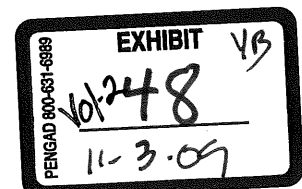


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings
Administrative Law Court
(New Candidate)

Full Name: Walter Rutledge Martin
Business Address: 528 Monument Street Room 500
Business Telephone: (864) 942-8655

1. Do you plan to serve your full term if elected?
Yes, I do plan to serve my full term if elected.
2. Do you have any plans to return to private practice one day? No, I do not presently have any plans to enter private practice.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes, I have met the Constitutional requirements.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
Canon 3B(7) provides that a "judge shall not initiate, permit or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding" with some exceptions. An example of an exception is that a law enforcement officer may contact a judge *ex parte* for the purpose of securing an arrest or search warrant.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
My philosophy on recusal is that it is best to err on the side of caution. In other words, if I have a doubt as to whether my impartiality might reasonably be questioned pursuant to Canon 3E(1), my tendency would be to recuse myself.
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?
I would grant the party's motion. Canon 2 of the Code of Judicial Conduct commands that a judge avoid not just actual impropriety but also the appearance of impropriety. Canon 3E(1) requires that a judge "disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned," whether or not the judge is in reality impartial.
7. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality?



Canon 4D(5) provides

that a judge should not accept gifts unless an exception to this general rule applies. Canon 4D(5)(c) allows a judge to accept ordinary social hospitality. I would define "ordinary social hospitality" as hospitality I would have received even if I were not a judge.

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

Canon 3D would guide my response. If I were to receive information indicating a substantial likelihood that another judge or a lawyer had engaged in misconduct, I would take "appropriate action." In some circumstances, "appropriate action" could simply be discussing the matter with the offending judge or lawyer. If I knew that another judge had committed a violation of the Canons raising a "substantial question as to the other judge's fitness for office," I would report the matter to the appropriate authority. If I knew that a lawyer had committed a violation of the Rules of Professional Conduct raising a "substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects," I would report the matter to the appropriate authority.

9. Are you affiliated with any political parties, boards or commissions that, if you are elected, would need to be re-evaluated?

No, I am not affiliated with any political parties, boards or commissions.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No, in my current position as a Magistrate Judge I am not permitted to participate in fund-raising activities.

11. How would you handle the drafting of orders?

As is customary, I would request that the prevailing party draft an order. But I would closely read the draft and make any changes necessary to insure that the written order accurately reflects the ruling(s) I made in open court.

12. What method would you use to ensure that you and your staff meet deadlines?

To meet deadlines I would use a computer calendar such as Outlook or Outlook Express. I would also use a physical calendar as a back-up. I would review the calendars routinely at the beginning of each day.

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

I believe that the judge's role is to apply the law as it actually is and not the law as the judge wishes it to be.

14. 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?

In order to improve the law, legal system, and administration of justice, I would make myself available to speak at continuing legal and judicial education seminars. I would also make myself available to speak at functions designed to educate non-lawyers about the law. I would also communicate with the Chief Judge of the Administrative Law Court about ways I could help with scheduling issues.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

Serving as an Administrative Law Judge would entail making many high pressure decisions. I would take comfort in the fact that I would faithfully apply the law and treat similarly situated parties consistently. I would do my best to keep my work life and family life separate. My experience as a magistrate judge would help me adjust to the pressures of being an Administrative Law Judge.

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

No, I am not involved in any active investments from which I derive additional income that might impair my appearance of impartiality.

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

Canon 3E(1)(c) requires a judge to recuse himself from a case where the judge or a member of the judge's family "has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding." The Preamble to the Canons defines "economic interest" as "ownership of a more than de minimis legal or equitable interest."

In a case where I or a member of my family held merely a de minimis financial interest in a party involved, Canon 3E(1)(c) would not require me to disqualify myself.

Canon 3B(1) requires a judge to "hear and decide matters assigned to the judge except those in which disqualification is required."

Because neither Canon 3E(1)(c) nor any other rule would disqualify me from hearing the case, Canon 3B(1) would require me to hear the case.

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

No, I do not belong to any organizations that discriminate based on race, religion, or gender.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes, I have met the mandatory minimum hours requirement for continuing legal education courses.

20. What percentage of your legal experience has dealt with cases that appear before the Administrative Law Court? Please describe to the Commission your experience in these areas.
Although a small percentage of my fifteen years of legal work has dealt with cases that appear before the Administrative Law Court, I did represent SLED for about two years in the Administrative Law Court while I was an Assistant Attorney General. During that period, I tried probably ten to twenty contested cases before various Administrative Law Judges.
Additionally, I have an LLM in Taxation Law. This study would be relevant to serving as an Administrative Law Judge since these judges hear cases involving state tax issues.
21. What do you feel is the appropriate demeanor for a judge?
A judge must be firm to maintain control of the courtroom. But a judge should not be pompous or gratuitously abusive.
22. 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?
Those rules would apply twenty four hours a day, seven days a week, three hundred and sixty five days a year,
23. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
As a judge, one should strive to maintain a demeanor befitting the seriousness of his or her role. I do not believe anger resolves problems.
24. 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?
I have yet to spend money on my campaign.
25. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
No, I have not used judicial letterhead or the services of my staff while campaigning for this office.
26. Have you sought or received the pledge of any legislator prior to this date?
No, I have not sought or received the pledge of any legislator.
27. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No, I have not sought or been offered a conditional pledge of support by any legislator pending the outcome of my screening.
28. 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, I have not asked any third parties to contact members of the General Assembly on my behalf nor am aware of any friends or colleagues contacting members of the General Assembly on my behalf.

29. Have you contacted any members of the Judicial Merit Selection Commission?

No, I have not contacted members of the Judicial Merit Selection Commission.

30. 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 am familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted.

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

s/ Walter Rutledge Martin

Sworn to before me this 12th day of August, 2009.

Notary Public for S.C.

My Commission Expires: 12-21-2010