23 **and involvement in the juvenile justice system**
24 **that we're starting to have some better results**
25 **with kids?**

1 A. I think we are going to -- going to very soon. I
2 have seen some very successful cases. I do know
3 -- I keep in touch with one juvenile. I was
4 actually his job reference and he actually now
5 works for the department of corrections. He was
6 a dual-involvement kid. I had him as both on my
7 DSS and DJJ case load. And so I kind of took an
8 interest in him, and now he's got his GED, he's
9 very successful, has a full-time job. So, you
10 know -- and he did that because he was at one of
11 the -- Georgetown Marine Institute. And when I
12 say marine it's not military it's actually
13 marine, like sea animals. He did wonderful
14 there, he really flourished there. So I think if
15 we have a lot more alternatives than just behind
16 the fence we'll see a lot better results.
17 There's always going to be kids that need to be
18 behind the fence, so to say. But if we have
19 alternatives and can try to try those alternative
20 first I think we will get better results. I do
21 have unique the experience that some other
22 juvenile prosecutors don't have. That DJJ, the
23 juvenile detention center, and the midlands
24 evaluation center are in Richland County. So
25 anything that actually happens out there I also

1 prosecute. So I have a very unique and different
2 relationship with DJJ. I work with them and I
3 talk to them on a daily basis. That's something
4 that I don't think a lot of other prosecutors
5 have to do. So I get kids from all around the
6 state who are committing silly, sometimes, things
7 at DJJ but that are also crime so it's usually up
8 to me to decide if we're going to prosecute them
9 or just going to let them stay at DJJ and have,
10 you know, sanctions there. So those are
11 different. Those are very unique type of cases
12 to deal with. Because there are kids I haven't
13 sent to DJJ but they're now in my jurisdiction.

14 **Q. All right. Well I appreciate that, just sorry to**
15 **bog you down but it's interesting to me as**
16 **perspective when we sit up here and we pass laws**
17 **and then how are they being implemented and the**
18 **success or failure of those on the ground level.**

19 **A.** I can talk about -- you can ask Meredith, I can
20 talk about juvenile justice forever. I
21 appreciate it.

22 **CHAIRMAN SMITH:** Any further questions? All right.
23 Ms. Hendrick, this -- thank you so much and this
24 will conclude this portion of the screening
25 process. I want to take this opportunity to

1 remind you that pursuant to the Commission's
2 evaluative criteria the Commission expects
3 candidates to follow the spirit as well as the
4 letter of the ethics law. And we will view
5 violations or the appearance of impropriety as
6 serious and potentially deserving of heavy weight
7 in screening deliberations. As you know, the
8 record will remain open until the formal release
9 of the Report of Qualifications and you may be
10 called back at such time if the need arises.
11 Thank you for offering for this position and I
12 thank you for your service to the state of South
13 Carolina.

14 MS. HENDRICK: Thank you for an opportunity.

15 CHAIRMAN SMITH: All right. Thank you, have a good
16 afternoon.

17 MS. HENDRICK: Thank you, thank you.

18 (Off the Record)

19 CHAIRMAN SMITH: All right. Mr. Reeves, welcome. I
20 see you have a guest today, would you like to
21 introduce your guest to us?

22 MR. REEVES: I would, Mr. Chair. My guest is my wife,
23 Amy Reeves. Amy is a -- she teaches English
24 classes at USC and at Columbia College and she's
25 a writer. And so I'm happy to have her here with

1 me.

2 CHAIRMAN SMITH: Well great. Welcome Amy, good to
3 have you with us here today. Mr. Reeves will you
4 raise your right hand please?

5 SHAWN L. REEVES, being duly sworn, testifies as
6 follows:

7 CHAIRMAN SMITH: Before you you have your Personal
8 Data Questionnaire and your Sworn Statement, are
9 those both documents you've submitted to the
10 commission?

11 MR. REEVES: Yes, sir, they are.

12 CHAIRMAN SMITH: Are they true -- are the are they
13 correct?

14 MR. REEVES: Yes, they are.

15 CHAIRMAN SMITH: All right. Any changes or updates
16 that need to be made to those?

17 MR. REEVES: No, there aren't.

18 CHAIRMAN SMITH: Do you have any objection to us
19 making those as exhibits to your sworn testimony
20 here today?

21 MR. REEVES: I have no objection.

22 CHAIRMAN SMITH: All right. Without objection we'll
23 make those exhibits to the sworn testimony here
24 today. Mr. Reeves, the Judicial Merit Selection
25 Commission has thoroughly investigated your

1 qualifications for the bench. Our inquiry has
2 focused on nine evaluative criteria and has
3 included a ballot box survey, a thorough study of
4 your application materials, verification of your
5 compliance with state ethics laws, search of
6 newspaper articles in which your name appears,
7 study of previous screenings and checks for
8 economic conflicts of interest. We have received
9 no affidavits filed in opposition to your
10 election, no witnesses are present to testify.
11 Do you have a brief opening statement you would
12 like to make at this time?

13 (Exhibit Number 17 was marked for identification
14 purposes - (16 pages) Personal Data Questionnaire for
15 Shawn L. Reeves.)

16 (Exhibit Number 18 was marked for identification
17 purposes - (5 pages) Sworn Statement for Shawn L.
18 Reeves.)

19 MR. REEVES: Just very briefly, Mr. Chairman. Just
20 first thank you for giving me the opportunity to
21 discuss my candidacy for the Family Court. I'm
22 here because I do care about families and
23 children of the state of South Carolina. That's
24 also why I do the work that I do now in the child
25 welfare system. Within my first few years of

1 practicing law I was drawn to the Family Court.
2 I see the Family Court as really the place where
3 the most personal and sensitive aspects of
4 peoples lives come into contact with the law and
5 the judicial system. And while the system can't
6 solve all of a family's problems it can help
7 families. It can help children. I mean, it can
8 even sometimes save the lives of children. And
9 I'd like to continue to build on that work that I
10 do, so thank you for having me.

11 CHAIRMAN SMITH: Okay. Thank you very much, will you
12 answer questions counsel may have for you please,
13 sir?

14 MR. REEVES: Yes, sir.

15 MR. REEVES - EXAMINATION BY MR. STIMSON:

16 **Q. Mr. Reeves, please state for the record the city**
17 **and circuit in which you reside.**

18 A. I live in Columbia, South Carolina, that's in the
19 Fifth Judicial Circuit.

20 **Q. Thank you.**

21 MR. STIMSON: Mr. Chairman, I note for the record that
22 based on the testimony contained in the
23 candidate's PDQ, which has been included in the
24 record with the candidate's consent, Mr. Reeves
25 meets the statutory requirements for this

1 position regarding age, residence and years of
2 practice.

3 **Q. Mr. Reeves, why do you want to serve as a Family**
4 **Court judge and why do you feel that your legal**
5 **and professional experience qualify and will**
6 **assist you to be an effective judge?**

7 A. Well like I just said, I was drawn to the Family
8 Court early in my law practice. I was just
9 looking at my certificate a few minutes ago
10 before I came here, out of my office, and I
11 realized that I was sworn into the Bar exactly 15
12 years ago this past week. It was November 15th
13 of 2004. And really, since 2007 when I went to
14 work in Beaufort, I started practicing family law
15 work and was just drawn more and more to doing
16 that. And I've done that more and more than
17 really exclusively Family Court work. And so my
18 experience doing that and my -- I think my
19 connection to people. And I like to work with
20 people not just, you know, sitting behind a desk
21 but actually working to try to help people.
22 That's what really drew me to that work. And so,
23 you know, that experience and the -- what I'm
24 drawn to in that work leads me to want to desire
25 this position, to seek this position.

1 **Q.** Thank you. Mr. Reeves, are there any areas of
2 the law for which you would need additional
3 preparation in order to serve as a Family Court
4 judge, and how would you handle that additional
5 preparation?

6 **A.** So I think I said in my PDQ that the one area in
7 the Family Court that I have not represented
8 clients in is in a juvenile justice preceding.
9 So that would be the one area that I don't have
10 as much experience in and I probably need a
11 little more just kind of talking with people and
12 observing probably more of those hearings. I've
13 observed some of those hearings, I know a little
14 bit of how that works. And certainly in my
15 current job I deal with a lot of issues between -
16 - that crossover between children who are both
17 involved in DSS and DJJ. So I'm aware of a lot
18 of those issues. But that would be the one area,
19 the one type of case that comes before the court,
20 the Family Court judge, that I probably don't
21 have as much experience in and would need to just
22 do some catch up on.

23 **Q.** Mr. Reeves, please briefly describe your
24 experience in handling complex, contested Family
25 Court matters, and specifically discuss your

1 **experience with the financial aspects of Family**
2 **Court work.**

3 A. Okay. Well, I have represented clients in
4 divorce cases. I've represented both husbands
5 and wives. I've represented people with both,
6 you know, very small incomes and very small, you
7 know, not a lot of property. And then I've
8 represented clients with more extensive property.
9 So I've got that experience in helping clients
10 whatever their socioeconomic status is, through
11 the Family Court system, you know, in the
12 equitable distribution of their property in
13 dealing with alimony issues, things like that as
14 far as the financial aspects go. So I do have
15 that experience. As far as, you know, the actual
16 like representing clients in cases, obviously
17 most cases in the Family Court settle. So most
18 of the divorces that I've handled have settled
19 outside of court. You know, a lot of times there
20 will be the initial contested temporary hearing
21 and then you go through a period of discovery and
22 then a period of negotiating a settlement. And
23 so that's, I've done that numerous, numerous
24 times. I've tried divorce cases and contested
25 like to seek the final order of divorce. I've

1 also tried contested adoption cases. I've tried
2 rules to show cause seeking to hold someone in
3 contempt of court. You know, all of those types
4 of cases I've handled representing a party in
5 front of the court.

6 Q. Mr. Reeves the commission received 143 ballot box
7 surveys regarding you, with 13 additional
8 comments. The ballot box survey for example
9 contained the following positive comments: I can
10 think of no person more intellectually or
11 temperamentally suited for the role of judge.
12 Shawn has a tremendous amount of common sense
13 balanced with humility and respect for others,
14 and Shawn is intelligent and resourceful. He is
15 patient and is definitely the most ethical
16 candidate. Only one of the written comments
17 expressed a concern. And that comment suggests
18 you might not possess the qualifications necessary
19 for the Family Court bench. How would you
20 address that concern?

21 A. Okay. So I think that comment was especially
22 relating to my experience. And I would point
23 just back to the things that I just talked about
24 as to my experience in the court system. In
25 representing clients in all different types of

1 cases, representing clients from various
2 socioeconomic backgrounds and would just rest on
3 that experience and the work that I've done, and
4 just point the Commission to that work that I've
5 done. It's definitely humbling to hear the other
6 comments that you just read and I appreciate
7 those comments as well.

8 **Q. Thank you, Mr. Reeves. Mr. Reeves, you've been**
9 **involved in three lawsuits. The first of which**
10 **came from the court of Common Pleas in Beaufort**
11 **County during 2008 which was Mahoney vs. Mahoney.**
12 **Would you please explain the nature of this**
13 **lawsuit?**

14 **A. Sure. So that case involved a situation where I**
15 **was appointed as a trustee for a gentleman.**
16 **There was a trust set up by his father and that**
17 **action concerned funding of that trust. So I**
18 **think I was named -- I guess I was named in the**
19 **action as the trustee for the funding of the**
20 **trust.**

21 **Q. Mr. Reeves, you filed a lawsuit as plaintiff in**
22 **2012 versus Cantey & Company. Would you please**
23 **explain the nature and disposition of this**
24 **lawsuit?**

25 **A. Ah, yes, that was a small claims court action**

1 that I sought the repayment of a security deposit
2 that we had -- relating to a rental house that we
3 had been living in. It was involving some things
4 that I had paid for separately and the rental
5 company didn't see -- they didn't want to
6 reimburse me for that. It was, like I said, a
7 small claims court action. The disposition was
8 that we settled the matter very quickly outside
9 of court.

10 **Q. And Mr. Reeves, the third and final lawsuit saw**
11 **you as a defendant for a foreclosure action**
12 **brought by Fannie Mae in 2013. Would you please**
13 **explain the nature and disposition of this**
14 **lawsuit?**

15 **A.** Yes. So that lawsuit involved a house that we
16 purchased in Beaufort County back in 2007. So
17 the timing of that was such that the house was
18 purchased at the height of the real estate
19 market. And then of course after the '08, '09
20 downturn in the market the housing -- the
21 property value plummeted. So when we moved from
22 Beaufort back to Columbia in 2010 the value of
23 the house was significantly less than we had
24 purchased it for. We tried to rent that house
25 out for several years after that. Really every

1 month we were losing money both because of the
2 rental -- the renters who were in the property as
3 well as some property, some fixes that needed to
4 be done to the property. And so after years of
5 losing money, it was to the point where we needed
6 to get rid of this house. And if we had sold it,
7 the advice we got was we would need to come to
8 the table with tens of thousands. I think they
9 told us at the time \$40,000. I didn't have
10 \$40,000 to do that. And so we worked out a
11 settlement with the bank. Really before any kind
12 of action was filed we had worked that out with
13 the bank and they cooperated with us, we
14 cooperated with them. It was fully worked out
15 before the action was even filed and then there
16 was no judgement against our family.

17 **Q. Thank you. Mr. Reeves, what do you feel is the**
18 **appropriate demeanor and temperament for a Family**
19 **Court judge?**

20 **A.** So to me I think the Family Court -- one of the
21 most important things for a Family Court judge or
22 the most important demeanor for a Family Court
23 judge is patience. To really have the patience
24 to listen. I think listening, paying attention
25 to what's going on in the courtroom, paying

1 attention to the witnesses, paying attention to
2 the people, is really the most important thing,
3 and really treating everyone in the court room
4 with dignity and respect. I think that is really
5 the key to conducting the Family Court.

6 **Q. What do you envision as being the biggest**
7 **challenges you would face if you were to come to**
8 **serve as a Family Court judge?**

9 A. Well, I think the biggest challenge is going to
10 be handling cases involving children. Obviously
11 the work I do now involves children and I see
12 some really difficult things involving children.
13 Abused or neglected children, children who
14 terrible things have happened to, children who
15 terrible things could happen to. And as a judge
16 you're faced with making decisions that could
17 have serious consequences for children. And I
18 think that would give me the most pause and make
19 me just the most careful in terms of making
20 decisions on the Family Court bench.

21 MR. STIMSON: I would note that the Midlands Citizens
22 Committee found Mr. Reeves qualified in the
23 evaluative criteria of constitutional
24 qualifications, physical health, and mental
25 stability. The Midland Citizens Committee found

1 him well qualified in the evaluative criteria of
2 ethical fitness, professional and academic
3 ability, character, reputation, experience and
4 judicial temperament. The Committee added the
5 following comment: foreclosure suit was
6 troublesome, but gave a reasonable explanation.
7 I just have a few more housekeeping issues, Mr.
8 Reeves. Are you aware that as a judicial
9 candidate you are bound by the code of judicial
10 conduct as found in rule 501 of the South
11 Carolina Appellate Court Rules?

12 A. I am aware.

13 **Q. Mr. Reeves, since submitting your letter of**
14 **intent have you contacted any members of the**
15 **commission about your candidacy?**

16 A. No, I have not.

17 **Q. Are you familiar with § 2-19-70, including the**
18 **limitations on contacting members of the General**
19 **Assembly regarding your screening?**

20 A. I am aware.

21 **Q. Since submitting your letter of intent have you**
22 **sought or received the pledge of any legislator,**
23 **either prior to this date or pending the outcome**
24 **of your screening?**

25 A. No I have not.

Q. Mr. Reeves, have you asked any third parties to contact members of the General Assembly on your behalf or are you aware of anyone attempting to intervene in this process on your behalf?

A. No, I have not and I am not.

Q. Have you reviewed and do you understand the Commission's guidelines on pledging in SC Code § 2-19-70(e)?

A. Yes, I have.

MR. STIMSON: I would just note for the record that any concerns raised during the investigation regarding Mr. Reeves were incorporated in the questioning of him today. Mr. Chairman, I have no further questions.

CHAIRMAN SMITH: All right. Thank you very much. Any questions? Senator Young.

MR. REEVES - EXAMINATION BY SENATOR YOUNG:

Q. Thank you Mr. Chairman. Mr. Reeves, good afternoon.

A. Good afternoon, Senator.

Q. I appreciate your interest in serving the state as a Family Court judge. You're currently working the Department of Social Services?

A. I am, yes.

Q. You and I have had the opportunity to work

1 together on some legislation that impacts the
2 state and children of the state; is that right?

3 A. That's right.

4 Q. And that's in my capacity as a senator and your
5 capacity as a -- in your job at DSS?

6 A. Yes, sir.

7 Q. One of the areas that we are particularly
8 interested in are abuse and neglect cases. Do
9 you have thoughts on how we can improve the court
10 system for children who are in abuse and neglect
11 cases?

12 A. That's -- that is a big question. I definitely
13 have -- I have thoughts about how to improve the
14 system because I work in policy day in and day
15 out relating to -- for DSS. And I think that one
16 of the big developments, as you know, Senator, as
17 has been widely publicized in the child welfare
18 system is the push behind the family first
19 prevention services act towards keeping -- and
20 the push it's really a push towards preventing
21 abuse, preventing children from coming into the
22 system. And I think that the court's involvement
23 in coming up with ideas with alternative ideas to
24 a child coming into the foster care system.
25 Alternatives such as keeping a child in the home

1 of a relative or other things like that. I think
2 that's going to be a huge move and change and
3 it's going to help the children of the state. So
4 that's just one thing that comes to mind.

5 Definitely there are a lot of pushes in a lot of
6 different directions towards changing the child
7 welfare system but that's just one example.

8 **Q. I can see from your Personal Data Questionnaire**
9 **that you had pretty extensive experience in**
10 **Family Court. Looks like you worked at Harvey**
11 **and Battey as well as in your own practice?**

12 A. That's right.

13 **Q. Doing Family Court cases?**

14 A. Yes, sir.

15 **Q. And that was over about a nine-year period?**

16 A. Right. I started at Harvey and Battey in 2007
17 and really since then I've worked in the Family
18 Court system. Because that really was my
19 beginning. They didn't have a Family Court
20 attorney when I started there and I just kind of
21 got thrown into that. And that was -- and that
22 was, like I said, the place where I found my
23 place in the Family Court.

24 **Q. Are you comfortable with the mathematical work**
25 **that has to be done as a Family Court judge?**

1 A. Yes, as far as the equitable distribution of
2 property, division -- or alimony calculations,
3 child support calculations. I'm comfortable in
4 the sense of not that I'm any great math genius
5 but there are tools out there, the software
6 that's out there to help do that work. I know
7 when I was in private practice also in terms of
8 the equitable distribution just using a simple
9 spreadsheet can get you really far. And I would
10 definitely use -- I would use that in my
11 practice.

12 **Q. Thank you, Mr. Reeves.**

13 CHAIRMAN SMITH: Mr. Safran.

14 MR. REEVES - EXAMINATION BY MR. SAFRAN:

15 **Q. Good afternoon. I looked at your resume and I**
16 **guess we have some things in common because I**
17 **kind of started in Beaufort myself. And from**
18 **what I'm hearing from you the experience was**
19 **similar in that they take you to the end of the**
20 **pool that's deep and push you. And then it**
21 **depends on whether you sink or swim at that**
22 **point.**

23 A. That's a good description.

24 **Q. I was there so I understand exactly. And I was**
25 **in the Family Courts down there back then and I**

1 can see more or less where you started to kind of
2 get your chops so to speak. Let me ask, I mean,
3 is that where you developed the idea that you
4 wanted to do Family Court work?

5 A. Probably not -- well, yes, that's the where -- I
6 had not really thought about it much before then.
7 I definitely -- from when I started practicing
8 law, I definitely found that I didn't want to be
9 a corporate lawyer or a lawyer behind a desk. I
10 wanted to be in the courtroom. I wanted to be in
11 courthouse. And there, once I started practicing
12 Family Court, definitely was drawn to that.

13 Q. And I guess when you transitioned up here that's
14 kind of where you more or less focused?

15 A. That's right.

16 Q. And I understand it. It's tough being a sole
17 practitioner. I mean, I do it now and every day
18 is an adventure to some extent, so.

19 A. Yes.

20 Q. I certainly get it. Tell me this -- I mean
21 you've certainly had a number of different areas
22 that you've worked in. You've kind of worked as
23 the government lawyer, the private lawyer, so
24 you've seen it from different sides. And, you
25 know, I think we all have our particular concerns

1 and areas of -- that we like to highlight here on
2 this panel when it comes to certain types of
3 judgeships, and my concern particularly as it
4 relates to the Family Court. And you've seen it
5 now from both ends. It's that I'm sure when you
6 do the government work DSS there's a flow,
7 there's kind of a pace that you have to keep up.
8 And I know we heard it from Ms. Hendrick that
9 that's just kind of how it works. I know we'll
10 hear a little different something, you know, from
11 Mr. Stricklin because he's -- focuses a little
12 bit more into the private, and then you've seen
13 both apparently.

14 A. Yes.

15 Q. And where my question really is is that I'm very
16 troubled by what I have heard, at least during
17 some hearings last year, based upon the manner in
18 which these temporary hearings are done in these
19 divorce cases. You, I'm sure, can tell me, as a
20 practical matter, that those temporary hearings
21 not only set the stage but sometimes really build
22 the whole foundation for that case. And that
23 what's decided in those "fifteen minute hearings"
24 ultimately becomes what you're saddled with
25 pretty much for the rest of the litigation and

1 the rest of the lives of litigants. And what my
2 trouble was, was that there were Family Court
3 judges I heard that seemed to really make it
4 their business to limit lawyers' participation.
5 To, one, effectively use 15 minutes to read
6 affidavits and kind of took the lawyering out of
7 the whole process. And, you know, I didn't think
8 that being an attorney in that area necessarily
9 hinged upon how great an affidavit you wrote as
10 opposed to what else you could do. How would you
11 want to handle situations like that? And again
12 balancing time constraints with really the impact
13 of what that particular hearing is going to have
14 on the ultimate outcome of the litigation.

15 A. I'm sure I would say for me, having done numerous
16 temporary hearings, some of the most effective
17 and best ways that I liked judges handling Family
18 Court -- or temporary hearings when I was in the
19 court room was the judge would -- I had one judge
20 in particular who I remember would say to the two
21 lawyers basically you have X number of minutes to
22 present your side and what you want. And the
23 other lawyer, you have X number of minutes to
24 present your side and what you want. I think
25 that's a good way of doing it, because that

1 combines both the limitations of the time as well
2 as allowing the lawyers to do their jobs.
3 Certainly, yeah, they can get out of hand if you
4 just -- they can go on and on forever. I've
5 experienced cases where a fifteen-minute hearing
6 turned into two hours with testimony and all the
7 rest. I've experienced all different levels of
8 temporary hearings. I would just say in answer
9 to the question that there's got to be some
10 limitation of time and I also agree that there
11 should be -- the lawyer should be able to lawyer,
12 basically.

13 **Q. Well, and I guess that's it and certainly there's**
14 **got to always be that focus on moderation. Let**
15 **some people go they'll take the whole day. Other**
16 **ones may not do anything because they feel so**
17 **constrained by what apparently they think the**
18 **judge wants. And I guess what I came away with**
19 **last time, and I'm sure this has been your**
20 **experience, is that there's some judges that, you**
21 **know, while it's one point making sure they're**
22 **cognizant of what the clock says, are also**
23 **basically saying I'm going to make sure this case**
24 **gets its due, it's consideration.**

25 **A. Yes.**

1 **Q.** And let me ask this, we've asked this question
2 many times in different context, you've been in
3 Family Court plenty of times. If there was a
4 judge or two that you wanted to model yourself
5 after in terms of demeanor, in terms of the way
6 they handle the court room. And I mean not to
7 say that one's tremendously better than another.

8 **A.** Right.

9 **Q.** But who stands out in your mind that would be
10 kind of a type of a model for you as far as how
11 you'd want to go out handling these things?

12 **A.** Sure. Well the judge that comes to mind for me
13 would be Judge Wiley down in Dorchester County.
14 I think the way he conducts his court room is
15 professional. His demeanor is good, at least in
16 my experience. I can only speak from my
17 experience. And so I have had -- his courtroom
18 comes to mind, top of my head.

19 **Q.** **Okay. Thank you.**

20 **A.** Thank you.

21 CHAIRMAN: Any -- Senator Rankin.

22 MR. REEVES - EXAMINATION BY SENATOR RANKIN:

23 **Q.** Nice to see you guys here. I spoke to y'all out
24 in the hallway earlier, or the lobby, and I
25 totally mistook you for another candidate. You

1 **have not run before?**

2 A. I haven't run before, no, sir.

3 **Q. So my apologies.**

4 A. Oh, no, that's fine.

5 **Q. That's not an insult to speak to someone you**
6 **think you've seen as a candidate before.**

7 A. For sure.

8 **Q. And not that we're not -- or I'm not as**
9 **interested in you as I am your wife's teaching at**
10 **University of South Carolina, but let me ask a**
11 **couple of questions about that.**

12 A. Okay, sure.

13 **Q. Undergraduate, graduate work.**

14 A. Right.

15 **Q. What is the program?**

16 A. So my wife has a Ph.D. in 19th century British
17 literature and she actually got her Ph.D. from
18 Carolina. And she teaches mostly undergraduate
19 classes. She teaches also young adult literature
20 classes, freshman English classes, classes like
21 that. But her specialty is 19th century British
22 lit.

23 **Q. And does she ever read your work to see whether**
24 **you inserted enough ...**

25 A. And so that's a great question. That's a

1 question that -- so Amy and I we have a back and
2 forth about writing. Because I am definitely
3 more succinct sentences, not so many commas, that
4 sort of thing. So when we trade back and forth
5 work I'm always removing commas out of her work.
6 And she would probably be adding commas and
7 extending my sentence length, so yeah.

8 **Q. So do you call her Edgardina Alan Poe? Or**
9 **Hawthorne, who is the one who wrote such long**
10 **sentences? Is it Hawthorne?**

11 A. No, yeah, probably Hawthorn but no, I don't. I'm
12 very respectful.

13 **Q. Brevity is clarity, we say in the law.**

14 A. I agree with this.

15 **Q. No offense professor. And I just couldn't help**
16 **but hear that at the beginning and my son is a**
17 **student there and a my daughter is a budding**
18 **creative writer as a freshman. And so it's a**
19 **interesting marriage that you two have of**
20 **complementary skills, really, in the law and in**
21 **teaching English.**

22 A. Right.

23 **Q. And good language and good diction, all of which**
24 **I lack dramatically. Why this first race in the**
25 **world you want to be a Family Court judge?**

1 A. Yeah. Mostly because, like I said at the
2 beginning, I care about the children and families
3 of South Carolina. And I think that I can be
4 effective in a position like this. Given the
5 background that I have and my -- just -- like I
6 said, my draw towards helping people and being
7 involved in the lives of people. Not just being
8 in the, you know, sort of realm of the cold hard
9 law but the -- that intersection of peoples lives
10 with the law. And so that's really why I want to
11 do this.

12 **Q. Very good. And you've not run for state or any**
13 **other office before?**

14 A. No.

15 **Q. That's what you're doing now?**

16 A. That's what I'm doing now.

17 **Q. And so that your wife is with you and supporting**
18 **that is a miracle.**

19 A. Thank you.

20 **Q. Compliments to both of you, nice meeting you**
21 **both.**

22 A. Thank you.

23 CHAIRMAN SMITH: Any further questions?

24 (No replies are heard.)

25 CHAIRMAN SMITH: All right. Mr. Reeves, thank you so

1 much, this will conclude this portion of your
2 screening process. I want to take the
3 opportunity to remind you that pursuant to the
4 Commission's evaluative criteria the Commission
5 expects candidates to follow the spirit as well
6 as the letter of the ethics laws and we will view
7 violations or the appearance of impropriety as
8 serious and potentially deserving of heavy weight
9 in the screening deliberations. As you know the
10 record will remain open until the formal release
11 of the Report of Qualifications. You may be
12 called back at such time if the need arises. I
13 thank you for offering for this position. I
14 thank you for your service to the state of South
15 Carolina.

16 MR. REEVES: Thank you, sir.

17 CHAIRMAN SMITH: All right. Y'all have a good day,
18 nice to see you.

19 (Off the Record)

20 CHAIRMAN SMITH: All right. We're back on the record
21 and we're going to begin. Mr. Stricklin, I see
22 you here today and you have a guest. Would you
23 like to introduce your guest to the Commission?

24 MR. STRICKLIN: I would. This is my wife, Caroline.

25 MS. STRICKLIN: Hello.

1 CHAIRMAN SMITH: Hey Caroline, welcome.

2 MR. STRICKLIN: Been married for 25 years this year.

3 CHAIRMAN SMITH: Congratulations, condolences, I don't
4 know which ones to offer up.

5 MR. STRICKLIN: Well doing what I do for a living
6 congratulations.

7 CHAIRMAN SMITH: Okay. All right. Well good to have
8 you here. All right. Mr. Stricklin, please
9 raise your right hand.

10 C. VANCE STRICKLIN, JR., having been duly sworn,
11 testifies as follows:

12 CHAIRMAN SMITH: Mr. Stricklin, you've got before you
13 your Personal Data Questionnaire and your Sworn
14 Statement, are those both documents you've
15 submitted to the Commission?

16 MR. STRICKLIN: They are.

17 CHAIRMAN SMITH: Are they correct?

18 MR. STRICKLIN: They are. I submitted an amendment.
19 And also when I was looking it over last night,
20 my wife has started a new job with Clark and
21 Company so her job is listed I think as a part-
22 time job. She now works full-time.

23 CHAIRMAN SMITH: All right. So you want to make that
24 an oral amendment to your PDQ and?

25 MR. STRICKLIN: I would.

1 CHAIRMAN SMITH: So with that we'll make that as an
2 oral amendment. So do you have any objection to
3 us making your documents and, amendments there
4 too, an exhibit to your sworn testimony here
5 today?

6 MR. STRICKLIN: I do not.

7 CHAIRMAN SMITH: Without objection we will hand those
8 to Lindi and will make those exhibit to your
9 sworn testimony. And let the record reflect
10 there is an oral amendment that your wife is
11 working at?

12 MR. STRICKLIN: Clark and Company.

13 CHAIRMAN SMITH: Clark and Company. Part-time.

14 MR. STRICKLIN: Full-time.

15 CHAIRMAN SMITH: Full-time. I can't hear, especially
16 when someone talks in my hear. No, not you. All
17 right. The Judicial Merit Selection Commission
18 has thoroughly investigated your qualifications
19 for the bench. Our inquiry is focused on nine
20 evaluative criteria and has included a ballot box
21 survey, a thorough study of your application
22 materials, verification of your compliance with
23 state ethics laws, search of the newspaper
24 articles which your name appears, study of
25 previous screenings and checks for economic

1 conflicts of interest. We've received no
2 affidavits in opposition to your candidacy today
3 and there are no witnesses present to testify.

4 Do you wish to make a brief opening statement to
5 the Commission?

6 (Exhibit Number 19 was marked for identification
7 purposes - (16 pages) Personal Data Questionnaire for
8 C. Vance Stricklin, Jr.)

9 (Exhibit Number 20 was marked for identification
10 purposes - (7 pages) Sworn Statement of C. Vance
11 Stricklin, Jr.)

12 (Exhibit Number 21 was marked for identification
13 purposes - (2 pages) Amendment to Personal Data
14 Questionnaire for C. Vance Stricklin, Jr.)

15 MR. STRICKLIN: I would just like to briefly thank all
16 of y'all for your time. When I started this
17 process I thought I had an idea of having a law
18 partner who ran before and having a law partner
19 who was in office. What it took as far as the
20 time commitment. But now that I'm actually in
21 the process I really do have a new appreciation
22 for how much time y'all spend. So my opening
23 remark would be to thank you, thank you for your
24 service, thank you for your efforts. It is a
25 major commitment that I didn't fully appreciate

1 until I started down this road.

2 CHAIRMAN SMITH: All right. Thank you very much.

3 Answer any questions that counsel may have for
4 you, please, sir.

5 MR. STRICKLIN: Absolutely.

6 MR. STRICKLIN - EXAMINATION BY MR. MALDONADO:

7 **Q. Thank you Mr. Chairman. Mr. Stricklin, can you**
8 **please state for the record the city and circuit**
9 **in which you reside?**

10 A. Columbia South Carolina, and it's the Fifth
11 Judicial Circuit, Richland County.

12 MR. MALDONADO: I note for the record that based on
13 the testimony contained in the candidate's PDQ
14 which was included in the record with the
15 candidate's consent, Mr. C. Vance Stricklin
16 Junior meets the constitutional and statutory
17 requirements for this position regarding age,
18 residence, and years of practice.

19 **Q. Mr. Stricklin, why do you want to serve as a**
20 **Family Court judge and why do you feel that your**
21 **legal and professional experience qualify and**
22 **will assist you in becoming an effective judge?**

23 A. I'll try not to be a long-winded lawyer. I will
24 tell you I have been in Family Court my entire
25 career. I started out in law school as a law

1 clerk at the public defender's office working
2 with juveniles. They had a need. Quite frankly
3 I didn't know that's what I was going to be
4 doing. But I started working in Family Court,
5 started working with young people who were
6 charged with offenses and really fell in love
7 with the idea of helping them, representing them.
8 I went from a law clerk position to a lawyer with
9 the public defender's office and represented
10 juveniles. And while I was doing that I was
11 offered a job by Mark Taylor. A lot of y'all
12 probably know Mark, Mark is my mentor. I
13 consider him probably the greatest influence on
14 me in my professional career. And in that
15 transition from public defender's office to
16 private practice I was working in Family Court.
17 And my mother was a school teacher. So I think
18 I've always been drawn to problem solving, and in
19 Family Court you have a lot of problems. There
20 are lots of problems that are taking place every
21 day. For children, for couples, for folks going
22 through the institutional cases. And I found
23 that I had a good knack for helping solve those
24 problems. And, you know, kind of like the doctor
25 takes the oath to do no harm, I believe that as a

1 lawyer we can do a lot to help individuals get
2 through this process and put those problems
3 behind them, allow them to move forward. And at
4 this point in my career after working in Family
5 Court for 25 years, I think I have a lot of
6 experience. I've tried just about every kind of
7 case you can try in Family Court. I think I
8 would -- I think I have tried them all at one
9 time or another. And so I believe my experience
10 lends me to the position. I know it's important
11 to have good judges with experience with a lot of
12 time in the courtroom. And so, based on my
13 desire to help folks, because I think I'm good at
14 it. I think I probably got that from my mother
15 being a school teacher, and the experience that
16 I've obtained over the years working in all sorts
17 of capacities within the Family Court system.
18 This time I'd like to try to approach the other
19 side of the bench and see if I can't solve even
20 more problems from that perspective.

21 **Q. Thank you. Mr. Stricklin, are there any areas of**
22 **the law for which you would need additional**
23 **preparation in order to serve and how would you**
24 **handle such additional preparation?**

25 **A. I think I'm up to speed on everything that takes**

1 place in Family Court. I probably would go back
2 and just refresh myself with the Department of
3 Juvenile Justice process. I've actually talked
4 to a public defender recently. I think it's all
5 still very familiar but I would probably bone up
6 on that just by studying up on it. I have not
7 handled as many Department of Social Services
8 cases in the last probably five years although I
9 have handled some. I certainly would look to the
10 statute. Most of those issues are more statutory
11 as opposed to case-law oriented. So I would make
12 sure that whenever I go in the courtroom I'm
13 familiar with those. But if I was not as
14 familiar as needed I would study up on it after
15 the fact. Certainly there are other individuals
16 that would be available to call upon to help. I
17 know there are a lot of judges who work to help
18 orient the new judges to the bench.

19 **Q. Thank you. Mr. Stricklin, can you briefly**
20 **describe your experience in handling complex,**
21 **contested Family Court matters and specifically**
22 **discuss your experience with the financial**
23 **aspects of Family Court work?**

24 **A.** Sure. When you start out, when you first go into
25 private practice, you know, you're handling small

1 cases. You know, typically W-2 income and maybe
2 a 401(k). As you practice, as your practice
3 grows, you end up with more complex issues. You
4 end up handling cases where there's a business,
5 there's possibly business valuation issues, there
6 are alimony issues, perhaps complex alimony
7 issues. The tax law just changed on alimony this
8 past year and as a result you have to pay
9 attention to all those details. Frequently we
10 work with certified public accountants, they do
11 forensic accounting as part of our case. I am
12 pretty familiar with most of the folks who do it
13 around the state. It could be anywhere from
14 somebody who's on their own to Dixon Hughes. And
15 we work with them. I've handled, I think, every
16 kind of equitable distribution, alimony, or
17 support issue that you're likely to run across in
18 Family Court.

19 **Q. Thank you. The commission received 462 ballot**
20 **box surveys regarding you with 92 additional**
21 **comments. Ballot box survey for example contained**
22 **the following positive comments: highly**
23 **intelligent with a great attitude and an eye**
24 **towards pragmatic solutions to problems. Well**
25 **respected by the bench and Bar. Also, "I've**

1 known Mr. Stricklin for 20 years and I've been on
2 the opposing side of him. He is one of the most
3 qualified candidates ever to run for this
4 position." Two of the written comments express
5 concerns, including concerns about your
6 temperament and fitness to be a judge. How would
7 you respond to this concern?

8 A. I've always tried to be patient. It think that's
9 one of my good qualities. My children might
10 disagree from time to time but once again I -- I
11 don't have too many highs, I don't have too many
12 lows. I do have cases that are hotly contested.
13 There are a lot of emotions in the cases. I
14 can't speak to this person's experience. I do
15 recall early in my career I did raise my voice
16 with an attorney, this was probably 20 years ago.
17 And the very next day I picked up the phone and
18 called and apologized. And I don't know that
19 I've raised my voice with an attorney since.
20 You'll never make everybody happy in this
21 profession but I certainly strive to treat
22 everybody with professionalism, civility,
23 patience. Again, at the end of the day, in
24 Family Court if you can't resolve your case
25 there's no reason to get angry at the other side.

1 Because there's a judge who will make the
2 decision for you. So I'm sorry somebody had that
3 experience. I would be surprised if it was any
4 time in the recent past.

5 **Q. Thank you. One comment expressed concerns**
6 **regarding your impartiality or potential bias. H**
7 **ow would answer that concern?**

8 A. Well, I mean as a judge I think your job is it to
9 examine the facts and apply the law, and that's
10 what I would do in every case. I would not come
11 with a bias. Certainly you do know folks that
12 you've worked with for years but your job is not
13 to reward the people that you've known for years,
14 your job is to go up there and do the best job
15 you can and apply the law to the facts that are
16 presented. And that's what I would do.

17 **Q. Mr. Stricklin, your Sled report indicated that**
18 **you were a party to several lawsuits. Can you**
19 **briefly describe your role in the following**
20 **lawsuits? City of Columbia vs. Charles Stricklin**
21 **in 2015, comment please?**

22 A. I'm not -- that one might be my father. I'm not
23 sure if that one's --

24 **Q. We got a call from an attorney friend of yours**
25 **that handled that?**

1 A. Yeah, that was somebody completely different.

2 **Q. With your same name?**

3 A. Same name, somebody completely different, sorry.

4 **Q. The next case is the judgement in favor of Betty**
5 **Stricklin 1993 and 1994 in Common Pleas.**

6 A. Once again, that's not me.

7 **Q. Is that your mother?**

8 A. Beverly Stricklin is my mother, correct.

9 **Q. So I believe you mentioned before this was**
10 **related to their divorce?**

11 A. You said Common Pleas, I was looking for a Family
12 Court number, yeah. My parents divorced while I
13 was in law school. So that would have been
14 around the time frame they were to finalize that
15 action.

16 **Q. And then finally Keith Moore vs. Charles**
17 **Stricklin, Jr. 2001, Dentsville Magistrate case?**

18 A. Once again, I'm not familiar with that. That's
19 not me, I certainly haven't -- I think the only
20 lawsuit, and I did mention this to you, is I was
21 sued this past year along with my law firm by an
22 opposing party in a case. That's the only one
23 that I would be familiar with. I represented the
24 wife. The husband was a lawyer who had been
25 suspended from the practice of law. He had a lot

1 of free time on his hands and he filed an action
2 against my former client, against me, against my
3 associate that worked on the file, my law firm.
4 That case has now been dismissed. He filed a
5 motion to reconsider, that has been denied. And
6 I think he's in the process of appealing that.
7 There's more drama to that case if you'd like to
8 hear it. But once again, I feel comfortable with
9 everything I'd handled and did in that case.

10 **Q. And finally Mike Covington versus Grant Maddox, a**
11 **2002 Richland County Common Pleas?**

12 **A.** Once again, that is not me.

13 **Q. And just for the record I did get a call from one**
14 **of the attorneys in the first case that confirmed**
15 **it definitely was a different Charles Stricklin**
16 **so.**

17 **CHAIRMAN SMITH:** Why was Graham Maddox, that's not
18 even a name that's associated with him, why did
19 that come up?

20 **MR. MALDONADO:** He was mentioned -- he was listed as
21 party but he's one of the.

22 **Q. I believe one of your law partners is the**
23 **Plaintiff of record on that case though I**
24 **wouldn't imagine that he could be a party in this**
25 **case.**

1 A. I will say this, my life is pretty dull. I'm
2 happy to announce that I have not been plaintiff
3 or defendant in many lawsuits. My wife has kept
4 me like I said for 25 years. I've got three
5 teenagers that sometimes will get things
6 interesting.

7 **Q. What do you feel is one of the biggest challenges**
8 **for a Family Court judge and how would you**
9 **address this challenge?**

10 A. Well, I think time. I mean the court system is
11 busier than it's ever been. And I think that the
12 real challenge that judges face are slowing down
13 to work with the lawyers and the litigants to
14 make sure they feel like they've had an
15 opportunity to be heard. And if you have to take
16 something under advisement to make sure you
17 address that time issue, you take it under
18 advisement. If you need to reschedule a hearing
19 and have folks come back so they can feel like
20 their time -- that they've been heard. Litigants
21 want to be heard. The lawyers want to know that
22 their materials are reviewed and read. And so I
23 think that is a -- it's a challenge because the
24 dockets can be loaded down. And in Family Court
25 sometimes they'll over-schedule hoping that

1 things settle and they don't always settle and
2 you can end up with, you know, six hearings that
3 are scheduled for an hour an a half block.
4 That's hard to do. It's hard to do and get the
5 people their time and what they're entitled to.
6 But I think you just have to understand there
7 will opportunities through the course of the day
8 or the week to address those time constraints.
9 So that would be the way I would handle that
10 issue.

11 **Q. Thank you.**

12 MR. MALDONADO: I would note that the Midlands
13 Citizens Committee reported Mr. Stricklin to be
14 qualified as to the constitutional
15 qualifications, physical health, and mental
16 stability. Midlands Citizens Committee reported
17 Mr. Stricklin to be well qualified as to ethical
18 fitness, professional and academic ability,
19 character, reputation, experience and judicial
20 temperament. I'll finish up with some
21 housekeeping questions. Mr. Stricklin, are you
22 aware that as a judicial candidate you are bound
23 by the Code of Judicial Conduct as found in rule
24 501 on the South Carolina Appellate Court Rules?

25 A. Yes, I am.

1 Q. Since submitting your letter of intent have you
2 contacted any members of the Commission about
3 your candidacy?

4 A. No, I have not.

5 Q. Since submitting your letter of intent have you
6 sought or received the pledge of any legislator,
7 either prior to this date or pending the outcome
8 of your screening?

9 A. No, I have not.

10 Q. Are you familiar with § 2-19-70, including the
11 limitations on contacting members of the General
12 Assembly prior to your screening.

13 A. Yes.

14 Q. Have you asked any third parties to contact
15 members of the General Assembly on your behalf or
16 are you aware of anyone attempting to intervene
17 in the process on your behalf?

18 A. I am not.

19 Q. Mr. Stricklin, have you reviewed and do you
20 understand the Commission's guidelines on
21 pledging in SC Code § 2-19-70(e)?

22 A. Yes.

23 MR. MALDONADO: Mr. Chairman, I would note for the
24 record that any concerns raised during the
25 investigation by staff regarding the candidate

1 were incorporated into the questioning of the
2 candidate today. I have no further questions.

3 CHAIRMAN SMITH: All right. Thank you. Senator
4 Young?

5 SENATOR YOUNG: I just want to put something on the
6 record. Just -- I want to disclose that I had a
7 mutual client that Mr. Stricklin represented in a
8 different matter than the matter in which I
9 represented him. And we spoke on the telephone a
10 couple months ago about that, one time. It's the
11 only time we've spoken about it. I do not
12 represent him anymore and neither does Mr.
13 Stricklin, and we did not talk about his
14 candidacy. But he was a candidate for this
15 position at the time when I spoke to him. But we
16 did not talk about this race or his candidacy
17 when I spoke to him on the telephone.

18 CHAIRMAN SMITH: Thank you, Senator. Any questions?
19 Mr. Strom.

20 MR. STRICKLIN - EXAMINATION BY MR. STROM:

21 Q. Mr. Stricklin, first of all thank you for
22 offering. I find it stunning that there were 92
23 comments, that's probably the most we've seen in
24 this cycle, with only two negative. Somebody who
25 practices domestic law to only have two lawyers

1 out of 92 have something negative to say is
2 really impressive. And thanks, in large part,
3 for our chairman the pay has gone up for judges
4 but I know that this still will be a tremendous
5 pay cut for you. This particular cycle we've got
6 you and Tim Madden who are top -- probably top
7 two or three in Columbia, top ten or fifteen in
8 the state. He's the same way. And most of these
9 people we have come through it's probably going
10 to be a pay raise for them. But for you it's
11 going to go the other way. And in my career I've
12 had to have conversations with judges who've
13 gotten bitter about the fact that they weren't
14 making money anymore. And have y'all thought
15 about that and planned for that? Because it's
16 not a surprise, you don't get an envelope that you
17 open up and say this is how much money we're
18 going to make. Y'all -- you know that and you're
19 going to be comfortable doing this public
20 service?

21 A. Absolutely. First, let me thank you for those
22 kind remarks, I appreciate that. I've seen Tim
23 at a number of delegation meetings. It is nice
24 to see him there. We've had cases against each
25 other. My wife and I started talking about this

1 years ago when Leslie Riddle, Judge Riddle,
2 retired. I thought about running for her seat at
3 that time. And quite frankly one of the issues
4 was the financial situation. But we started to
5 plan along the way. Our house is paid for. We
6 have two kids in college but one of them was kind
7 enough to get a full scholarship to Washington
8 and Lee, and that made life a little bit easier
9 for us. We are prepared to make this move. Like
10 I indicated at the time I filled out my packet,
11 my wife is working part-time, she's now gone back
12 to work full-time. I think she's ready to go
13 back to work full-time now that everybody's grown
14 and not in the house anymore. But we -- we are
15 ready. I will not be upset. I've always been
16 real active at the Bar and I give away as much
17 time as probably anybody in the area. I really
18 enjoy that part of it. If I hadn't gone to law
19 school I probably would have become a professor.
20 I understand this job is a little bit different
21 than that. But I think there is a desire to give
22 back and I'm -- I'll be comfortable with where we
23 are.

24 **Q. Thank you. That's all I have.**

25 **CHAIRMAN SMITH:** Mr. Safran?

1 MR. STRICKLIN - EXAMINATION BY MR. SAFRAN:

2 Q. First of all, for the record, I do feel just at
3 least the need to say that probably nine years
4 ago I think I directed my late sister over to Mr.
5 Stricklin's firm. He didn't represent my sister,
6 another associate did. But for the purposes of
7 the record I at least want to disclose that.
8 Basically I have, in the past, had occasion to
9 have to communicate with Mr. Stricklin and
10 frankly he has always done exactly like he says.
11 He's been very gracious with his time. I have
12 occasionally directed people to him, referred
13 folks, there because I don't do domestic work
14 now. And I have found him, in terms of both my
15 own experience as well as just in terms of among
16 the Bar, to be given as exemplary, as
17 outstanding, a reputation as anybody I know. He
18 is one of the people that I believe we as a
19 Committee have sought to try to run for seats
20 like this. Because he is somebody at the top of
21 his profession and basically has decided to go
22 and do what again we encourage people to do. You
23 know, unfortunately it's a rarity that we get
24 people offering who have the background that you
25 do. And personally I can say nothing other than

1 just complementary things because there is
2 nothing else to say. I've looked at these
3 results and I would agree that when you look at
4 the volume of responses that came in and how
5 overwhelmingly just favorable they are I think it
6 does speak volumes. Because any of us who have
7 been out and practiced for any length of time
8 particularly in an area of litigation like this
9 where things become some adversarial, so
10 contentious, to be able to have that type of, I
11 guess, response from the Bar is almost
12 unimaginable. And so I mean I just wanted to say
13 that I have nothing but admiration for you in
14 every possible way. And we appreciate the fact
15 that you are offering in this situation.

16 A. Thank you very much.

17 CHAIRMAN SMITH: Any further questions? Senator
18 Young.

19 MR. STRICKLIN - EXAMINATION BY SENATOR YOUNG:

20 Q. Thank you, Mr. Chairman. Mr. Stricklin, I too
21 want to thank you for your interest in serving on
22 the Family Court bench. One of the things that I
23 have asked several of the candidates is based on
24 their experience in handling Family Court
25 matters, do they have any recommendations on how

1 to improve the cases for -- that are abuse and
2 neglect cases in terms of how to improve the
3 process for the children that are in the system?

4 A. Well, one of the biggest problems that we see in
5 Family Court are the DSS cases, the abuse and
6 neglect cases. And I'll tell you the frustration
7 that I have run into, there's a lot of turnover.
8 You'll be dealing one investigator or case worker
9 and then before that case is even over with
10 you're dealing with someone else. There seems to
11 be, at times, a lack of familiarity with those
12 issues. And I know it's a challenge. I mean,
13 it's a hard job. I can't imagine the commitment
14 it takes to go and deal with those kind of cases
15 day in and day out. But if there was a way to
16 provide more continuity with the DSS workers I
17 think it would be helpful. You've run across
18 that lawyer who's doing a great job for DSS and
19 then you find out two years later they're doing
20 something different. And that's always a hit.
21 You know, because when you find somebody who's
22 good -- I know y'all will get to see Ernie Jared
23 at some point down the road. You know, when you
24 can deal with somebody of his caliber it makes a
25 whole lot of difference. And the end result is

1 different. And so think that's also important.
2 To try to do something with the legal staff to
3 keep them in place longer.

4 CHAIRMAN SMITH: Any further questions? Mr.

5 Stricklin, let me also comment. I've seen you
6 over -- worked with you I guess over the years,
7 not so much in the courtroom, unfortunately. I
8 graded out of the domestic area so God bless
9 y'all that do that, will have the temperament for
10 it. But I have worked with you, as a member of
11 the Bar, on legislation over the years and you're
12 right. You've given back to the citizens of this
13 state through your expertise in that area, law as
14 well as your -- to the Bar in trying to help form
15 and improve legislation. You've been an active
16 participant and I want to thank you for that.
17 And again, I echo some of the comments. Glad to
18 see lawyers, the caliber like you. We've had a
19 few so far this screening year who've come back
20 and decided that after a successful and
21 prosperous career that they want to come back and
22 give back to the profession what they so -- what
23 they received out of it and -- by becoming a
24 judge. And that's nice to see that. When I
25 started practicing law, I'm sure as when you

1 did, that was the modus operandi of attorneys in
2 this state, that people who were winding down
3 their careers were being judges -- were becoming
4 judges, and they were bringing a wealth of
5 experience. It's nice to start seeing that
6 again. So appreciate your service and wish you
7 the best of luck through the process. Any
8 further questions? With that, do you have an
9 questions Senator Rankin?

10 SENATOR RANKIN: Congratulations on 25 years.

11 MR. STRICKLIN: Thanks to all of you, I appreciate it.

12 CHAIRMAN SMITH: All right. Well this will conclude
13 this portion of our screening process. I want to
14 take this opportunity to remind you that pursuant
15 to the Commission's evaluative criteria the
16 Commission expects candidates to follow the
17 spirit as well as the letter of the ethics law.
18 We will view violations or the appearance of
19 impropriety as serious and potentially deserving
20 a heavy weight in the screening deliberations.
21 As you know, the record will remain open until
22 the formal release of the Report of
23 Qualifications and you may be called back at such
24 time if the need arises. Thank you for offering
25 for this position and thank you for your service

1 to the state of South Carolina.

2 MR. STRICKLIN: Thank you all very much.

3 CHAIRMAN SMITH: All right. Y'all have a good
4 afternoon.

5 (Off the Record)

6 CHAIRMAN SMITH: All right. Good afternoon, how are
7 you doing?

8 MS. CAHOON: I'm doing good, thank you.

9 CHAIRMAN SMITH: It's Ms. -- is it Cahoon?

10 MS. CAHOON: Cahoon, yes, sir.

11 CHAIRMAN SMITH: Cahoon, okay, got it right. All
12 right, Ms. Cahoon. You by yourself today?

13 MS CAHOON: I am.

14 CHAIRMAN SMITH: Okay. Will your raise your right
15 hand please, ma'am?

16 BLAKELY COPELAND CAHOON, having been duly sworn,
17 testifies as follows:

18 CHAIRMAN SMITH: Ms. Cahoon, we have before you your
19 Personal Data Questionnaire and your Sworn
20 Statement, are those both documents that you have
21 submitted to the commission?

22 MS. CAHOON: Yes.

23 CHAIRMAN SMITH: Are they correct?

24 MS. CAHOON: They are.

25 CHAIRMAN SMITH: Any changes or updates that need to

1 be made to those at this time?

2 MS. CAHOON: I don't have any.

3 CHAIRMAN SMITH: All right. Do you have any objection
4 to us making those documents a part of the record
5 of your sworn testimony here today?

6 MS. CAHOON: No, sir.

7 CHAIRMAN SMITH: All right. So without objection
8 we're going to make those an exhibit to the
9 record. Ms. Cahoon, the Judicial Merit Selection
10 Commission has thoroughly investigated your
11 qualifications for the bench. Our inquiry has
12 focused on nine evaluative criteria. That
13 included a ballot box survey, a thorough study of
14 your application materials, verification of your
15 compliance with state ethics laws, search of
16 newspaper articles which your name appears, study
17 of previous screenings and checks for economic
18 conflicts of interest. We have received no
19 affidavits in opposition to your candidacy and no
20 witnesses are here today to testify. Do you wish
21 to make a brief opening statement to the
22 commission?

23 (Exhibit Number 22 was marked for identification
24 purposes - (16 pages) Personal Data Questionnaire for
25 Blakely Copeland Cahoon.)

1 (Exhibit Number 23 was marked for identification
2 purposes - (19 pages) Sworn Statement of Blakely
3 Copeland Cahoon.)

4 MS. CAHOON: No, sir.

5 CHAIRMAN SMITH: All right. Thank you very much.

6 Answer any questions that counsel may have for
7 you please, ma'am.

8 MS. CAHOON: Thank you.

9 MS. CAHOON - EXAMINATION BY MS. BENSON:

10 **Q. Ms. Cahoon, please state for the record the city**
11 **and the circuit in which you reside.**

12 A. Columbia and the Fifth Circuit.

13 **Q. Thank you.**

14 MS. BENSON: Mr. Chairman, I note for the record that
15 based on the testimony contained in the
16 candidate's PDQ, which has been included in the
17 record with the candidate's consent, Ms. Cahoon
18 meets the statutory requirements for this
19 position regarding age, residence, and years of
20 practice.

21 **Q. Ms. Cahoon, why do you want to serve as a Family**
22 **Court judge and why do you feel that your legal**
23 **and your professional experience qualify and will**
24 **assist you to be an effective judge?**

25 A. I have wanted to be a be a lawyer since the time

1 I was four or five years old. And my whole goal
2 going through school, going to college, law
3 school was to be a lawyer. And I've done that
4 now for nineteen years. And in doing that, what
5 I've discovered is that I do truly enjoy helping
6 people and I enjoy Family Court. And I have a
7 great deal of experience in all areas of Family
8 Court. And over the last few years what I've
9 realized is that having those types of
10 experiences, being a parent, being a foster to
11 adopt parent, being a defense attorney for
12 parents, going -- helping people go through
13 divorces and adoptions and serving as a guardian
14 ad litem, that I think the next step for me to be
15 able to help people is to be a judge. I think
16 that I can hear what they're saying. I think
17 that I can understand where they're coming from.
18 And I think that I would be helpful and
19 respectful.

20 **Q. Thank you. Are there any areas in the law in**
21 **which you feel like you need additional**
22 **preparation and how would you handle getting that**
23 **additional preparation?**

24 **A.** The one area that I don't have a lot of current
25 experience in, sorry, is the juvenile justice

1 portion of the Family Court. I do have some
2 clients that I help with that through DSS cases
3 that I have that are minors. I have been
4 studying the code. I understand that it's going
5 to be under revision soon and so I think that
6 would be the one area that I would want to have
7 observed some more hearings on and I have
8 actually been part of a couple hearings recently
9 with my overlapping clients. And that would be
10 the one area, I would say.

11 **Q. Thank you. Could you briefly describe your**
12 **experience handling complex contested Family**
13 **Court matters and specifically your experience**
14 **with financial aspects of Family Court work?**

15 **A.** Sure. I have an LLM in taxation from the
16 University of Florida. I went straight there
17 after Carolina law school. And so I also have an
18 accounting degree from Wofford. So I'm very
19 familiar with financial statements and how those
20 things work. My practice primarily has dealt
21 mostly with marital assets like retirement
22 accounts, small businesses that I have dealt
23 with. I don't know that I've actually had to try
24 a case that had that kind of complex financial
25 issues in it. Most of my cases actually tend to

1 settle at mediation. I tend to use a retired
2 judge when its -- those kind of issues are
3 involved. And so for the most part, other than
4 trying to help my client and the mediator
5 understand those documents, I would say that's
6 where my experience is.

7 **Q. Thank you. The Commission received 131 ballot**
8 **box surveys regarding you, with 14 having**
9 **additional comments. And many of them contained**
10 **very positive comments like: would do an**
11 **excellent job. Would be an asset to the bench.**
12 **No other candidate possesses the necessary**
13 **experience in all aspects of family law. And, a**
14 **hard worker with a broad base experience. Three**
15 **of the written comments -- well actually four of**
16 **the written comments expressed concerns but one**
17 **of those expressed concerns about you having the**
18 **sufficient experience to be a circuit court judge**
19 **so I think perhaps there was a misunderstanding**
20 **in that comment. But three of the written**
21 **comments did express concerns. One expressed the**
22 **belief that there were other people more**
23 **qualified in running for this seat. And two of**
24 **them actually used the words scoffed, saying that**
25 **you had scoffed and were disrespectful and**

1 dismissive in the courtroom. Could you please
2 address these two concerns about other people
3 being more qualified and your demeanor in the
4 courtroom?

5 A. I will do my best. I'll start with the demeanor
6 in the courtroom one. I am -- as we discussed
7 when we first met, I was very surprised to hear
8 that comment. I try very hard to be even
9 tempered, to be very respectful of clients, to be
10 respectful of others in the courtroom. And so
11 I'm not sure where that would have come from. It
12 is Family Court, emotions run high. It can be
13 one of those that I just -- I hope it was
14 something I didn't even realize that I was doing,
15 if I did something, that someone took that way.
16 But I try very hard to be very respectful of
17 everyone in the courtroom, whether it's the
18 judge, the deputy, the court reporter or the
19 other party. Many of my cases I deal with pro se
20 litigants. And I've not had any issues with that
21 or any complaints, you know, with those type of
22 cases. So it's hard for me to say because I
23 don't know the specifics of what it was but
24 that's not me. And I think the other question
25 was the?

1 **Q. That others in the race had more qualifications.**

2 A. It's hard for me to answer that. I have been --
3 I think I will say that based on what I know of
4 the other three that Richland County is blessed
5 to have four of us come forward that are as well
6 qualified as I think all four of us are, because
7 I think we're all well qualified. I think we're
8 all qualified possibly in a different way. And I
9 would say maybe where mine -- where I would say I
10 was a little bit different was that I've done
11 just about everything in Family Court. I don't
12 just do divorces or I don't just do juvenile
13 justice or I don't just do juvenile justice or
14 don't just do DSS work. My practice encompasses
15 all of those areas and that would be where I
16 would say I would stand out differently. I think
17 some people, because they see me so much at the
18 courthouse doing the 608 work, you know, the
19 defense work with DSS, that they may think that's
20 all I do. But that's really only about half of
21 my practice.

22 **Q. Ms. Cahoon, in response to your question 34 in**
23 **your PDQ you voluntarily disclosed filing a**
24 **personal consumer bankruptcy in 2002 where you**
25 **discharged personal debt and medical expenses**

1 that were incurred after a hospitalization in
2 July of 1999. Could you please tell the
3 commission about your reasons for filing this and
4 what transpired in incurring the debts? And also
5 about your current financial status.

6 A. Certainly. I -- in May of 1999 -- no, I'm sorry,
7 in July of 1999, I was studying for the Bar exam
8 when I had a pulmonary embolism. I ended up in
9 the hospital the Saturday night before the exam
10 was supposed to start the next week. After that
11 I went to tax school at Florida for the next
12 year. And after tax school I had a job in
13 Charleston where I worked until about May of
14 2001. At that time the tax law changed regarding
15 estate planning. The exemption was raised
16 significantly, and the firm that I was working
17 for in Charleston did not have enough work to
18 keep me on as an associate. And so I was let go
19 from that job. I moved to Columbia but I was out
20 of work for three or four months, not working.
21 And when I took a job in Columbia I took a job as
22 an associate here making about \$25,000 less a
23 year than what I had been making in Charleston.
24 And it was just a combination of four years of
25 law school, the pulmonary embolism issue, the

1 moving, the difference in wages. I tried -- I
2 went to the United Way. I tried to go through
3 their debt counseling, I tried other alternatives
4 before I filed for the bankruptcy. But it just
5 wasn't doable based on, you know, the counseling
6 that I had with the financial counselors. And so
7 I had a friend of mine -- I represented myself, I
8 had a friend of mine walk me through the process
9 and was approved for the chapter seven.

10 **Q. Very good. Thank you. In your experience in**
11 **adopting a child, how has that influenced you and**
12 **particularly how has that influenced how you**
13 **might deal with litigants and practitioners if**
14 **you are selected for the Family Court?**

15 **A.** Going through the foster care adoption process is
16 sort of eye opening, what folks have to go
17 through to be qualified to be foster parents.
18 And so I found it very helpful to go through that
19 process to where I'm able to explain to my
20 clients that are parents who are trusting this
21 system to take care of their children. I have
22 been able to explain to them what the training
23 is, what people have to go through to become
24 foster parents. Because my husband and I had to
25 go through the same exact training. And I'm able

1 to reassure them, you know, that people are
2 taking care of their children. My daughter Grace
3 is African American so it has opened up a whole
4 new way of thinking for our whole family. When
5 we go places people ask us questions. It has
6 made me see things differently just as -- not
7 only as a parent but just as a person. It's been
8 very challenging sometimes but I think it has
9 helped me to sort of see things differently, in a
10 good way. It also allows me to talk about the
11 foster care adoption system when people ask me
12 how we got Grace. And I always encourage other
13 people to participate in it, even just as a
14 foster parent, even if they're interested in
15 adoption. And I would have really ever known the
16 need for that or why it was important, even
17 though I was in the legal side of it, without
18 having gone through the personal part of it as
19 well.

20 **Q. Thank you.**

21 MS. BENSON: Mr. Chairman, I would note that the
22 Midlands Citizens Committee found Ms. Cahoon
23 qualified in the evaluative criteria of
24 constitutional qualifications, physical health
25 and mental stability. They found her well

1 qualified in the remaining evaluative criteria of
2 ethical fitness, professional and academic
3 ability, character, reputation, experience and
4 judicial temperament.

5 **Q. Ms. Cahoon, just a few housekeeping issues. Are**
6 **you aware that as a judicial candidate you are**
7 **bound by the Code of Judicial Conduct as found in**
8 **rule 501 of the South Carolina Appellate Court**
9 **Rules?**

10 A. Yes, ma'am.

11 **Q. Since submitting your letter of intent have you**
12 **contacted any members of the Commission about**
13 **your candidacy?**

14 A. No, ma'am.

15 **Q. Are you familiar with § 2-19-70, including the**
16 **limitations on contacting members of the General**
17 **Assembly regarding your screening?**

18 A. Yes, ma'am.

19 **Q. Since submitting your letter of intent have you**
20 **sought or received the pledge of any legislator,**
21 **either prior to this date or pending the outcome**
22 **of your screening?**

23 A. No, ma'am.

24 **Q. Have you asked any third parties to contact**
25 **members of the General Assembly on your behalf or**

1 are you aware of anyone attempting to intervene
2 in this process on your behalf?

3 A. No, ma'am.

4 Q. Have you reviewed and do you understand the
5 commissions guidelines on pledging in SC Code §
6 2-19-70(e)?

7 A. Yes, ma'am.

8 MS. BENSON: Mr. Chairman, I would just note for the
9 record that any concerns raised during this
10 investigation regarding the candidate were
11 incorporated into the questioning today. And Mr.
12 Chairman, I have no further questions.

13 CHAIRMAN SMITH: All right. Thank you very much. Are
14 there any questions? Senator Sabb.

15 MS. CAHOON - EXAMINATION BY SENATOR SABB:

16 Q. Thank you, Mr. Chairman. And Ms. Cahoon, thank
17 you for offering for the position. I will just
18 tell you that it is so refreshing to have someone
19 standing where you are who is an absolute Florida
20 Gator, right?

21 A. I'm a Gamecock.

22 Q. Oh.

23 A. But I do pull for Florida when they're not
24 playing. Steve Spurrier was actually the coach -
25 - he was still the coach of Florida when I was in

1 school there and it was -- there are crazy
2 football weekends down there.

3 Q. So Spurrier was also the coach when I was in law
4 school there and so those were clearly the glory
5 years. I'll say this and really I'll ease out of
6 the way and allow others to ask the questions.
7 But, you know, during the Spurrier years I go the
8 auditor seminar in Atlanta every year and that's
9 when they have the SEC championship games. And
10 so I was glued in there, year after year after
11 year and so I cheer for Carolina too except when
12 they're playing Florida. So you and I are total
13 opposites when it comes to that but thank you so
14 much for offering yourself. I do want to say as
15 well, I think that a lot of your experiences are
16 a testament to your commitment to what you do.
17 And it's clear that -- and we had a discussion
18 earlier with one of our candidates who one of the
19 comments was made that she actually shed tears
20 when she's in litigation of certain matters. And
21 to me I did not that view that as being a
22 weakness, I viewed it as being a strength.
23 Because I think to the extent that we are human
24 and we take our cases to heart from time to time
25 the emotions of them are such that it simply

1 breaks the heart. And to the extent that that's
2 your emotional flow after that, to me, it's not a
3 weakness. And not suggesting that what you do
4 moves to you tears but it clearly tugs at your
5 heart and I just quite frankly see that as a good
6 positive thing, so thank you so much.

7 A. Thank you so much. Yeah. I wouldn't do what I
8 did if I didn't love it. There are hard days but
9 today, before I came here, I had some hearings
10 and at one of those hearings a child came out of
11 foster care and went home with their parents
12 today. And that was a hug. That was a -- I
13 don't know that I was in tears but the parents
14 absolutely were. And usually I join them when
15 we're at that point but I really I live for those
16 hearings when I can get children home to their
17 parents and, you know, to have that happen today
18 was a good positive sign before this hearing.

19 Q. So you provoked one other thought. There's a
20 judge that we had in the Third Circuit and he had
21 adoption day. And when I started winding down
22 away, easing away from Family Court, the only
23 type cases that I would take was adoption cases
24 because that's the only one that I walked out of
25 there feeling really, really good doing and so I

1 can appreciate that. We had a lot of hugging.
2 Shed a lot of tears when we reunited those
3 children with good families and so, anyway.

4 CHAIRMAN SMITH: Senator Rankin.

5 MS. CAHOON - EXAMINATION BY SENATOR RANKIN:

6 Q. Ms. Cahoon, I am impressed with your resume and
7 your obvious ability to learn quickly. And
8 perhaps your mental sanity might be a little
9 suspect that you decided to go another year of
10 law school to get an LLM in tax.

11 SENATOR SABB: But she went to Flordia.

12 Q. Doubly suspect, perhaps. But and I noticed your
13 work post-graduate degree in the estate planning
14 world. How did you transition from that work, I
15 guess at Young Clemment most probably
16 exclusively, to the now about 15 percent work
17 that you do?

18 A. It started out as I was doing all -- a hundred
19 percent estate planning, when I first got out of
20 tax school, at Young Clemment. And then when I
21 came to work for the firm here in Columbia I was
22 the kind of their primary person to do that. And
23 I also did a little bit of other things. I was
24 the person that got sent to Family Court when the
25 partners didn't want to go. When the appointment

1 system was in place, when anybody would get
2 appointed to go. And when I went out on my own
3 it was -- it sort of started as an economic
4 situation because people will pay to get
5 divorced. People will pay an attorney to help
6 them when it comes to their children or
7 visitation or child support. So I sort of fell
8 into it, and enjoyed it, and just really decided
9 to focus on that. The estate planning I consider
10 almost like family law in the sense that I'm
11 helping people protect their family, their
12 children, their grandchildren. I like to help
13 people set up special needs trust for their
14 children or grandchildren that need that. And so
15 to me they're very similar, the two areas of law.

16 **Q. Well it's certainly an eye towards the future as**
17 **a guardian effectively of both a lifestyle, a**
18 **healthy living and assets in the future so I see**
19 **that. And in that 15 percent mix that you had in**
20 **the state planning do you still have to maintain**
21 **particular creditations, CLEs and/or other**
22 **continuing eds?**

23 A. I don't have a --

24 **Q. Specific to either tax or estate planning?**

25 A. I don't have a specialization so I don't have to

1 maintain any specific type. I tend to -- if you
2 look at -- I don't know if you looked at my CLE
3 reports but you'll see a mix of the
4 probate/estate planning ones along with the
5 Family Court ones. Because I -- you have to stay
6 current if you're going to do that. So I usually
7 go to well over the number of hours that we're
8 required to do as attorneys and try to have a mix
9 of the two.

10 **Q. All right. Thank you.**

11 A. Thank you.

12 CHAIRMAN SMITH: Senator Young.

13 SENATOR YOUNG: Thank you, Mr. Chairman.

14 MS. CAHOON - EXAMINATION BY SENATOR YOUNG:

15 **Q. Ms. Cahoon, I would like to ask you if you have**
16 **any suggestions for how the system in Family**
17 **Court -- with respect to abuse and neglect cases,**
18 **how it can improved for the children who are in**
19 **those cases?**

20 A. That's a very good question and I've thought
21 about that question a lot. I've tried to work
22 with -- I'm in the Fifth Circuit primarily. We
23 are a large circuit. To me we have a large
24 backlog of cases. I recently had a five-day
25 trial that my client waited 28 months to have.

1 And that's too long. That was too long for my
2 client, and that was too long for her children.
3 And so I don't know what the answer is. I don't
4 think it's just throw more court time at the
5 problem, I don't think that resolves it. I do
6 know that we are attempting to schedule things
7 differently going forward in the Fifth Circuit
8 and trying to get a handle on the number of days
9 for a trial sooner rather than later in the
10 process. From my standpoint as a defense
11 attorney I think the sooner that I'm involved in
12 the case the better. Because the sooner I get a
13 handle on it I can advise parents about whether
14 we need to be coming to an agreement, whether we
15 need to be trying to say we need our discovery
16 back within this amount of time, we're going to
17 need a three-day trial, we need to get this
18 going. What I'm finding is anything over about a
19 day long is taking many, many months to get
20 scheduled. And it's -- that's not helping.

21 **Q. Why is that? And why is taking between --**

22 A. In our -- in our circuit we have to get private
23 docket time is what they call it. And so we have
24 to work with the chief administrative judge that
25 helps us do that and then with the Clerk of

1 Court's office. And so I think it's just been a
2 -- I've had a backlog even in my private cases to
3 get motions heard, to get hearings set. I
4 requested a hearing, a final hearing, back in
5 July and it's scheduled for next week. I don't
6 know what happened. I just know it didn't get
7 scheduled for a very long time. And so it's
8 difficult to do that. And I think if we -- what
9 I've tried to start doing with my particular
10 cases is putting more deadlines in orders both
11 for the department of social services and for
12 myself to say we are -- we need to have these
13 documents exchanged by this time, we need to come
14 back to court for another hearing if we haven't
15 resolved this case. I think what happens is
16 sometimes the cases sort of get out into the
17 world where no one is looking at them, putting
18 their hands on them, for a long time. And so
19 when they come back in it's difficult to just
20 pick them up and get the resolution moving
21 forward on it.

22 **Q. Thank you.**

23 CHAIRMAN SMITH: Any further questions? Mr. Safran.

24 MS. CAHOON - EXAMINATION BY MR. SAFRAN:

25 **Q. Just very briefly, we appreciate you being here**

1 and I do think you said it right when I think you
2 pointed out that the candidates who have offered
3 for this position all bring something in terms of
4 experience and some know-how in this area.
5 You've been doing it for a while. I think it's
6 very admirable that people like you now do want
7 to offer for those position. And I guess the
8 question I've asked everybody and I'll streamline
9 it. You've basically been in the courtroom and
10 the situation involving basically the divorce
11 proceedings. I know that the criminal or the DSS
12 things are run a little bit differently because
13 of the flow that has to be required. I guess my
14 main question is this: I'm sure you have probably
15 run into the frustration at times when you go
16 into a temporary hearing you get a very limited
17 amount of time and it almost becomes, you know,
18 who can give the greatest amount of pounds of
19 affidavits in order to kind of get their point
20 across. I think recognizing that how -- that
21 those affidavits and the ruling in that hearing
22 can have such a tremendous impact on the rest of
23 the litigation it seemed to be a little unusual
24 that so little time is afforded, particularly to
25 let the lawyers be lawyers. What kind of

1 approach would you have to that circumstance,
2 particularly where you've got people in there
3 that need to be able to pursue a position as
4 opposed to just sitting there watching you read
5 an affidavit?

6 A. I think that's difficult. I think the time
7 constraints that are placed on those hearings by
8 the Clerk of Court, or by the attorneys that are
9 requesting them, is an issue. We do have a
10 process to request a longer temporary hearing. I
11 have one that's going to be an hour long in
12 January that's already set. I do think that some
13 of the responsibility is on the attorney to
14 understand what the complexity of the case is,
15 what the nature of it is, to put it forward. We
16 do have an eight-page limit on affidavits. Some
17 judges do a really good job of enforcing that and
18 some judges will let you get away maybe with a
19 little bit more. I would hope that I would be
20 very fair to everybody but I think it would just
21 depend on the schedule. You couldn't take an
22 hour for one when you had five other people, five
23 other sets of people, waiting on you to do it
24 because then the whole day is messed up. But
25 hopefully -- I know that the last CLE I went to

1 that it was heavily emphasized that attorneys get
2 their temporary hearing packets organized, have
3 them prepared, understand if you needed more than
4 15 minutes that you should ask for it that the
5 clerk's office would give it to you, that judges
6 would give it to you if it was docketed
7 correctly. And I would hope that people would
8 take that to heart. You know, I don't know
9 exactly how I would do it. It would be hard to
10 say. And I don't know that it's a one-size-fits-
11 all. I think it would depend on like the type of
12 case that it is. Because some cases are just
13 financial in nature. Some of them are very much
14 custody, who someone is having to ask somebody to
15 move out of a house, who's going to have the
16 children, you know, issues of abuse potentially.
17 I think those certainly I would want to take a
18 closer look at and more time on.

19 **Q. Is there any particular judge or judges that**
20 **you've experienced, I guess, during your time**
21 **that you would look at and say they're a good**
22 **model for you to follow?**

23 **A.** Well, I'm not sure that I could say specifically
24 which one. I do know that there are some that
25 are not necessarily in the Fifth Circuit that I

1 have been in front of that are very much hand me
2 your packet, you attorney knew you should be
3 organized enough to put together the packet, this
4 is what the rules say, and I'm going to look at
5 it first. Then I'm going to let you attorney
6 have your chance to point out, to answer any
7 questions that I have as the judge. But also to
8 give me a very brief synopsis of what's in here.
9 I like that approach because I think it gives the
10 judge a chance to read over what's going on first
11 and then gives the attorney a chance to make
12 their argument. But I think in some sense you
13 have to learn to be a persuasive writer, and you
14 have to learn how to use the forms that lawyers
15 are given that the court system has set up to
16 kind of get your argument across as well.

17 **Q. Okay. Thank you.**

18 CHAIRMAN SMITH: Any other questions?

19 MS. CAHOON - EXAMINATION BY CHAIRMAN SMITH:

20 **Q. Ms. Cahoon let me -- I notice you went to Wofford**
21 **and you got a degree in accountancy and**
22 **government?**

23 A. Yes, sir.

24 **Q. You double majored?**

25 A. I double majored.

1 **Q. I did history and government. So who was your**
2 **professors in government while you were there?**

3 A. Dr. Tyner was one of them. I can't remember who
4 the other ones were.

5 **Q. I had Dr. Dunston, was he there when you were**
6 **there?**

7 A. I think so, yes.

8 **Q. And I had Dr. Seitz.**

9 A. Yes, he was there.

10 **Q. He counterbalanced.**

11 A. They did.

12 **Q. The political spectrums between the government.**
13 **Dr. Seitz was a unique individual.**

14 A. Yeah. My senior thesis project, my independent
15 study project, was about the rise and fall of
16 political parties in America.

17 **Q. And so has it become prophetic now?**

18 A. I wish I still had a copy of it. It was
19 interesting, it was very interesting to see. And
20 to be a government major and accounting major are
21 sort of very opposite in nature but, you know, I
22 loved my time at Wofford.

23 **Q. Yeah. I did too. It was only 18 hours to get a**
24 **major so you may as well enjoy the classes so I**
25 **just made -- got the major. I'll never forget --**

1 I'll brag on myself for a second but I'll never
2 forget my last paper was Dr. Seitz and we
3 disagreed politically and we were at the opposite
4 ends of the spectrum and he gave me an A plus,
5 plus and said one of the best papers he's read
6 all year and I kept it. And somehow I guess my
7 mother threw it away because it was not very
8 important in the grand scheme of things for her.
9 But it was, you know, it was interesting to have
10 that, have those professors over there. It was
11 three of them and one of them was -- he ended up
12 becoming a lawyer.

13 A. That was the one that I had, primarily, yeah.

14 Q. Yeah. It was Tyner, that was his name. Became a
15 lawyer and worked with John White's law firm for
16 a little while, that's where I met him again.

17 A. Yeah. He did.

18 Q. All right. Well, wonderful.

19 CHAIRMAN SMITH: Any further questions?

20 (No replies are heard.)

21 CHAIRMAN SMITH: All right. Ms. Cahoon, thank you so
22 much and this concludes your portion of the
23 screening process. I want to take this
24 opportunity to remind you that pursuant to the
25 Commission's evaluative criteria the Commission

1 expects candidates to follow the spirit as well
2 as the letter of the ethics law. We will view
3 violations or the appearance of impropriety as
4 serious and potentially deserving of heavy weight
5 in screening deliberations. On that note and as
6 you know the record will remain open until the
7 formal release of the Report of Qualifications
8 and you may be called back at such time if the
9 need arises. Thank you for offering and I thank
10 you for your service to the state of South
11 Carolina.

12 A. Thank y'all so much.

13 **Q. All right. Have a good afternoon.**

14 A. You too, thank you.

15 CHAIRMAN SMITH: Does that conclude the Family Court
16 seat? All right. Representative Murphy moves
17 that we go into executive session, all in favor
18 say aye.

19 (Ayes are heard.)

20 CHAIRMAN SMITH: All opposed?

21 (No replies are heard.)

22 CHAIRMAN SMITH: Ayes have it. We'll go into
23 executive session.

24 (EXECUTIVE SESSION)

25 (Vice Chairman Rankin assumes chairmanship due to Chairman

1 Smith's recusal on previous candidate.)

2 VICE CHAIRMAN RANKIN: All right. We are back on the
3 record. And for the record during executive
4 session no votes were cast, no decisions were
5 made. And we are back on the record. Ms. Hope
6 Blackley Logan moves to adjourn, seconded by Pete
7 Strom. All in favor say aye.

8 (Ayes are heard.)

9 VICE CHAIRMAN RANKIN: Ayes have it, we will see y'all
10 on December second.

11 (There being nothing further, the proceeding adjourned at
12 6:30 p.m.)

1 CERTIFICATE OF REPORTER

2 I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC
3 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
4 CERTIFY THAT I REPORTED THIS PROCEEDING, ON WEDNESDAY, THE
5 20TH DAY OF NOVEMBER, 2019, AND THAT THE FOREGOING XXX
6 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY
7 STENOMASK REPORT OF SAID PROCEEDING.

8 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
9 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
10 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
11 INTERESTED IN SAID CAUSE.

12 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
13 29TH DAY OF NOVEMBER, 2019.

14 

15 JENNIFER NOTTLE, COURT REPORTER

16 MY COMMISSION EXPIRES JULY 11, 2023

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