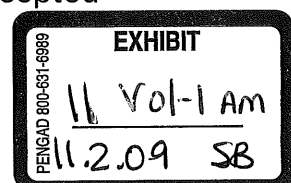


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**  
**Supreme Court/Court of Appeals**  
**(New Candidate)**

Full Name: Thomas E. Huff  
Business Address: P.O. Box 11629  
Columbia, SC 29211  
Business Telephone: 803-734-1541

1. Do you plan to serve your full term if elected? Yes
2. If elected, do you have any plans to return to private practice one day? No
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I cannot and will not engage in *ex parte* communications. I have also admonished my staff to be highly sensitive to this issue and to avoid it.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I served in the legislature for eighteen years and I am acutely aware of the concerns the public has concerning lawyer-legislators appearing before the same judges they elect. I do not believe that alone should necessitate an automatic recusal. The law and facts or merits of legal argument should be the paramount consideration not the advocate. The implications of a recusal may delay a prompt resolution and additional financial burdens to the parties. Recusal is something I take very seriously and is done after thoughtful deliberation. If the attorney involved in the appeal is a former associate or law partner then I would recuse myself in that situation.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I give great deference to any party who felt it necessary, in this situation, to file such a motion. I would grant the motion.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I have set extremely high standards in this area. I am mindful that this issue has caused much debate with the bar, the public and litigants. As a consequence I refrain from accepting gifts or social hospitality from individual attorneys. I have accepted



- social hospitality from Bar associations and foundations if they are found acceptable by the appropriate commission, rules, canons and guidelines and even then rarely.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would take the appropriate steps to see that it was properly reported to the Commission on Judicial Conduct or the Commission on Lawyer Conduct.
  9. Are you affiliated with any political parties, boards or commissions that need to be evaluated? I was an active member and legislator representing a political party before I was elected to the bench. Once I became a member of the Court of Appeals, I have taken a very neutral, detached and uninvolved position in the affairs of politics.
  10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No
  11. How would you prepare for cases that were before you? In this computer and internet age, there is a vast array of legal research tools available to the court. I use them all as I read, research and prepare for court. Naturally, I read the records and briefs in preparation to meet with my law clerks and other judges. Subsequent to our panel conference I will often do additional research on matters that may have been raised during our panel conference. Since our court is divided into three three judge panels I am also required not only prepare for my assigned cases I also must read and prepare for the case assigned to their chambers. After oral argument the panel will conference the cases again to determine if we need to address any new or additional matters. As one can readily see most of the work is done early on and long before the opinion is prepared.
  12. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? This question is one the most perplexing and volatile issues facing the judiciary today. This question presupposes a problem that may or may not yet exist in South Carolina. It is an Issue that has become a focal point on the federal level more than the state level. However, it is an area that warrants close scrutiny and sensitivity by our courts. As a court system, we must be constantly aware of the boundaries imposed by the separation of powers embodied in our constitution. We must equally recognize the roll of the legislature in establishing public policy as it performs its role as an elective body. I believe that serving in the legislature has given me a heightened awareness of their duties and mine especially as it relates to statutory interpretation and the setting of public policy.
  13. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you

plan to undertake to further this improvement of the legal system? I have been a speaker at a number of CLE presentations during my time on the bench and will continue to do so. I have also participated as a speaker in a local high school program which provides seniors an overview and understanding of the judicial system of South Carolina.

14. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? The strains may be different for our court than the courts that require travel. The appellate court requires a tremendous amount of reading and time to research and prepare. There is constant interaction with other judges, law clerks, staff attorneys and court staff as we prepare for conferences and terms of court. The system of panel assignments demands a demeanor and temperament to interact so as to present points and argument in a very lucid, concise way. It absolutely requires a personality that engenders a willingness to contribute and participate in discussions without confrontation or intransigence. It would appear those are the same attributes that make for less stressful relationships with spouses, family and friends. I do recognize and am extremely sensitive to the fact that maintaining strong family relationships and interaction with friends actually helps to alleviate the stress of work. My wife and I often spend time with our three grandchildren and we have at least one night a week as our "date" night which is dedicated to us. It is usually to do whatever she wishes to do. I find it has been very helpful in maintaining a perspective as to what is really important.
15. Are you currently serving on any boards or committees? No If so, in what capacity are you serving?
16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?
- a) The use and value of historical evidence in practical application of the Constitution: It is of critical importance that we are knowledgeable of the writings and expressions of the drafters and authors of our constitution. As the Federalist Papers, writings of Madison, Jefferson and Adams can serve us well in understanding the intent and purpose of the United States Constitution so also can our historical evidence shed light and insight upon the South Carolina Constitution.
- b) The use and value of an agency's interpretation of the Constitution: While agency interpretation of a constitutional provision may make interesting reading and possibly elucidate a point they are not forceful, compelling or controlling in my view. It is critical to be grounded in the original intent and purpose of the constitutional

provision. Prior court decisions, amendments and legislative enactments can give a more precise pronouncement and interpretation.

c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: The value of historical perspective and practical application as explained by these documents should be preeminent in an interpretive analysis. The writings and expressions of the drafters which were produced contemporaneously and in proximity of time with the adoption of the document can be of much benefit in edifying and guiding our understanding of the constitutional provisions.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?  
Yes
18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes? The plenary powers of local government, if any, flow as a natural consequence of constitutional mandate or statutory enactment.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No
20. Do you belong to any organizations that discriminate based on race, religion, or gender? No
21. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
22. Have you written any scholarly articles? Not at this time
23. What do you feel is the appropriate demeanor for a judge? A judge should possess patience, tactfulness, understanding, open-mindedness, appropriate firmness where necessary, even-temperedness, humility, a willingness to hear and inquire respectfully all sides and to remain courteous to the parties and attorneys. These attributes are simply a few of the traits that I believe are necessary to serve.
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I have tried, as best I can, to manifest these character traits in my daily life. If they are not engrained in our living then they will not be evident in our service.
25. Would there be a role for sternness or anger in meetings with attorneys? I don't think any judge should show anger from the bench. Firmness can sometimes be required but it can be shown in a positive

way. Being prepared, being direct and giving respect may very well ally expressions of anger.

26. How much money have you spent on your campaign? None If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? No Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
31. Have you contacted any members of the Judicial Merit Selection Commission? No
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

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

s/ Thomas E. Huff

Sworn to before me this 13 day of August, 2009.

Notary Public for S.C.

My Commission Expires:12-15-2018



# The South Carolina Court of Appeals

THOMAS E. HUFF  
JUDGE

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October 21, 2009

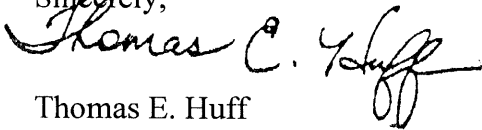
Jane O. Shuler  
Chief Counsel, Judicial Merit Selection Commission  
Judicial Merit Selection Commission  
P.O.Box 142  
Columbia, S.C. 29202

Re: Amend public hearing transcript

Dear Mrs. Shuler,

I want to amend my sworn statement in the state transcript for the public hearing. Specifically, I would like to amend item number 32 to answer yes that I am familiar with the 48 hour rule. Thank you for accepting this amendment.

Sincerely,

A handwritten signature in black ink that reads "Thomas E. Huff". The signature is written in a cursive style with a large, stylized "H" and "F".

Thomas E. Huff