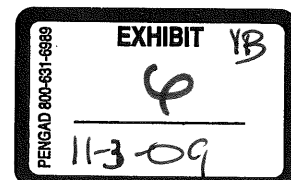


JUDICIAL MERIT SELECTION COMMISSION
Statement to be included in Transcript of Public Hearings

Retired Judge

Full Name: Jane Dowling Fender
Business Address: Post Office Box 2325
Beaufort, SC 29901-2325
Business Telephone: 843 524-7820

1. Have you met the Constitutional or statutory requirements for this position regarding age, residence, and years of practice? Yes
2. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
3. Do you have any plans to return to private practice one day? No
4. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator? Yes, mediator
5. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
6. Do you belong to any organizations that discriminate based on race, religion, or gender? No
7. Have you engaged in any partisan political activity since your retirement? No
8. What do you feel is the appropriate demeanor for a judge? Impartial, compassionate, thoughtful, calm,
9. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met? I regularly review the dockets I keep in a file cabinet to ensure that all orders are signed within 30 days, make a list of the unsigned orders, and call lawyers who have not sent the orders to be signed asking them to send the order to me immediately. I have had very much success with this method and seem to have fewer reported late orders than I had when I was an active judge with an administrative assistant.
10. 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? Anger does not solve problems, is not appropriate for a judge. I strive to avoid anger in and out of the courtroom.
11. How would you handle a situation in which you became aware of misconduct of a lawyer or fellow judge? I would talk to the lawyer or judge and try to have them self-report. If they refused, I would report them myself.



12. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law clerks are to appear before you? It has been so long since I practiced law that I do not feel there is any problem with former associates appearing in front of me. I have not had a law clerk, so that is not a problem. I have lawyer-legislators appear in front of me and I treat them as I would any lawyer, with thoughtful consideration of their client's positions.
13. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I avoid *ex parte* communications of a substantive nature. Since I have no administrative assistant, I must deal with scheduling communications and phone calls as outlined above about orders, which could be construed as *ex parte*, but are necessary to complete my records.
14. 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 recuse myself if a party requested it after disclosure to avoid the appearance of impropriety.
15. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I only accept gifts or social hospitality from friends and relatives who do not appear in front of me.
16. In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator? No

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

s/ Jane Dowling Fender

Sworn to before me this 4th day of August, 2009.

Notary Public for S.C.

My Commission Expires: 07-31-2010