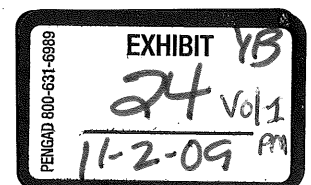


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings
Circuit Court
(New Candidate)

Full Name: Andrea Culler Roche
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1. Why do you want to serve as a Circuit Court judge?
I believe my abilities are such that I would make an extremely competent and fair judge. I would enjoy using these abilities to serve the people of South Carolina.
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?
Not if elected.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Generally, *ex parte* communications should not be permitted. The Code of Judicial Conduct provides for limited and specific circumstances whereby *ex parte* communications are permitted, such as an emergency or where the parties have consented.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
A judge should disqualify himself in a proceeding in which the judge's impartiality might reasonable be questioned. Each situation is different, but a judge should disclose information the lawyers might consider relevant to the question of disqualification.
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 would hear the motion and grant the recusal if I thought my impartiality might reasonably be questioned.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
A judge must at all times avoid even the appearance of impropriety. If my impartiality might reasonably be questioned, I would recuse myself.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?



In my position as workers' compensation commissioner, I do not accept gifts or social hospitality from anyone likely to appear before me. Although the Code of Judicial Conduct allows it in certain circumstances, I plan to continue to refuse gifts and social hospitality from anyone likely to appear before me.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

I would take appropriate action that may include direct communication with the judge or lawyer, other direct action, if available, and reporting the violation to the appropriate authority. If the violation raises a substantial question as to honesty, trustworthiness, or fitness, I would inform the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

13. If elected, how would you handle the drafting of orders?

Depending on the order, I would either draft it myself or request proposed orders from the attorneys to be modified by me as appropriate.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines? I will institute a deadline system that contains a back up in order to ensure nothing slips through.

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

I believe a judge should confine decisions to reasonable interpretations of the laws. It is not a judge's duty to create law. Although a judge may consider public policy in rendering a decision, a judge should not set or promote his or her own idea of public policy.

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?

I plan to participate in any way I can in efforts to improve the law, legal system, and administration of justice, including speaking, writing, and teaching.

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?

No. I would address it by early and open communication.

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:

I would sentence as provided by law, taking into account all circumstances that are properly considered in sentencing.

- b. Juveniles (that have been waived to the circuit court):
I would sentence as provided by law, taking into account all circumstances that are properly considered in sentencing.
- c. White collar criminals:
I would sentence as provided by law, taking into account all circumstances that are properly considered in sentencing.
- d. Defendants with a socially and/or economically disadvantaged background:
I would sentence as provided by law, taking into account all circumstances that are properly considered in sentencing.
- e. Elderly defendants or those with some infirmity:
I would sentence as provided by law, taking into account all circumstances that are properly considered in sentencing.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?
Yes, unless my impartiality might reasonably be questioned.
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.
23. What do you feel is the appropriate demeanor for a judge?
A judge should be patient, dignified, and courteous to all.
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?
Seven days a week, twenty-four hours a 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?
I do not feel it is appropriate for a judge to show anger.
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?
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/ Andrea Culler Roche

Sworn to before me this 10th day of August, 2009.

Notary Public for S.C.

My Commission Expires: 01-18-2015