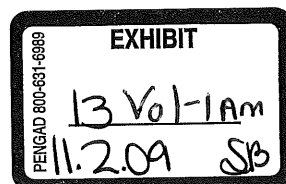


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings
Supreme Court/Court of Appeals
(New Candidate)

Full Name: Alison Renee Lee
Business Address: Post Office Box 192
1701 Main Street, Suite 324
Columbia, South Carolina 29202
Business Telephone: 803 576-1765

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 do not discuss any cases which have been assigned, are pending or closed with any of the parties, their attorneys or representatives. If a question arises, my administrative assistant or law clerk requests that the matter be addressed in writing copied to all parties or a conference call is scheduled to discuss the matter with all parties or their representatives. For simple clerical questions regarding a case or its status, my assistant or law clerk will answer them or refer the call to the Clerk of Court. There are situations in which *ex parte* communications are allowed. These include administrative matters in which substantive matters are not discussed, situations in which the other party is not placed at a disadvantage, and matters allowed by the Rules of Civil Procedure (such as temporary restraining orders).
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Mere affiliation with any of these classes of lawyers would not require recusal. If faced with a situation in which my impartiality could reasonably be questioned, I would recuse myself. Certainly if I thought my friendship with one of these lawyers would interfere with my impartiality or cause me to hesitate because of the friendship, recusal would be appropriate and required.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? Under the canons of judicial conduct, a judge should avoid the appearance of impropriety. A judge is required



to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The judge should disclose information the judge believes the parties or their lawyers might consider relevant, even if the judge believes there is no real basis for disqualification. Having determined that it was important to disclose the information, I would give great deference to the parties' requests. The record should contain some evidence to support a party's claim of judicial prejudice or bias. If no evidence is offered to support a claim of partiality, the trial judge can deny recusal. If the party can demonstrate such evidence, I would have to recuse myself even if I felt I could be impartial.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I have accepted lodging from lawyer associations (e.g. Trial Lawyers or Defense Lawyers) when invitations to attend meeting have been extended to all judges. My policy is to accept invitations equally from both plaintiffs' and defense organizations. I have also accepted a meal from an organized group of lawyers (e.g. Richland County Bar) when all judges in the circuit or state have been invited. I do not accept any other offers of gifts or hospitality including food, beverage, lodging, etc. or gifts from lawyers who appear before me. I will accept a meal, transportation or lodging in connection with expenses incurred if invited to speak to a group out of town and the time of the engagement requires it.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? If I had actual knowledge of any misconduct, I would first discuss it with the person and inform him/her of my duty to report the conduct to the appropriate authority. If the misconduct is reported to me, then I would try to ascertain the circumstances and discuss the fact that it was reported to me as potential misconduct. If the explanation reveals that there is misconduct or the possibility of misconduct, then I would be required to report it to the appropriate authority as required by the rules.
9. Are you affiliated with any political parties, boards or commissions that need to be evaluated? No.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.
11. How would you prepare for cases that were before you? I would read the record, the briefs filed by counsel, any pre-conference memoranda, and the pertinent cases on the issues. A list of questions for oral argument would be prepared as well as notes taken during any conferences with the other judges on the panel.
12. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges should not

initiate public policy or engage in activism infringing on other political branches' authority. The Supreme Court certainly sets the standard for interpretation of the law. To the extent the courts are required to determine the constitutionality of actions by the executive and legislative branches, there are certain standards that require the courts to give deference in favor of constitutionality. The executive and legislative branches set 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 will speak at CLE's and at meetings or conferences on topics relating to law of which I have knowledge. I also speak at schools or before groups of children to encourage them to study, set goals and to work hard to achieve them and succeed.
14. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No. I have served as a judge for a number of years and my family and friends are aware of the restrictions by the judicial canons of conduct. They understand if I decline to participate in an activity and I am careful to explain if necessary.
15. Are you currently serving on any boards or committees? If so, in what capacity are you serving? No.
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:
 - b) The use and value of an agency's interpretation of the Constitution: The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: The cardinal rule of construction is that the words should be given their plain meaning. If the plain meaning reveals ambiguity then the constitution or statute must be interpreted. Documents produced contemporaneously to the Constitution would have the greatest weight because these documents would provide the arguments and discussions relating to enactment of the contested provision. Secondary to review of this material, historical evidence of the practical application must be considered to illustrate the context in which these provisions have been used or applied. Finally, an agency's interpretation of the Constitution is given deference but is not controlling.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision? The power of the General Assembly is plenary in nature. The State Constitution limits the power of the General Assembly. Stated differently, the General Assembly may act through its plenary powers to any extent not expressly or impliedly prohibited by the State Constitution.
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 grants of authority to local government are derived from the state level. The General Assembly provides for a statewide framework for local governments, but may not enact legislation special to only one or a few. The counties and local governments have power within that framework to enact statutes affecting local government.
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? No.
23. What do you feel is the appropriate demeanor for a judge? A judge should act fairly and impartially and should conduct himself/herself in a manner that bestows confidence in the legal system. Both personally and professionally, the judge should act in a manner that would not violate the law or call into question the judge's ability to act fairly and impartially.
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? The Canons on Judicial Conduct apply at all times whether performing judicial duties or not. The Canons apply 24 hours a day, 7 days a week.
25. Would there be a role for sternness or anger in meetings with attorneys? Judges should not display emotions that question professionalism. It is inappropriate for judges to display anger to litigants including criminal defendants or to the attorneys. There are occasions when a judge needs to be stern and to clearly communicate a position or ruling. This should not be done with anger. Judges should take caution that comments and actions are not misinterpreted.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None.
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? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/ Alison Renee Lee

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

Notary Public for S.C.

My Commission Expires: 09-27-2010