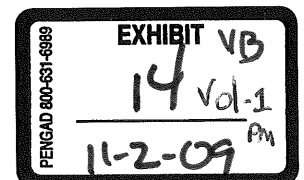


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: William Patrick Frick
Business Address: PO Box 637
Winnsboro, SC 29180
Business Telephone: (803) 815-0796 or (803) 285-5585

1. Why do you want to serve as a Circuit Court judge?
Learning from the example of my father who has worked in local government in this state for the past 30 years, I have always wanted to be in public service. Thus far in my career I have served as an Assistant Solicitor, Assistant Attorney General, public defender and as private counsel. Outside of work, I serve on local boards of organizations working to improve quality of life in my community. I believe that the honor of serving as a judge is an excellent way for me to utilize the experiences I have already gained to serve my state.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day?
While I would envision remaining on the bench for the remainder of my career, I cannot say that there would be no circumstance in which I would return to private practice.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
I meet all requirements as established in the Constitution
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
I believe the prohibition of *ex parte* communication should be inflexible. If a judge is discussing a case with one party then the opposing counsel should be a party to that conversation. With the exception of where *ex parte* communication is allowed by law, such as the procurement of money for the defense of indigents, I could not foresee a circumstance where *ex parte* communication would be tolerated.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
As long as the judge ensures fairness in the process, I do not see any *per se* reason that a judge should recuse himself in a case involving a lawyer-legislator. Matters involving former associates or law partners are probably best handled on a case by case situation. However, regardless of the judge's feelings, should a party to the matter request recusal the judge should consider this motion to prevent even an appearance of



- impropriety, if the motion has merit and is not simply a method of delay.
7. 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 believe that the judicial system must be above the appearance of impropriety, therefore, given the situation outlined in this question, should a party request my recusal I would grant such a motion.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I believe that this situation would call for recusal regardless of whether or not it had been requested by a party to the matter at bar.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
The judicial canons and state law are fairly specific in limiting what a judge can and cannot accept in regard to gifts and social hospitality and I would follow those canons and statutes implicitly.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
As an allegation of misconduct is quite serious, I would first ensure that what I knew was in fact the truth. If I determined that issue was true, I would probably confront the lawyer or judge regarding the issue and request that person to rectify the situation and self report the matter to the appropriate office. However, I would not have a problem reporting it myself should the situation necessitate that action.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?
I am currently involved with the Democratic Party in Fairfield County. However, as dictated by the judicial canons, I would not be involved in any political activities and would remove myself from any boards or organizations which could cause any conflict of interest regarding their political activity.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
I own and operate residential rental properties in the Winnsboro area. I would anticipate remaining involved in that activity as time permits me to do so.
13. If elected, how would you handle the drafting of orders?
While there are certainly circumstances when orders must be drafted by the judge, most matters in General Sessions and Common Pleas court can be handled by counsel involved in the matter with review and revision as necessary by the opposing counsel and approval by the judge.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

The practice of law and life in general is full of deadlines. I find that simply maintaining a daily calendar is the most helpful way to ensure that deadlines are met.

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

I believe the role of the judiciary is quite clear and that role does not call for “judicial activism”, but in interpreting and applying the law as written. Should a judge wish to write law, he would best be served in this purpose by becoming a legislator.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

It is said the wheels of justice turn slowly and while there should not be a rush to judgment, anything to expedite justice in our legal system should be done by the judge to help alleviate the perception of a lack of justice in society. This includes the implementation of efficient technology and working to control the dockets in civil and criminal court as permitted by the rules of court and state statute.

17. 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 address this?

While the pressure of serving as a judge is tremendous, any career in public service has its stresses and strains on personal relationships. I do not believe that serving as a judge would present any stresses or strains that could not be overcome or that I have not already dealt with thus far in my career.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders: This is clearly the most frustrating class of offender. Enhanced sentencing is the traditional method for dealing with this situation, however, I do not believe that it is nor has it served as a cure all for this particular offender. Many times this situation is caused or contributed to by untreated drug addiction or untreated mental illness. While treatment does not guarantee success, failure of society to provide these tools to a willing participant only exacerbates these problems.

b. Juveniles (that have been waived to the circuit court): While I would certainly pass sentence appropriate to the offense and in accord with the law, it must be understood that this offender will more than likely return to society some day and the court should ensure that the tools that are available to become a productive citizen are made available to prevent this juvenile from becoming a recidivist.

c. White collar criminals: The actions of these offenders are no less criminal than the masked man who robs at gunpoint in the dark of night,

and in many circumstances has victimized many more and for far higher amounts than the gunman. Therefore, he should not be accorded any different treatment or special consideration because his offense occurred without a weapon in the light of day.

d. Defendants with a socially and/or economically disadvantaged background: Many, if not the majority, of defendants in our criminal justice system come from economically or socially disadvantaged situations. While a defendant may have an explanation for his criminal acts due to economic or social circumstances, it nonetheless is still a criminal act and cannot be excused simply because a person is disadvantaged.

e. Elderly defendants or those with some infirmity: Age or infirmity can be a factor in determining sentence if doing so would be an appropriate consideration in light of the offense to avoid undue cost and burden to the taxpayer. However, these factors in and of themselves should not be used to lessen a sentence when a particular sentence is appropriate.

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

I have a few small investments in common stock and investments in residential rental properties; however, I cannot anticipate a situation where these investments would impair my impartiality.

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

De minimis is a relative term and I would hold by the standard I stated in previous questions. Even if I feel that my interest would not cause any prejudice or impartiality on my part, I would consider recusal should the issue be raised by a party in the case.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No

22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes, and I most often exceed the minimum hours required for legal education courses.

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

Overall a judge must be fair. Despite the many unsavory issues which must be handled on a daily basis, the judge must treat all parties evenhandedly without any appearance of favoritism. A judge must earn respect by showing respect to all parties and persons. A judge must be the manager of the courtroom and must maintain order of that courtroom. In that regard, a judge must sometimes be firm and must make decisions that some will probably not like. However, when done appropriately a judge will still maintain control and earn respect.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

These rules are simple ethics for maintaining the sanctity of our judicial

system and the basic ethics of everyday life; therefore, they would apply each hour of each day.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

Anger is a natural feeling and it is perfectly natural to become angry with any person. However, the difficulty arises in the expression of that anger. I do not feel that it is appropriate and that it is contrary to the professionalism of the judiciary to publicly express that anger. Even in the most heinous situations, I do not feel it is appropriate for a judge to express anger toward a criminal defendant, nor is it appropriate to express anger toward a pro se litigant. While attorneys can try the nerves and patients, it would not be appropriate to allow an attorney to drive a judge to a public expression of anger. Should a judge reach a point when he feels he must address the issue causing the anger, it would be appropriate for the judge to request the attorneys involved to meet in chambers with the judge.

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?

Aside from paper and postage, I have expended no funds on my campaign and certainly have not exceeded \$100.00

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

Not applicable

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/ William P. Frick

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

Notary Public for S.C.

My Commission Expires: 06-01-2019