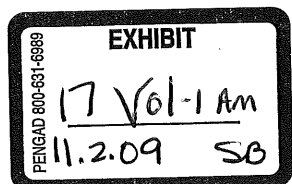


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings
Supreme Court/Court of Appeals
(New Candidate)

Full Name: Paul E. Short, Jr.
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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 believe a judge should have *ex parte* communications with attorneys to discuss any issue involved in a case. An *ex parte* communication may be necessary on some occasions to issue a Temporary Restraining Order as required by the South Carolina Rules of Civil Procedure.
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 would recuse myself on any case in which I felt that my former association with someone would prevent me from being fair and impartial to all parties involved.
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? If I believed that something I disclosed had even an appearance of bias and a party requested me to recuse myself, I would grant that Motion.
7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I normally do not accept gifts or anything of value from attorneys or other individuals. I have attended conferences sponsored by organizations such as the South Carolina Bar Association, South Carolina Association for Justice, and South Carolina Defense Lawyers Association. On some of these occasions my registration fees, lodging, and meals have been provided by these organizations and attorneys. Of course, all Judges were invited and the Chief Justice approved our attendance. On a few of these occasions, I have gone to dinner with a group of attorneys and other



- Judges during these conferences; however, to my knowledge, none of the attorneys had any matters pending before me.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? I would report it to the appropriate board, commission, or court.
 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 review the transcripts of record, briefs, and conduct preliminary research on the issues involved in any particular case.
 12. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I do not believe in "judicial activism". I believe that under our Constitution, Judges are elected to interpret the law, not to promote or set public or social policy. When the issue of ambiguity of a statute is before the Court, I believe that Judges should refer to the legislative history of the statute in an attempt to interpret the law in a manner consistent with the Legislature's intent.
 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 would participate in available continuing legal education in order that I could be as qualified as possible to serve as a member of the Court of Appeals. I would also attempt to be appointed to certain committees in order that I might contribute to the improvement of our legal system and the administration of justice.
 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 believe that I have actually become closer to my family since I have been on the bench the last eighteen (18) years.
 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: I believe that historical evidence would be very valuable in determining the application of our Constitution. My analysis would include efforts to determine the intent of the framers of our Constitution in any particular area of the law.

- b) The use and value of an agency's interpretation of the Constitution: I believe the Court should be bound by the framers' intent in interpreting our Constitution and not that of a particular agency.
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: I believe that documents produced contemporaneously to the Constitution should be given the greatest weight in determining the framer's intent.
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? Local governments do not have plenary authority. All grants of authority to the local governments flow from the State level in our Constitution and statutes.
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? YES. I have written several research papers for courses I have completed in the Master of Judicial Studies Degree program.
23. What do you feel is the appropriate demeanor for a judge?
I believe that a Judge should treat every person with dignity and respect, and above all, a Judge must be fair in his dealings with all litigants, attorneys, and other persons who may appear in his Court.
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 apply seven days a week, twenty-four hours a day.
25. Would there be a role for sternness or anger in meetings with attorneys? I believe a judge should do everything possible to prevent himself from becoming angry with attorneys. I do believe that in some instances a judge must be firm in his rulings in order that the attorneys will respect the orders and decisions of the court.
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? Yes. I have notified my representative of my intent to file for election as the Chief Judge of the South Carolina Court of Appeals.
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/ Paul E. Short, Jr.

Sworn to before me this 28 day of July, 2009.

Notary Public for S.C.

My Commission Expires: 11-25-2018