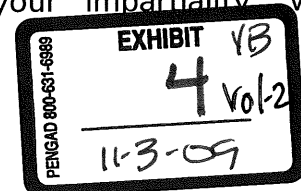


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(Incumbent)

Full Name: Alvin Dean Johnson
Business Address: Post Office Box 777
Pickens, South Carolina 29671
BusinessTelephone: (864) 898-5916

1. Why do you want to serve another term as a Family Court Judge?
I have served the last thirteen (13) years as a Family Court Judge and I would like to continue serving in this position. I try to do a good job and make a positive difference in the lives of those that appear in front of me. It is my desire to make decisions that are just and in accordance with the laws of South Carolina and the United States. I want to continue my efforts on the Family Court Bench. It is an honor and privilege for me to serve in this position. I am in good health and have a lot of energy. It is my desire to continue the use of my talents and past experiences in my position as Family Court Judge.
2. Do you plan to serve your full term if re-elected?
Yes
3. Do you have any plans to return to private practice one day?
At this point in time, I do not have any plans to do so.
4. Have you met the statutory 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?
It is unfair for a judge to communicate with one side and not give the other side the opportunity to be heard. I try to avoid this at all times. However, there are cases that require some communication such as cases with the Department of Social Services when an *ex parte* order is sought in neglect and abuse cases or in private cases where an emergency restraining order is sought. I always make these emergency orders temporary and without prejudice to the other party and I always order a hearing to be held as soon as possible.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
If it is appropriate, I recuse myself. I want everyone to feel that they are treated fairly and justly.
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 have to hear the facts of a particular case. However, I would tend to lean on the side of recusal.

8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would not hear any case where that is involved.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I do not accept gifts. I do attend social functions with other judges and members of the Bar.

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

I would take it seriously and if a breach of the Code of Ethics had occurred, I would report it.

11. Are you affiliated with any political parties, boards or commissions which, if you were re-elected, would need to be re-evaluated?

No

12. Do you have any business activities that you have remained involved with since your election to the bench?

No

13. Since family court judges do not have law clerks, how do you handle the drafting of orders?

The attorneys prepare the orders for the Family Court Judges; however, in a contested case, I give detailed instructions from the bench or in writing and expect the attorneys to comply with said instructions. I verify that this is done before I sign the order. If there is a discrepancy, I listen to the transcript and correct the proposed order.

14. What methods do you use to ensure that you and your staff meet deadlines?

I keep docket sheets for each day of court and they are checked daily by my assistant. We always meet our guidelines.

15. What specific actions or steps do you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I issue orders appointing the guardian ad litem in private cases as well as those in DSS cases. In both, the orders require the guardian ad litem to comply with their duties pursuant to the Rules and Statute. I regularly receive and review their reports to insure they are complying with the law.

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

I do not favor judicial activism. I believe it is a judge's duty to uphold the Constitution as founded by our forefathers. Public policy should be left to the Legislatures as the peoples' representatives.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?
I plan to continue to speak to school groups, educators and youth groups about the laws and our system of justice.
18. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
I have served for over 13 years and I have not had a problem in this regard.
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?
No
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?
I think the proper demeanor for a judge is to be one who is polite, serious and kind. Sometimes it is necessary to be stern, but without being mean.
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
I think we should all treat others as we want to be treated and I try to apply that seven days a week, twenty-four hours a day to my life. However, I am human and sometimes fall far short of this goal.
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 a pro se litigant?
Judges are human and obviously are going to have feelings of anger. This is especially true when a child is beaten or neglected; however, it is how this feeling is expressed that is important. Sometimes justice requires a judge to be stern, but not overbearing or mean.
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, except for stamps to mail materials.

27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
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/ Alvin D. Johnson

Sworn to before me this 27th day of July, 2009.

Notary Public for South Carolina

My commission expires: 07-08-2012