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JUDICIAL MERIT SELECTION COMMITTEE

EVALUATION OF CANDIDATES

BY COMMITTEE MEMBERS

PUBLIC HEARINGS ON JUDICIAL QUALIFICATIONS

PUBLIC SESSION

WEDNESDAY, NOVEMBER 17, 2010

ROOM 110, BLATT BUILDING

COLUMBIA, SOUTH CAROLINA

COMMENCING AT 9:11 A.M.

REPORTED BY: JANNI S. JARDINE
Court Reporter



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1 MEMBERS IN ATTENDANCE:

2

3 REPRESENTATIVE F. G. DELLENEY, JR., CHAIRMAN

4 SENATOR GLENN F. McCONNELL, VICE CHAIRMAN

5 REPRESENTATIVE ALAN D. CLEMMONS

6 PROFESSOR JOHN P. FREEMAN

7 SENATOR JOHN M. "JAKE" KNOTTS, JR.

8 REPRESENTATIVE DAVID J. MACK, III

9 AMY JOHNSON McLESTER

10 SENATOR FLOYD NICHOLSON

11 H. DONALD SELLERS

12

13

14 COUNSEL PRESENT:

15 JANE O. SHULER, CHIEF COUNSEL

16 BONNIE G. ANZELMO

17 PAULA BENSON

18 PATRICK DENNIS

19 J.J. GENTRY

20

21

22

(INDEX AT REAR OF TRANSCRIPT)

23

24

25

1 REPRESENTATIVE DELLENEY: All right.
2 We'll call the Judicial Merit Selection Commission
3 to order. And I'm advised by counsel that we need
4 to have a short executive session. And we also
5 have -- before we go in executive session, we have
6 two proxies this morning.

7 Mr. Harrell has given Mr. Sellers his
8 proxy, and Senator Knotts has given Senator
9 McConnell his proxy. Senator Knotts, I believe, is
10 having some medical issues this morning.

11 MS. SHULER: We now have a third proxy.
12 Senator Nicholson has given Senator McConnell his
13 proxy, and he will be here as soon as he can.

14 REPRESENTATIVE DELLENEY: And we also
15 have a proxy of Senator Nicholson for Senator
16 McConnell, but he will be here later on this
17 morning.

18 And with that, do I hear a motion that
19 we go into executive session?

20 MR. SELLERS: So moved.

21 REPRESENTATIVE DELLENEY: Second?

22 SENATOR McCONNELL: Second.

23 REPRESENTATIVE DELLENEY: All in favor,
24 aye.

25 THE COMMISSION: Aye.

1 REPRESENTATIVE DELLENEY: We are now in
2 executive session.

3 (The members go into executive
4 session.)

5 * * * * *

6 (The members return to open session.)

7 REPRESENTATIVE DELLENEY: Morning,
8 Judge.

9 JUDGE ALLEN: Morning.

10 REPRESENTATIVE DELLENEY: We have
11 before us this morning the Honorable Kellum W.
12 Allen who seeks a position on Circuit Court,
13 At-Large, Seat Number 9.

14 If you would, Judge Allen, please raise
15 your right hand to be sworn.

16 (Candidate sworn.)

17 REPRESENTATIVE DELLENEY: Thank you,
18 sir.

19 The Judicial Merit Selection Commission
20 has thoroughly investigated your qualifications for
21 the bench. Our inquiry has focused on nine
22 evaluative criteria, which has included a survey of
23 the bench and bar, a thorough study of your
24 application materials, verification of your
25 compliance with state ethics laws, search of

1 newspaper articles in which your name may appear,
2 any previous screenings, and a check for economic
3 conflicts of interest.

4 There are no affidavits filed in
5 opposition to your election, nor are there any
6 witnesses here to testify.

7 Do you have a brief opening statement
8 you would like to make?

9 JUDGE ALLEN: Yes, sir.

10 First, I would like to say I appreciate
11 the opportunity to have served on the bench in this
12 state for the past 13 -- well, going on 13 years
13 now. And it has been an honor to do that.

14 I would appreciate the opportunity to
15 serve at the Circuit Court level. Most of my
16 practice, while I was in private practice for 22
17 years prior to my 13 years on the bench, was in the
18 Circuit Court. So I believe that I have the
19 qualifications that the people of this state would
20 benefit from.

21 REPRESENTATIVE DELLENEY: Thank you,
22 sir. At this time, would you answer any questions
23 that our able counsel, Ms. Shuler, might have.

24 JUDGE ALLEN: Yes, sir.

25 MS. SHULER: Good morning, Judge Allen.

1 JUDGE ALLEN: Good morning.

2 MS. SHULER: Mr. Chairman and members
3 of the Commission, I have a few procedural matters
4 to take care of with this candidate.

5 Judge Allen, you have before you your
6 personal data questionnaire you submitted as part
7 of your application.

8 Are there any amendments you would like
9 to make at this time to your PDQ?

10 JUDGE ALLEN: No, ma'am.

11 MS. SHULER: Mr. Chairman, I would ask
12 that Judge Allen's PDQ be entered into the record
13 as an exhibit at this time.

14 REPRESENTATIVE DELLENEY: Those
15 documents will be admitted as an exhibit into the
16 record at this point without objection.

17 (EXH. 1, Judge Kellum W. Allen's
18 Personal Data Questionnaire, was admitted.)

19 MS. SHULER: Judge Allen, you have
20 before you your sworn statement you provided with
21 detailed answers to over 30 questions regarding
22 judicial conduct, statutory qualifications, office
23 administration, and temperament.

24 Are there any amendments you would like
25 to make to your sworn statement?

1 JUDGE ALLEN: No, ma'am.

2 MS. SHULER: Thank you.

3 Chairman, I would like to ask that
4 Judge Allen's sworn statement be entered into the
5 record as an exhibit.

6 REPRESENTATIVE DELLENEY: The sworn
7 statement will be admitted into the record as an
8 exhibit at this point in the transcript without
9 objection.

10 (EXH. 2, Judge Kellum W. Allen's Sworn
11 Statement, was admitted.)

12 MS. SHULER: One final procedural
13 matter.

14 I note for the record that based on the
15 testimony contained in the candidate's PDQ, which
16 has been included in the record with the
17 candidate's consent, Judge Allen meets the
18 statutory requirements for this position regarding
19 age, residence, and years of practice.

20 Judge Allen, please state for the
21 record the city and the judicial circuit in which
22 you reside.

23 JUDGE ALLEN: I live in the 11th
24 Judicial Circuit, in the City of West Columbia.

25 MS. SHULER: Thank you.

1 Judge Allen, after being admitted to
2 the South Carolina Bar for 34 years and serving as
3 a Family Court judge for 12 years, why do you now
4 want to move to the Circuit Court bench?

5 JUDGE ALLEN: I would say two things to
6 that. As I mentioned to the Chairman at my opening
7 comment, I believe I have the qualifications to
8 serve on the Circuit Court for those reasons.

9 I was in private practice for 22 years,
10 and I've been on the bench for 13 years. The
11 private practice consisted of two years in the
12 public defender's office, initially in Greenville,
13 South Carolina. And I was promoted to the number
14 two position in that office in those two years.
15 That gave me an extensive background into criminal
16 law. I tried dozens of cases, as public defenders
17 do, during those two years, including a murder
18 case; sat in the first chair in the murder case.

19 Twenty-two years of private practice
20 was primarily in the Circuit Court. I would
21 estimate about two-thirds of my practice in Circuit
22 -- in the private practice was Circuit Court, and
23 one-third Family Court.

24 In that Circuit Court practice, I came
25 from a relatively small law firm. The number of

1 lawyers varied over the years, but usually we had
2 about five to eight practitioners, and I was
3 fortunate enough to practice law with some of the
4 best lawyers in this state, in my opinion.

5 We had a genuine general practice. We
6 did plaintiff's work. We did insurance defense
7 work. We did Workers' Comp. We did condemnation.
8 We represented folks in Circuit Court on the
9 criminal side, on the civil side, on appeals. I've
10 handled appeals to the Supreme Court and the Court
11 of Appeals.

12 So my point is, is in the 22 years of
13 private practice, I think I can honestly state to
14 this committee that there is no type of case that I
15 did not have some exposure to over those years.
16 And when you couple that with 13 years, or going on
17 13 years, on the Family Court bench, I think that
18 that's -- I would put it this way, that it does
19 give the state a known quantity.

20 I'm proud of the fact that the surveys
21 that have come back on me over the years since I've
22 been serving on the bench -- I'm proud of the
23 remarks that I've gotten as far as judicial
24 temperament and hopefully being fair with people
25 when they come in court. When you are in Family

1 Court, the focus is all on the judge. You are the
2 judge and the jury. And so I would say that I am
3 proud of that.

4 The other point that I would like to
5 make as to the why am I seeking Circuit Court, our
6 circuit, the 11th Judicial Circuit, I believe is
7 the busiest circuit that has never had an At-Large
8 judge. Our criminal docket backlog is
9 considerable, basically because of the size of our
10 county in Lexington, primarily. Edgefield is a
11 growing county as well.

12 So I would offer up that there would be
13 some advantage to my candidacy to having an
14 At-Large circuit seat in Lexington in the 11th
15 Circuit, which we've never had before. And I think
16 if you looked at the statistics, you would see that
17 that would be a true statement.

18 MS. SHULER: Let me just follow up on
19 what you said, because I was going to ask this
20 question later. You said that there's a large
21 backlog in the 11th Circuit for the criminal
22 document.

23 What suggestions would you offer for in
24 sort of dealing with that backlog?

25 JUDGE ALLEN: That's a hard question to

1 give up a short answer for, but I would say that
2 the Court, the circuit judge, has to stay actively
3 involved in the docket process. As you know, the
4 solicitor controls the docket, and just the sheer
5 volume and growth of our county is going to dictate
6 the volume, so there aren't any easy answers.

7 But I would say that the manpower that
8 could come to having an At-Large circuit judge in
9 the 11th Circuit could help in and of itself
10 alleviate some of the backlog.

11 Beyond that, I couldn't offer any, you
12 know, specific plans at this point, to say this is
13 what I would do or not do. But it's just been my
14 experience that if you have a hands-on circuit
15 judge who -- if he or she is experienced in the
16 process and knows how it works, they can move
17 cases. And, you know, really, it's a cliché, but
18 if justice is delayed then justice is denied. And
19 it's important, I think, in trying to be on top of
20 the docket both from the solicitor standpoint and
21 from the Court standpoint.

22 MS. SHULER: Okay. Thank you, Judge
23 Allen.

24 What suggestions would you offer for
25 dealing with the backlog in the civil court?

1 JUDGE ALLEN: You know, Ms. Shuler, my
2 understanding is, and this is just anecdotal from
3 talking to other members of the bench and bar, I am
4 not sure there is a backlog in the civil court.
5 Now, I may be wrong about that. But my
6 conversations with practitioners here, primarily in
7 Columbia and Lexington, is that if you want to try
8 on a civil case, you can get one, usually, within
9 less than a year, which from a practitioner's
10 standpoint, is about the optimum.

11 If you can get a trial within a year's
12 time, it usually takes that to be prepared,
13 particularly with anything that has any complexity
14 to it. So I could stand to be corrected, but at
15 least in the Midlands area, my understanding is
16 that there's not a backlog in the civil side.

17 MS. SHULER: Thank you, Judge Allen.

18 Are there any areas of the law that you
19 would need to additionally prepare for as you go on
20 the bench, and if so, how would you handle that
21 preparation?

22 JUDGE ALLEN: As I stated before, I do
23 not think so. In the Family Court, where I've sat
24 on the bench, obviously the Rules of Evidence apply
25 there the same as they do in the Circuit Court, so

1 I do that day in and day out.

2 The nature of cases that would come
3 before the Circuit Court, just to give you a more
4 specific answer to what I stated earlier,
5 generally -- again, talking from memory, but I have
6 tried cases on the criminal side. I've tried
7 murder cases, armed robbery cases, drug cases.
8 I've prosecuted a few cases. Our firm also did
9 that when I was in private practice.

10 On the civil side, I've tried multiple
11 medical malpractice cases. I've appeared in
12 Federal Court on numerous times and did quite a few
13 cases under the Federal Court Claims Act. I did a
14 lot of Workers' Comp. when I was in private
15 practice, and, of course, the Circuit Court touches
16 those when they go up on appeal, if they go up on
17 appeal. We did the typical wreck cases, sort of
18 the garden variety cases, contract cases, any type
19 of a matter that might involve an employment issue.

20 So I honestly believe that every type
21 of case that I could confront, I've confronted that
22 specific type of case, as well as tried cases from
23 a Family Court perspective and had to use the Rules
24 of Evidence.

25 MS. SHULER: Judge Allen, could you

1 explain to the members of the Commission what you
2 believe to be the appropriate demeanor for a judge.

3 JUDGE ALLEN: I think that a judge is
4 the face, oftentimes, of the government, if you
5 will, to a litigant. In the Family Court side,
6 probably folks who go into court, if they ever do,
7 it's going to most likely be a Family Court
8 setting, either themselves or a relative.

9 And so when a litigant stands before
10 the Court, I think they are looking to the judge
11 and the system to listen and to treat them fairly.
12 And I've always been a big believer in giving
13 people their say. I think that if a litigant comes
14 into court and they have their say, whether they
15 win, lose, or draw, they will leave that courtroom
16 thinking that at least they had a fair shake.

17 That, coupled with the judge's
18 demeanor -- and I do believe that experience
19 enhances, usually, a judge's demeanor in the
20 handling of a proceeding.

21 So I think you want to treat people
22 realizing that a lot of times you see people at
23 their worst, and you have to keep that in mind.
24 Taking that into account, I think you have to be
25 fair and give them a chance to have their say.

1 MS. SHULER: Thank you, Judge Allen.

2 The Commission received three bench and
3 bar surveys, two of which raised concerns regarding
4 your, quote, experience. Specifically one survey
5 raises questions of your handling of affidavits at
6 temporary hearings under Rule 21(b) of the South
7 Carolina Family Court Rules, which deals with
8 temporary relief.

9 The surveyor stated that you routinely
10 ignore the affidavits and immediately swear in both
11 parties, which the surveyor contended it not in
12 keeping with the unified court system.

13 Judge Allen, what response would you
14 offer to this concern?

15 JUDGE ALLEN: Well, two things I would
16 say. First, I believe my surveys over the years
17 have been -- I'm proud of the fact, I think,
18 they've been excellent. But to those two concerns
19 that you say were raised, it's true.

20 When we hear cases in the Family Court,
21 you have to first understand the context. We
22 have -- well, in Lexington -- I'll just have to use
23 my county as an example. In Lexington County, we
24 will hear what are called temporary hearings. The
25 docket clerk sets about six in an hour and a half.

1 So if you do the math, you have about 15 minutes
2 for each one.

3 Many of those cases, you know from
4 experience, are going to settle. They're going to
5 work themselves out in the hallway before they
6 actually come in the door. But the ones that do
7 come in -- let's say in a given morning you might
8 end up hearing two or three out of the six, and it
9 could vary. It could be none. It could be all
10 six. You have to -- you have to be able to
11 separate the wheat from the chaff quickly.

12 Rule 21 of the Family Court Rules
13 allows the Court, for good cause shown, to take
14 testimony. To me, as a 22-year practitioner and 13
15 years on the bench, there is no more good cause
16 shown than in a custody case. And I do -- I always
17 use the affidavits as a guidepost, but I do swear
18 in the witnesses, or the litigants, and I will take
19 testimony.

20 And the reason for that is, it would be
21 like this committee attempting to discern which
22 candidate might be the one to choose without ever
23 seeing the candidate, doing it simply off of
24 affidavits. When I am confronted with affidavits,
25 oh, it's easy for a skilled lawyer or litigant to

1 load up on the bad stuff against the other side and
2 inflate the good side. And it's astounding to me
3 how, if you take very brief testimony from people,
4 how you can begin to separate those, reality from
5 fiction.

6 The other thing is, is that a temporary
7 order -- remember, that's what we're doing -- has a
8 tendency to become a permanent order, and a
9 temporary order stays in effect, ordinarily for
10 about a year, at least in Lexington County it does.

11 So what I'm saying as a practical
12 matter is this: if I'm asked to decide a temporary
13 custody of a child or children without at least
14 hearing something from mom and daddy, I'm not going
15 to do that. I think the statute, the rule, gives
16 me good cause shown, and I want to hear from them.

17 Why do you think you should be the
18 custodial parent? What are your strengths? Why do
19 you think he or she should not? What are their
20 strengths and weaknesses?

21 You know, the funny thing is, is when
22 you read these affidavits, usually they're loaded
23 up with bad stuff, but when you start asking the
24 people about the other spouse, most people will --
25 can see, you know, he's a good parent or she's a

1 good parent. It's kind of been an eye-opening
2 experience for me.

3 Bottom line, I think when you're
4 dealing with custody, and that's the only time I
5 would do this, I want to hear from the mom and the
6 daddy. I think I can make a better decision when I
7 couple that with whatever is in the affidavits, if
8 I at least have some feel for that.

9 MS. SHULER: So, Judge Allen, to
10 clarify, you basically use 21(b), the Good Cause
11 Provision, in every custody, disputing custody,
12 matter in a temporary hearing that does not resolve
13 itself.

14 JUDGE ALLEN: Not every one. I would
15 say it's hard to give you a percentage. I would
16 say one out of three. You just get a feel for
17 these cases after a while. Some of them are not
18 genuine custody cases. As soon as you ask a couple
19 of questions, there's just a failure to
20 communicate.

21 For example, you may say, Well, from
22 the affidavits or from, you know, what's been told
23 from me by the lawyers upfront, both sides are
24 seeking custody. Mr. Inez Jones, are you seeking
25 custody? And you'll get an answer like, Well, I'm

1 not seeking custody, but I would like a lot of time
2 with my children.

3 So in one question, I've gained a ton
4 of information on what it is I'm focusing on. Do
5 you see what I'm saying?

6 So, again, I contend that to make a
7 custody decision at a temporary hearing without
8 hearing a peep out of the parents is a mistake.
9 And I would believe that most practitioners would
10 agree with that.

11 The other thing I would add is that,
12 when I question the litigants about this, I don't
13 get into complicated curve-ball kinds of questions.
14 It's limited to, Why do you think you should have
15 custody? Why is it in the children's best interest
16 to be with you? Why do you think you should have
17 custody? Does your husband love the child? Do you
18 love the child? And you can -- you can narrow
19 things down very quickly that way.

20 MS. SHULER: Judge Allen, the second
21 survey received contained many positive comments
22 but noted the following concern: The candidate's
23 weakness is a tendency to sometimes get too far
24 into the details in each case and attempt to arrive
25 at a prompt -- a proper ruling, resulting in

1 lengthier hearings than normally expected.

2 Judge Allen, what response would you
3 offer to the concern that your hearings are more
4 lengthy than expected as you go into too many
5 details?

6 JUDGE ALLEN: Guilty, if it's
7 necessary. I believe in details. I'm a detail
8 kind of a guy. I like to find out information. I
9 don't like to make a snap judgment about anything.
10 I'm methodical. I know how to stay on a clock.
11 I'm aware this morning I'm probably talking too
12 much. But, again, it comes from experience.

13 When I'm confronted with half a dozen
14 cases and I can go through those and separate the
15 ones that need more of my attention, that's where
16 I'm going to put it. It's easy if you're just
17 dividing up who is going to drive the Buick and who
18 is going to drive the Ford, I can go that quickly.
19 But a case that calls for the time, I'm going to
20 spend it on there.

21 It's like -- the analogy I would use
22 would be like going to the doctor. I would think
23 that a physician is trained in when the three of us
24 come in to the doctor, this person, me, and that
25 person may have three totally different illnesses,

1 and the doctor can quickly discern which one is
2 going to need a little more inquiry. If I feel I
3 need to do that, I do it.

4 MS. SHULER: Thank you, Judge Allen.

5 Have you sought or received the pledge
6 of any legislator prior to this date?

7 JUDGE ALLEN: No.

8 MS. SHULER: Have you sought or have
9 you been offered a conditional pledge of support of
10 any legislator pending the outcome of your
11 screening?

12 JUDGE ALLEN: No, ma'am.

13 MS. SHULER: Have you asked any third
14 parties to contact members of the General Assembly
15 on your behalf?

16 JUDGE ALLEN: I have not.

17 MS. SHULER: Have you contacted any
18 members of the Commission?

19 JUDGE ALLEN: No.

20 MS. SHULER: Do you understand that
21 you're prohibited from seeking a pledge or
22 commitment until 48 hours after the formal release
23 of the Commission's report?

24 JUDGE ALLEN: Yes.

25 MS. SHULER: Have you reviewed the

1 Commission's guidelines on pledging?

2 JUDGE ALLEN: Yes.

3 MS. SHULER: Are you aware of the
4 penalties for violating the pledging rules, that
5 is, it's a misdemeanor, and upon conviction, you
6 could be fined not more than \$1,000 or imprisoned
7 not more than 90 days?

8 JUDGE ALLEN: Yes.

9 MS. SHULER: I would note that the
10 Midlands Citizens Committee found Judge Allen well
11 qualified for all nine evaluative criteria:
12 constitutional qualifications, ethnical fitness,
13 professional and academic ability, character,
14 reputation, physical health, mental stability,
15 experience, and judicial temperament.

16 The committee stated in summary, This
17 committee believes that Judge Allen is truly an
18 asset to our state and our judiciary. We have the
19 utmost respect and appreciation for his honorable
20 service on the Family Court for the 11th Circuit.

21 We believe he is most eminently
22 qualified to continue his service to our state on
23 the Circuit Court, and we are confident he would
24 continue to serve in an outstanding manner.

25 I would just note for the record that

1 any concerns raised during the investigation
2 concerning this candidate were raised in my
3 questioning today.

4 Mr. Chairman, I have nothing further
5 for Judge Allen.

6 REPRESENTATIVE DELLENEY: Does any
7 member of the Commission have any?

8 Professor Freeman.

9 PROFESSOR FREEMAN: Just this: Judge,
10 don't think that you talk too much. Your answers
11 were excellent.

12 THE WITNESS: Thank you.

13 REPRESENTATIVE DELLENEY: Senator
14 McConnell.

15 SENATOR McCONNELL: Judge, I want to
16 echo what Professor said. Also, I just want to
17 tell you that I've seen you at other screenings
18 before. You are an absolute credit to the
19 judiciary, the type of judge that a lot of people
20 can look to and want to emulate. And I just want
21 to thank you for your service. Your answers were
22 excellent. You just -- you really bring a credit
23 to the judiciary.

24 JUDGE ALLEN: Thank you, sir.

25 REPRESENTATIVE DELLENEY: Any other

1 questions, comments?

2 Thank you, Judge. We would like to
3 thank you for appearing before us today. And this
4 concludes this portion of the screening process.
5 As you know, the record will be closed, but we
6 reserve the right to reopen the record and
7 reconvene another hearing if we wanted to, but
8 that's not likely to happen. Of course, once the
9 report is issued, this process is over.

10 And I would remind you about the
11 48-hour rule. That applies also to anybody who
12 might advocate on your behalf.

13 And with that, we thank you for your
14 service.

15 JUDGE ALLEN: Yes, sir. Thank you very
16 much.

17 (Candidate excused.)

18 (Off-the-record.)

19 REPRESENTATIVE DELLENEY: Good morning,
20 Mr. Books.

21 MR. BROOKS: Good morning.

22 REPRESENTATIVE DELLENEY: All right.

23 Before we get started, do you have anybody you
24 would like to introduce us to?

25 MR. BROOKS: Yes, please. This is my

1 wife, Anne.

2 REPRESENTATIVE DELLENEY: Ms. Brooks,
3 it's nice to have you with us today -- this
4 morning.

5 We have with us this morning Charles
6 "Chuck" Juel Brooks, II who seeks a judicial
7 position on the Circuit Court Seat, At-Large,
8 Number 9.

9 If you would, at this time, Mr. Brooks,
10 raise your hand to be sworn, right hand.

11 (Candidate sworn.)

12 REPRESENTATIVE DELLENEY: Thank you,
13 sir.

14 The Judicial Merit Selection Commission
15 has thoroughly investigated your qualifications for
16 the bench. Our inquiry is focused on nine
17 evaluative criteria, which have included a survey
18 of the bench and bar, a thorough study of your
19 application material, verification of your
20 compliance with state ethics laws, a search of
21 newspaper articles in which your name may appear, a
22 study of any previous screenings, and a search for
23 a conflict of interest.

24 We have no affidavits founded -- or
25 filed in opposition of your election, and there are

1 no witnesses here to testify.

2 Do you have a brief opening statement
3 you would like to make?

4 MR. BROOKS: Sir, the only thing I
5 would like to say is I appreciate the opportunity
6 and look forward to discussing my qualifications
7 with this committee.

8 REPRESENTATIVE DELLENEY: Thank you,
9 sir.

10 At this time, would you answer any
11 questions Ms. Anzelmo might have for you.

12 MR. BROOKS: Yes, sir.

13 MS. ANZELMO: Thank you.

14 Mr. Chairman and members of the
15 Commission, I have a few procedural matters to take
16 care of first.

17 Mr. Brooks, you have before you your
18 personal data questionnaire that you submitted as
19 part of your application.

20 Are there any amendments that you would
21 like to make at this time to your personal data
22 questionnaire?

23 MR. BROOKS: No, ma'am.

24 MS. ANZELMO: Mr. Chairman, I would
25 like to ask that Mr. Brooks' personal data

1 questionnaire be entered as an exhibit into the
2 hearing record.

3 REPRESENTATIVE DELLENEY: It will be
4 made an exhibit to the hearing record at this point
5 of the transcript without objection.

6 (EXH. 3, Mr. Charles Juel Brooks'
7 Personal Data Questionnaire, was admitted.)

8 MS. ANZELMO: Mr. Brooks, you now have
9 before you the sworn statement you provided with
10 detailed answers to over 30 questions regarding
11 judicial conduct, statutory qualifications, office
12 administration, and temperament.

13 Are there any amendments you would like
14 to make at this time to your sworn statement?

15 MR. BROOK: No, ma'am.

16 MS. ANZELMO: At this time,
17 Mr. Chairman, I would like to ask that Mr. Brooks'
18 sworn statement be entered as an exhibit into the
19 hearing record.

20 REPRESENTATIVE DELLENEY: The sworn
21 statement will be made an exhibit at this point in
22 the transcript without objection.

23 (EXH. 4, Mr. Charles Juel Brooks' Sworn
24 Statement, was admitted.)

25 MS. ANZELMO: I note for the record

1 that based on the testimony contained in the
2 candidate's PDQ, which has been included in the
3 record with his consent, Mr. Brooks meets the
4 statutory requirements for this position regarding
5 age, residence, and years of practice.

6 Mr. Books will you, please, state for
7 the record the city and judicial circuit in which
8 you reside.

9 MR. BROOKS: Yes. I live in Lexington
10 County, and that's the 11th Judicial Circuit.

11 MS. ANZELMO: Thank you.

12 Mr. Brooks, why do you want to serve as
13 a Circuit Court judge?

14 MR. BROOKS: Well, I'll tell you. I
15 have developed a desire to become a judge early on
16 in my career, and I have, particularly early in on
17 my career, had the opportunity to appear before
18 many judges throughout the state and throughout the
19 years, and have been able to observe and watch
20 their different styles, their different
21 personalities. And I think I have taken from that
22 what I consider to be best qualities from each of
23 these judges. And I would like to take that, those
24 particular qualities and exercise them as a judge
25 today.

1 MS. ANZELMO: Can you explain to the
2 Commission how you feel your legal and professional
3 experience thus far will assist you in being an
4 effective judge.

5 MR. BROOKS: I have been practicing
6 right at 20 years now. I was admitted on November
7 16th, 1990, and I have been a trial lawyer my
8 entire legal career. I've spent those 20 years
9 practicing as a civil litigator as well as a
10 criminal litigator. I've tried many cases,
11 hundreds of cases, and I'm quite comfortable with
12 both the Rules of Evidence, the Rules of Civil
13 Procedure, the Rules of Criminal Procedure, and I
14 feel fairly confident that my background in being a
15 trial lawyer will help me as being a trial judge.

16 MS. ANZELMO: Thank you.

17 Are there any areas of the law that you
18 would need to additionally prepare for in order to
19 serve as a Circuit Court judge, and if so, how
20 would you handle that preparation?

21 MR. BROOKS: Well, I don't know that
22 there are any specific things. Like I said, I am
23 quite familiar with trial practice and procedure.
24 However, I am not arrogant enough to think that I
25 know everything about the law and pretend to know

1 everything about the law.

2 I think that it's important that,
3 particularly in cases where I may not have a
4 substantive background, that -- just like as an
5 attorney, I think it's important that the judge be
6 prepared to try the case and know what the issues
7 are and potential issues prior to the case
8 beginning. And it would be my intent to keep up
9 with various statutes and advance sheets and laws
10 and cases that have come before through our Supreme
11 Court that would affect how the trial is to be
12 conducted and the substantive law that applies to
13 each case.

14 MR. ANZELMO: Although you addressed
15 this in your sworn affidavit, could you please
16 explain to the members of the Commission what you
17 think is the appropriate demeanor for a judge?

18 MR. BROOKS: Sure. I think a judge --
19 I think it's highly important that a judge be even
20 keeled, patient, courteous, kind, impartial. I
21 think these are things that are extremely important
22 to be a trial judge. There are many people that
23 come into courtrooms and -- litigants, attorneys,
24 and the general public, in general, will come in
25 and observe cases that come before the Court. And

1 I think it's important that all of these folks know
2 that they are given -- received a fairly impartial
3 trial and/or hearing and that they would have their
4 day in court.

5 MS. ANZELMO: What suggestions would
6 you offer for improving the backlog of cases on the
7 docket in the Circuit Court?

8 MR. BROOKS: Well, there's -- in the
9 Court of Common Pleas, you know, they have
10 relatively -- recently, within the last ten years
11 or so, have certainly helped the backlog of cases.
12 Not all counties go by these, or mandated to use
13 these alternative dispute resolution rules. And
14 some of the counties that do use them could
15 probably use them a little bit -- enforce them a
16 little bit more.

17 I think it's important that cases all
18 go through the alternative dispute resolution
19 process because I think it's certainly cut down on
20 the backlog of the cases.

21 Now, if I were to become a judge, I
22 think it's also important to keep cases moving
23 along. That would mean having roster meetings
24 first thing Monday morning to make sure that we
25 have enough cases to try for that term of court,

1 that there's no idle court time in case the trial
2 docket falls apart.

3 On the criminal side of things, in
4 General Sessions court, our -- a lot of counties
5 have adopted a tracking system, which has helped
6 move cases along also. Obviously the solicitor is
7 in charge of moving criminal cases on the General
8 Sessions docket, but I think it would also be
9 important that the judge inform the solicitor, and
10 this is my opinion, that -- I would be there to try
11 cases or pleas. And I think that any down court
12 time is basically a judicial waste, and
13 particularly any idle judge time. And judges
14 should use their time to move the docket, and I
15 think it's important to keep the dockets moving.

16 MS. ANZELMO: Thank you.

17 Mr. Brooks, your SLED report showed
18 that you were listed as a co-defendant in a case in
19 2001 involving the sale of your home.

20 MR. BROOKS: Yes.

21 MS. ANZELMO: Can you, please, explain
22 to the Commission your involvement in that matter
23 and the current status of the case.

24 MR. BROOKS: Sure.

25 That was a -- my wife and I built a

1 home on Lake Murray that was unfortunately a stucco
2 exterior, and it was -- when we sold the house,
3 there were some water issues, some water intrusion
4 problems that the subsequent buyer discovered later
5 on. The case was eventually settled, but it was a
6 case that involved water intrusion through the
7 stucco on -- as a result.

8 MS. ANZELMO: Thank you, Mr. Brooks.

9 Have you sought or received the pledge
10 of any legislator prior to this date?

11 MR. BROOKS: No, ma'am.

12 MS. ANZELMO: Have you sought or have
13 you been offered a conditional pledge of support of
14 any legislator pending the outcome of your
15 screening?

16 MR. BROOKS: No, ma'am.

17 MS. ANZELMO: Have you asked any third
18 parties to contact members of the General Assembly
19 on your behalf?

20 MR. BROOKS: No, ma'am.

21 MS. ANZELMO: Have you contacted any
22 members of the Commission?

23 MR. BROOKS: No, I have not.

24 MS. ANZELMO: Do you understand that
25 you are prohibited from seeking a pledge or

1 commitment until 48 hours after the formal release
2 of the Commission's report?

3 MR. BROOKS: Yes, ma'am, I do.

4 MS. ANZELMO: Have you reviewed the
5 Commission's guidelines on pledging?

6 MR. BROOKS: I have.

7 MR. ANZELMO: As a follow up, are you
8 aware of the penalties for violating the pledging
9 rules, that is, it is a misdemeanor, and upon
10 conviction, the violator must be fined no more than
11 \$1,000 or imprisoned not more than 90 days?

12 MR. BROOKS: Yes, ma'am.

13 MS. ANZELMO: I would note for the
14 record that the Midlands Citizens Committee found
15 Mr. Brooks well qualified for each of the nine
16 evaluative criteria, those being constitutional
17 qualifications, ethical fitness, professional and
18 academic ability, character, reputation, physical
19 health, mental stability, experience, and judicial
20 temperament.

21 The committee concluded that Mr. Brooks
22 is eminently qualified to serve on the Circuit
23 Court, and the committee believes he would serve
24 our state in the most outstanding manner.

25 I would also note that any concerns

1 raised during the investigation of this candidate
2 were incorporated into the questioning of him
3 today.

4 And, Mr. Chairman, I have no further
5 questions.

6 REPRESENTATIVE DELLENEY: Does any
7 member of the Commission have any questions for
8 Mr. Brooks?

9 SENATOR McCONNELL: Chairman, I just
10 have --

11 REPRESENTATIVE DELLENEY: Senator
12 McConnell.

13 SENATOR McCONNELL: I'll just say that
14 I read the comments of the Citizens Committee, and
15 they were very loyal toward you.

16 MR. BROOKS: Thank you. I appreciate
17 that.

18 REPRESENTATIVE DELLENEY: Any other
19 questions?

20 There being none, thank you,
21 Mr. Brooks, for appearing with us today. And thank
22 you, Ms. Brooks, for coming with him.

23 And this concludes this portion of the
24 screening process in your case, and we will close
25 the record in this matter. However, we do reserve

1 the right to reopen the record and reconvene a
2 public hearing if we've found other issues that we
3 thought we needed to explore. Of course, I don't
4 think it's going to happen in your case, but it has
5 happened, fairly rarely, in the past.

6 And I also remind you about the 48-hour
7 rule. That rule not only applies to you, but it
8 applies for anybody that might advocate for you.

9 And with that, we thank you for
10 offering to serve, and I hope you have a safe trip
11 back home.

12 MR. BROOKS: Thank you very much.

13 REPRESENTATIVE DELLENEY: Thank you,
14 sir.

15 (Candidate excused.)

16 (Off-the-record.)

17 REPRESENTATIVE DELLENEY: Good
18 afternoon, Mr. Frick.

19 MR. FRICK: Good morning,
20 Representative.

21 REPRESENTATIVE DELLENEY: We have
22 before us today Mr. William Frick, who hails from
23 Fairfield County. We're glad to have you with us
24 here this morning.

25 MR. FRICK: Good morning. Glad to be

1 here.

2 REPRESENTATIVE DELLENEY: And
3 Mr. Frick, Mr. William Patrick Frick, seeks a
4 position on the Circuit Court, At-Large, Seat
5 Number 9.

6 If you would, at this time, Mr. Frick,
7 raise your right hand to be sworn.

8 (Candidate sworn.)

9 REPRESENTATIVE DELLENEY: Thank you,
10 sir.

11 The Judicial Merit Selection Commission
12 has thoroughly investigated your qualifications for
13 service on the bench. Our inquiry has primarily
14 focused on nine evaluative criteria, which have
15 included a survey of the bench and bar, a thorough
16 study of your application materials, verification
17 of your compliance with state ethics laws, the
18 search of any newspapers in which your name may
19 have appeared, a study of any previous screenings,
20 as well as a check of economic conflicts of
21 interest.

22 There are no affidavits filed in
23 opposition to your election, nor are there any
24 witnesses here to testify.

25 Do you have a brief opening statement

1 you would like to make?

2 MR. FRICK: The only thing I would like
3 to say is I thank you all for allowing me to have
4 this opportunity, and I do want to commend you all
5 on you all's staff. They're professional as
6 always, particularly Mr. Gentry, who, after a very,
7 very long day yesterday, returned a phone call of
8 mine that I made knowing well that he wouldn't have
9 an opportunity to call me back, but he did. And I
10 want to commend you on your staff.

11 REPRESENTATIVE DELLENEY: Thank you,
12 Mr. Frick.

13 At this time, answer any questions,
14 Mr. Gentry might have for you.

15 MR. GENTRY: Mr. Chairman and members
16 of the Commission, I have a few procedural matters
17 to take care of with regards to this candidate.

18 Mr. Frick, you have before you the
19 personal data questionnaire you submitted as part
20 of your application.

21 Are there any amendments that you would
22 like to make to your PDQ?

23 MR. FRICK: No, sir.

24 MR. GENTRY: Mr. Chairman, I would ask
25 that Mr. Frick's personal data questionnaire be

1 entered as an exhibit into the record.

2 REPRESENTATIVE DELLENEY: It will be --
3 those documents will be made -- and will be
4 admitted into evidence as an exhibit at this point
5 of the transcript without an objection.

6 (EXH. 5, Mr. William Patrick Frick's
7 Personal Data Questionnaire, was admitted.)

8 MR. GENTRY: Mr. Frick, you also have
9 before you the sworn statement that you provided
10 with detailed answers to over 30 questions
11 regarding judicial conduct, statutory
12 qualifications, office administration, and
13 temperament.

14 Are there any amendments that you would
15 like to make at this time to your sworn statement?

16 MR. FRICK: No, sir.

17 MR. GENTRY: Mr. Chairman, I would ask
18 that Mr. Frick's sworn statement be entered as an
19 exhibit into the transcript.

20 REPRESENTATIVE DELLENEY: The sworn
21 statement will be made as an exhibit at this point
22 in the transcript without objection.

23 (EXH. 6, Mr. William Patrick Frick's
24 Sworn Statement, was admitted.)

25 MR. GENTRY: One final procedural

1 matter.

2 I note for the record that based on the
3 testimony contained in the candidate's PDQ, which
4 has been included in the record with the
5 candidate's consent, Mr. Frick meets the statutory
6 requirements for this position regarding age,
7 residence, and years of practice.

8 Mr. Frick, please state for the record
9 the city and judicial circuit in which you reside?

10 MR. FRICK: I live in Winnsboro, South
11 Carolina, in the Sixth Judicial Circuit.

12 MR. GENTRY: Why do you want to serve
13 as a Circuit Court judge?

14 MR. FRICK: We are in a dire situation,
15 quite frankly, in the Sixth Circuit. Albeit it's
16 the smallest population-wise circuit in the state,
17 we have tremendous backlog cases in both the civil
18 and criminal side.

19 We have one judge to serve some 200,000
20 people. We are the highest population-to-judge
21 ratio in the state. Now, there's one other, Second
22 Circuit, but every other circuit of our 16 circuits
23 has at least two judges.

24 It cannot be sustained. The criminal
25 side, which I'm obviously much more familiar with,

1 is in just tremendously bad shape as far as the
2 docket. The civil is a little bit better, but not
3 so much so. The average age of a case getting to
4 court in Lancaster County is 1000 days old. It
5 is -- the state average is some 420 days old.
6 That's an average. Now, you can imagine with the
7 number of counties that we've got how much 1,000 is
8 going to skew the 400. That's average. The next
9 closest to us is 700-and-something days.

10 Now, I'm certainly not going to tell
11 you that having a judge is going to fix all that,
12 but it's a starting point. It will allow us to
13 have more opportunity to have more court. It will
14 allow us to have an opportunity to resolve cases
15 more quickly.

16 What that means is it takes you much
17 longer to seek justice, whether you're a defendant,
18 whether you're a victim waiting for your case to be
19 heard, whether you're a plaintiff or a defendant in
20 a case, it takes you much longer in the Sixth
21 Circuit than any other place in the state to have
22 your day in court. I think we need to resolve
23 that. I think that's an issue that needs to be
24 addressed. And that's why I'm running for Circuit
25 Court.

1 MR. GENTRY: Can you explain to the
2 Commission how you feel your legal and professional
3 experience thus far will assist you to be an
4 effective judge.

5 MR. FRICK: Sure.

6 It's very easy to look at my resume and
7 my birth date and say, Well, he's 35. He's been
8 doing this for nine years. There's no way he has
9 enough experience. And I would agree to your
10 assessment on that in a normal situation. But I
11 was thrown in the fire pretty quickly.

12 When I started out in the Fourth
13 Circuit, my first trial was assault and battery
14 with intent to kill, which has now become attempted
15 murder. My second trial was actually a murder
16 case. I have been handling very, very difficult,
17 complex cases since my first day in the courtroom.

18 Of the nine years that I've been doing
19 this, I've been almost exclusively in the
20 courtroom. I practice every day in the courtroom,
21 the rules and procedures in the law that we have in
22 the state every day. So I am very, very familiar
23 with our procedures. I'm very, very familiar with
24 the process.

25 Not only that, I've handled cases from

1 Charleston to Pickens from Aiken. I even had one
2 in Clio. Anybody from that part of the state will
3 know that that's over in Marion County -- excuse
4 me -- over in Marlboro County. I even messed up my
5 own geography.

6 I have been all over the place. I can
7 tell you that the issues that we've got in the
8 Sixth Circuit aren't simply the same issue -- are
9 the same issues we've got everywhere. We have a
10 bigger backlog in the Sixth Circuit, but it's the
11 same issues everywhere. I know that. I'm familiar
12 with that process.

13 I have experience on the civil side as
14 well. I know we'll get to that a little bit later,
15 but I was in private practice before I ended up
16 back up in the public defender's office. And in
17 that, I spent three years handling all manner of
18 cases, including civil cases, so I have a
19 well-rounded experience. There's a whole lot
20 crammed into this nine years of experience.

21 As you see, in the cases that I've
22 handled, I didn't put the citation on there because
23 I didn't have it at the time, but I realized it
24 when I was studying for the test, that one of the
25 cases I prosecuted for the Attorney General's

1 Office, I think it's the State v. Smith case there,
2 has actually been reviewed by the Supreme Court.
3 They said I messed up, and they sent it back. But
4 I've been doing this long enough to have cases be
5 reviewed by the State Supreme Court.

6 State versus Tant, you see there, there
7 was some big issue about that case very recently
8 with his parole situation. I was the lead counsel
9 in that case. I was the one that drafted the
10 indictments, sent them to the grand jury, handled
11 that case all the way through. Now, I certainly
12 had very competent co-counsel, but that was my case
13 all the way through.

14 I had a very interesting matter up in
15 Chester at one point that actually resulted in the
16 change in the animal fighting law.

17 So while I don't have the most time, I
18 think I have as much as experience, practical, in
19 the trends of experience as anyone you're going to
20 talk to today.

21 MR. GENTRY: Are there any areas
22 including subjective areas of law that you would
23 need to additionally prepare for in order to serve
24 as a judge, and how would you go about that
25 additional preparation?

1 MR. FRICK: As you see, and as I've
2 told you, my experience is clearly skewed to the
3 criminal law. However, I do have experience in the
4 civil law area. That would be the one area I need
5 to bone up over, and I certainly agree.

6 I have attended the -- we used to call
7 it the trial lawyers conference. I think we've
8 come up with a new name for that, though, the
9 America -- South Carolina Association For Justice
10 conference, that is obviously more towards the
11 plaintiff's side, but it is clearly civil related
12 CLE's. With the exception of this year, I've
13 attended it for the last few years, so I'm getting
14 training in that area. I would continue to do
15 training in that area to make sure that I know
16 what's going on in the civil area.

17 But all in all, it's the same rules.
18 It's the same Rules of Evidence. Still have
19 procedural issues, Rules of Procedure, that I'm
20 familiar with. So while I do believe that's my
21 weakness, I do believe that I'm competent in that
22 area.

23 MR. GENTRY: Although you address this
24 in your sworn affidavit, could you please explain
25 to the members of the Commission what you think is

1 the appropriate demeanor for a judge.

2 MR. FRICK: Absolutely. Our resident
3 judge in the Sixth Circuit, I think, has the most
4 appropriate demeanor, Judge Goldsmith. He is a
5 person when you walk into the room he has the
6 command of the room. Without saying a word he
7 demands your respect, but returns your respect.
8 It's kind of like a father-like figure, and that's
9 what you want in a judge when they walk in the
10 room.

11 You want confidence without arrogance,
12 someone who firmly has control of the room, someone
13 who can deal with adversarial issues and people who
14 are bickering amongst themselves, people like me
15 advocating for their client, and not let them
16 control the courtroom, and not let a -- maybe
17 they're having a bad day. Not let their bad
18 demeanor spoil the rest of the environment.

19 People have to have faith in our
20 system. If they don't believe it's going to work,
21 then it's not going to work. It's as simple as
22 that. The judge conveys that in his presence.

23 MR. GENTRY: What suggestions, if any,
24 would you offer for improving the backlog of cases
25 in the Circuit Court?

1 MR. FRICK: Civil court, I think we've
2 got a lot of great tools already. You've got
3 arbitration and mediation, and it's mandatory in
4 many counties. I think that should be expanded.
5 We should consider it in some of the more rural
6 counties who, quite frankly, may have more of a
7 case log because they are considered a more
8 friendly environment one way or another, but they
9 don't yet have mandatory mediation and arbitration.

10 I think we certainly need to do
11 something in the criminal courts to make cases move
12 along faster. In recent CLE's I've been to -- I
13 know the Chief Justice is planning to make that a
14 goal and is probably going to be hitting circuits
15 like mine and my former circuit, the Fourth
16 Circuit, and other ones pretty hard on coming to a
17 resolution.

18 It's a tough line you've got to walk.
19 Statutory authority for calling the docket lies
20 with the solicitor, so the judge can rant and rave
21 if he wants to, which I've never seen him be
22 effective and would not advocate for him, the
23 solicitor can call it whenever they want.

24 However, one of the most effective
25 tools I've ever seen a judge do is just simply be

1 there and be on the bench. You'll never see
2 anybody more nervous than a prosecutor scrambling
3 around when a judge is sitting on the bench with
4 nothing to do. So if you're simply being there,
5 you can help move the process along.

6 I think the judge needs to be more
7 involved in trying to figure out, you know, what
8 cases are being called. I know in my experience, I
9 got called into the back a couple of times and
10 inquired why we were calling this particular case
11 for trial when there are people, higher pay grade,
12 that have made that decision for me, and I was
13 simply just a soldier going in there and making
14 a -- making a case. But that's very effective.
15 That moves up, and there's pressure applied that
16 way.

17 MR. GENTRY: Thank you, Mr. Frick.

18 Have you sought or received the pledge
19 of any legislator prior this date?

20 MR. FRICK: No, sir.

21 MR. GENTRY: Have you sought or have
22 you been offered a conditional pledge of support
23 with any legislator pending the outcome of your
24 screening?

25 MR. FRICK: No, sir.

1 MR. GENTRY: Have you asked any third
2 parties to contact members of the General Assembly
3 on your behalf?

4 MR. FRICK: No, sir.

5 MR. GENTRY: Have you contacted any
6 members of this Commission?

7 MR. FRICK: No, sir.

8 MR. GENTRY: Do you understand that
9 you're prohibited from seeking a pledge or
10 commitment until 48 hours after the formal release
11 of the Commission's report?

12 MR. FRICK: Yes, sir.

13 MR. GENTRY: Have you reviewed the
14 Commission's guidelines on pledging?

15 MR. FRICK: Yes.

16 MR. GENTRY: As a follow up, are you
17 aware of the penalties for violating the pledging
18 rules, that is, it is a misdemeanor, and a upon
19 conviction, the violator must be fined not more
20 than \$1,000 or imprisoned not more than 90 days?

21 MR. FRICK: Yes, sir.

22 MR. GENTRY: I would note that the
23 Piedmont Citizens Committee found Mr. Frick
24 acceptable for each of the nine evaluative
25 criteria: constitutional qualifications, ethical

1 fitness, professional and academic ability,
2 character, reputation, physical health, mental
3 stability, experience, and judicial temperament.
4 However, the committee believes Mr. Frick needs
5 additional and more varied experience and is not
6 ready to assume a judgeship.

7 But just note for the record that any
8 concerns raised during the investigation regarding
9 the candidate were incorporated into questioning
10 today.

11 Mr. Chairman, I have no further
12 questions.

13 REPRESENTATIVE DELLENEY: Thank you,
14 sir.

15 Does any member of the Commission have
16 any questions for Mr. Frick?

17 There being none, Mr. Frick, we thank
18 you for being with us today -- this morning, and
19 this concludes this portion of your screening
20 process. We will close the record of your
21 screening at this point. However, we do reserve
22 the right to reopen your record and reconvene
23 another public hearing if we so choose to explore
24 other issues, but that's not likely to happen in
25 your case. That doesn't happen very often, but it

1 does happen.

2 And we remind you of the 48-hour rule.

3 MR. FRICK: Yes, sir.

4 REPRESENTATIVE DELLENEY: That either
5 you nor anyone else can advocate on your behalf,
6 and if anybody seeks to advocate on your behalf, I
7 will ask you to -- advise you of the 48-hour rule.

8 With that, we thank you for your
9 service, and thank you for being with us this
10 morning.

11 MR. FRICK: Thank you, Mr. Chairman.
12 Thank you, members of the Committee.

13 (Candidate excused.)

14 (Off-the-record.)

15 REPRESENTATIVE DELLENEY: Okay. We
16 will go ahead and get started. There's a couple of
17 members that haven't gotten back yet.

18 We have before us today Mr. Daniel
19 Dewitt Hall who comes from York County. Mr. Hall,
20 we're glad to have you here with us today -- this
21 morning.

22 Do you have anybody you would like to
23 introduce us to before we get started?

24 MR. HALL: My wife, Cathleen, is here
25 with me.

1 REPRESENTATIVE DELLENEY: Ms. Hall,
2 we're glad to have you here with us this morning.

3 We have Mr. Daniel Dewitt Hall who
4 seeks a position on the Circuit Court, At-Large,
5 Seat Number 9.

6 If you would, Mr. Hall, please raise
7 your right hand to be sworn.

8 (Candidate sworn.)

9 REPRESENTATIVE DELLENEY: Thank you,
10 sir.

11 The Judicial Merit Selection Commission
12 has thoroughly investigated your qualifications for
13 the bench. Our inquiry has primarily focused on
14 nine evaluative criteria, which have included the
15 survey of the bench and bar, a thorough study of
16 your application materials, verification of your
17 compliance with state ethics laws, a search of
18 newspaper articles in which your name may appear,
19 and a study of any previous screenings, as well as
20 economic conflicts of interest.

21 No one has filed an affidavit in
22 opposition to your election, nor are there any
23 witnesses here to testify today.

24 Do you have a brief opening statement
25 that you would like to make?

1 MR. HALL: I do. I want to thank you
2 all for the opportunity to make a short statement.
3 I want to tell you just briefly a little bit more
4 about my life experiences. I'm 56 years old. I've
5 been married for 33 years. I have four adult
6 children who are all happily married. I have nine
7 grandchildren.

8 I graduated from Clemson University,
9 and after I graduated from Clemson, I supervised a
10 cattle operation for a couple of years, and then I
11 worked and managed a meat business for about five
12 years before I went to law school.

13 Went to law school when I was 30 years
14 old, had three small children. Those were actually
15 very happy times in our marriage, and the law
16 school experience ended up being something we still
17 look back with great joy. I was 30 years old, and
18 three years later, I took and passed the North
19 Carolina and the South Carolina Bar Exam in the
20 same week. Thankfully I was able to pass those in
21 the same week.

22 I've served the public as a private
23 attorney, a municipal judge, a prosecutor for the
24 past 22 years. I'm humbled to see how our children
25 have turned out. They left home. They've entered

1 the world as adults. Their lives have been marked
2 by integrity.

3 One of my sons graduated The Citadel.
4 I have a son who went to West Point and served in
5 the Marine Corps, still serves in the Marine Corps.
6 I have a daughter who went to Clemson and another
7 daughter who went to Clemson. And my youngest
8 daughter has been married to an NFL football
9 player. He plays for the New England Patriots.
10 This is a good year for him to be there.

11 Some of my life might seem ordinary and
12 certainly not prestigious, but I would ask that you
13 consider how my life experiences qualify me to be
14 uniquely set apart from the other candidates in
15 this race, and they qualify me to serve as an
16 excellent judge for the people of this state.

17 As you make a very weighted decision at
18 the end of this day in nominating three candidates,
19 I ask that you nominate me as one of those three
20 candidates to be presented to the General Assembly.

21 REPRESENTATIVE DELLENEY: Thank you,
22 Mr. Hall.

23 Answer any questions Ms. Benson might
24 have for you.

25 MS. BENSON: Mr. Chairman and members

1 of the Commission, I have a few procedural matters
2 to handle with Mr. Hall.

3 Mr. Hall, you have before you the
4 personal data questionnaire that you submitted as
5 part of your application.

6 Are there any amendments that you would
7 like to make to your PDQ at this time?

8 MR. HALL: No.

9 MS. BENSON: Mr. Chairman, I would ask
10 that Mr. Hall's personal data questionnaire be
11 entered into the -- as an exhibit into the hearing
12 record.

13 REPRESENTATIVE DELLENEY: Those
14 documents will be made an exhibit at this point in
15 the transcript without objection.

16 (EXH. 7, Mr. Daniel Dewitt Hall's
17 Personal Data Questionnaire, was admitted.)

18 MS. BENSON: Mr. Hall, you now have
19 before you the sworn statement you provided with
20 detailed answers to over 30 questions concerning
21 judicial conduct, statutory qualifications, office
22 administration, and temperament.

23 Do you have any amendments that you
24 would make to this sworn statement?

25 MR. HALL: No, I do not.

1 MS. BENSON: Thank you.

2 At this time, Mr. Chairman, I would ask
3 that Mr. Hall's sworn statement be entered as an
4 exhibit into the record.

5 REPRESENTATIVE DELLENEY: Mr. Hall's
6 statement will be made an exhibit into the record
7 at this point in the transcript without objection.

8 (EXH. 8, Mr. Daniel Dewitt Hall's Sworn
9 Statement, was admitted.)

10 MS. BENSON: I would note for the
11 record that based on the testimony contained in
12 Mr. Hall's PDQ, which has been included in the
13 record, that he meets the statutory requirements
14 for this position regarding age, residence, and
15 years of practice.

16 Mr. Hall, please state for the record
17 the city and the judicial circuit in which you
18 reside.

19 MR. HALL: The 16th Judicial Circuit.
20 I reside in York, South Carolina.

21 MS. BENSON: Thank you.

22 Mr. Hall, after working in private
23 practice and the solicitor's office and serving as
24 a municipal judge, why do you now want to serve as
25 a judge?

1 MR. HALL: I see it as something that
2 I'm -- obviously that I believe I am very qualified
3 to do. Part of the reason I would like to seek it
4 is that the Circuit Court judge has an opportunity
5 to set the tone, not only for his circuit, for the
6 courtroom that they're in as far as dispensing of
7 justice and efficient use of court time. And, in
8 fact, I view it as a step up in my profession of my
9 legal career.

10 MS. BENSON: Mr. Hall, would you
11 explain to the Commission how that you feel that
12 your legal and professional experience will assist
13 you in being an effective judge.

14 MR. HALL: Well, I've had 22 years of
15 being an attorney. I was in private practice for a
16 short period of time on my own. I prosecuted for
17 most of that time. I also served as a city judge,
18 and I believe that gives me the -- those of you
19 that are attorneys realize -- and even as
20 legislators, most of our job is characterized by
21 people skills. I happened to work in the legal
22 arena, and so there is a legal knowledge that's
23 required in that, but the people skills is what I
24 believe that I have acquired over the last 22 years
25 that would allow me to effectively serve.

1 MR. BENSON: Could you, please, explain
2 to the Commission what you think is the appropriate
3 demeanor for a judge.

4 MR. HALL: Patience and humility.

5 MS. BENSON: Thank you.

6 And what suggestions would you have for
7 improving the backlog of the cases in the Circuit
8 Court?

9 MR. HALL: I have been blessed to work
10 in a circuit where we have -- our backlog has been
11 handled very efficiently. Looking back on it, and
12 I was able to -- when I started as an attorney, I
13 worked for the solicitor's office initially when we
14 saw the effect of crack cocaine, primarily, on the
15 criminal system and this huge backlog of cases.

16 It really comes down to two things, you
17 know, sort of pat answers, are docket management, a
18 system where you can effectively move cases. But,
19 again, it is the people skills, and predominately,
20 judges have some input. But in our state,
21 prosecutors, solicitors, control the docket. And
22 it takes a prosecutor who has the ability to work
23 with law enforcement to make the right kind of
24 people -- make the right type of -- communicate
25 with all the parties, whether you've got to make

1 tough political decisions about dealing with old
2 cases so they can clean it up and then move
3 forward. Certainly this year, as the legislature
4 has about a \$700,000,000 deficit going into next
5 year, budget deficit, prosecutors, the system, is
6 not going to be able to say we need more people,
7 more resources. It's got to be working efficiently
8 with what we have.

9 MS. BENSON: How would you describe
10 your work ethic?

11 MR. HALL: Work is -- I mean, I try to
12 work hard. I'm there every day. The judges in our
13 circuit work hard. I have never -- in my 22 years,
14 I have never seen a judge that's lack of work
15 ethic. That can be a hindrance on the way we move
16 our docket in York County. But, you know, I'm 56
17 years old. I've done lots of different kinds of
18 work. I know what it is to get up and go to work,
19 and stay -- stay late, do whatever I need to do to
20 get the job done.

21 MS. BENSON: Thank you, Mr. Hall. Have
22 you -- I beg your pardon.

23 Have you sought or received the pledge
24 of any legislator prior to this date?

25 MR. HALL: No, I have not.

1 MS. BENSON: Have you sought or have
2 you been offered a conditional pledge of support of
3 any legislator pending the outcome of your
4 screening?

5 MR. HALL: No, I have not.

6 MS. BENSON: Have you asked any third
7 parties to contact members of the General Assembly
8 on your behalf?

9 MR. HALL: No, I have not.

10 MS. BENSON: Have you contacted any
11 members of the Commission?

12 MR. HALL: I have not.

13 MS. BENSON: Do you understand that
14 you're prohibited from seeking a pledge or
15 commitment until 48 hours after the formal release
16 of the Commission's report?

17 MR. HALL: I do.

18 MS. BENSON: Have you reviewed the
19 Commission's guidelines on pledging?

20 MR. HALL: I have.

21 MS. BENSON: As a follow up, are you
22 aware that the penalties for violating the pledging
23 rules, if you are convicted, you could be fined not
24 more than \$1,000 or imprisoned not more than 90
25 days?

1 MR. HALL: I do understand that.

2 MS. BENSON: Mr. Chairman, I would note
3 that the Piedmont Citizens Committee found Mr. Hall
4 well qualified for each of the nine evaluative
5 criteria: constitutional qualifications, ethical
6 fitness, professional and academic ability,
7 character, reputation, physical health, mental
8 stability, experience, and judicial temperament.

9 In addition, they stated, The committee
10 was impressed by his extensive experience,
11 including his work and employment outside the legal
12 profession. We find him to be physically and
13 ethically fit. We believe his judicial temperament
14 would be excellent. He has an excellent
15 reputation.

16 Mr. Chairman, I have no further
17 questions.

18 REPRESENTATIVE DELLENEY: Does any
19 member -- Representative Clemmons.

20 MR. CLEMMONS: Thank you for being
21 here, Mr. Hall. I looked closely at the Citizens
22 Committee comments, and I want to congratulate you,
23 especially for that last phrase that was just read.
24 He has an excellent reputation. That speaks
25 volumes about you.

1 MR. HALL: Thank you.

2 REPRESENTATIVE CLEMMONS: Thank you.

3 REPRESENTATIVE DELLENEY: Does any
4 other member of the Commission have any comments?
5 Senator McConnell.

6 SENATOR McCONNELL: Mr. Chairman, I
7 just echo the remarks of my colleague here when I
8 looked at the Citizens Committee report also.

9 MR. HALL: Thank you.

10 REPRESENTATIVE DELLENEY: Does any
11 other member of the Commission have any comments?

12 Well, I can tell you from personal
13 experience that those comments from the Citizens
14 Committee reports are absolutely accurate.

15 Without any further questions,
16 Mr. Hall, we would like to thank you for being here
17 with us today. Thank you for bringing your wife
18 here with us today.

19 And I would just remind you this ends
20 the -- closes the record on this part of the
21 process of your screening. However, we could
22 reopen your record and reconvene a public hearing
23 if we so desire to explore other issues, which is
24 not very likely in your case. It's a very rare
25 thing that we have done that, but we have done that

1 occasionally in the past.

2 And with that, I just remind you about
3 the 48-hour rule, which applies not only to you,
4 but it applies to anyone that might advocate on
5 your behalf.

6 With that, we thank you for your
7 service, and hope you'll have a safe trip back
8 home.

9 MR. HALL: Thank you.

10 (Candidate excused.)

11 (Off-the-record.)

12 REPRESENTATIVE DELLENEY: Good morning,
13 Judge Hocker.

14 We have before us today the Honorable
15 Donald Bruce Hocker. And before we get started,
16 Judge Hocker, do you have anybody you would like to
17 introduce us to?

18 JUDGE HOCKER: I sure would. I have my
19 wife, Gayle, of 34 years, and my daughter,
20 Catherine, who is a sophomore here at Carolina.

21 REPRESENTATIVE DELLENEY: We're so glad
22 that you all could be here with us this morning.

23 Judge Hocker seeks a position with the
24 Circuit Court, At-Large, Seat Number 9.

25 If you would, raise your right hand to

1 be sworn.

2 (Candidate sworn.)

3 REPRESENTATIVE DELLENEY: Thank you,
4 sir.

5 The Judicial Merit Commission has
6 thoroughly investigated your qualifications for
7 service on the bench. Our inquiry has primarily
8 focused on nine evaluative criteria, which include
9 a survey of the bench and bar, a thorough study of
10 your application materials, verification of your
11 compliance of state ethics laws, a search of
12 newspaper articles in which your name may appear, a
13 study of any previous screenings, and a check for
14 economic conflicts of interest.

15 There are no affidavits filed in
16 opposition to your election, nor are there any
17 witnesses here to testify.

18 Do you have a brief opening statement
19 you would like to make?

20 JUDGE HOCKER: What I would like to
21 say, Representative Delleney, is that it is, again,
22 an honor and a privilege being a part of this
23 judicial process.

24 REPRESENTATIVE DELLENEY: Well, we
25 thank you for that. And I would ask you to answer

1 any questions that our counsel, Ms. Shuler, would
2 have for you.

3 MS. SHULER: Good morning, Judge
4 Hocker.

5 JUDGE HOCKER: Good morning.

6 MS. SHULER: Mr. Chairman and members
7 of the Commission, I have a few procedural matters
8 to handle with this candidate.

9 Judge Hocker, you have before you your
10 personal data questionnaire you submitted as part
11 of your application and your amendment to Question
12 Number 17.

13 Are there any additional amendments
14 that you would like to make at this time to your
15 PDQ?

16 JUDGE HOCKER: No, ma'am.

17 MS. SHULER: Mr. Chairman, I would ask
18 that Judge Hocker's PDQ and his amendment be
19 entered into the record at this time.

20 REPRESENTATIVE DELLENEY: Those
21 documents will be entered into the record as
22 exhibits without objection at this part of the
23 transcript.

24 (EXH. 9, Judge Donald B. Hocker's
25 Personal Data Questionnaire and Amendment, was

1 admitted.)

2 MS. SHULER: Judge Hocker, you have
3 before you the sworn statement you have provided
4 with detailed answers to over 30 questions
5 regarding judicial conduct, statutory
6 qualifications, office administration, and
7 temperament.

8 Are there any additional amendments you
9 would like to make at this time to your sworn
10 statement?

11 JUDGE HOCKER: No, ma'am.

12 MS. SHULER: Thank you.

13 At this time, Mr. Chairman, I would ask
14 that Judge Hocker's sworn statement be entered as
15 an exhibit into the hearing record.

16 REPRESENTATIVE DELLENEY: The sworn
17 statement will be made an exhibit and entered into
18 the record at this point in the transcript without
19 objection.

20 (EXH. 10, Judge Donald B. Hocker's
21 Sworn Statement, was admitted.)

22 MS. SHULER: One final procedural
23 matter.

24 I note for the record that based on the
25 testimony contained in the candidate's PDQ, which

1 has been included in the record with the
2 candidate's consent, Judge Hocker meets the
3 statutory requirements for this position regarding
4 age, residence, and years of practice.

5 Judge Hocker, please state for the
6 record the city and the judicial circuit in which
7 you reside.

8 JUDGE HOCKER: I reside in Laurens,
9 South Carolina, which is part of the Eighth
10 Judicial Circuit.

11 MS. SHULER: Thank you, Judge Hocker.

12 Why do you want to serve as a Circuit
13 Court judge.

14 JUDGE HOCKER: Well, Ms. Shuler, for
15 several reasons. One, I can bring to the bench 30
16 years of experience in practicing in the Circuit
17 Court both in the civil area and in the criminal
18 area.

19 I also can bring to the bench 26 years
20 of judicial experience as being an associate
21 probate judge for Laurens County.

22 Since being a judge, I have basically
23 followed three rules that I adhere to every day.
24 One is you always work hard. I think it's
25 absolutely necessary that a judge put forth the

1 time and the effort in the position.

2 Secondly, I think it's extremely
3 important to always be courteous and fair and
4 respectful to the litigants as well as the
5 attorneys involved in the case.

6 And thirdly, I think it's extremely
7 important to always be humble in the position.

8 MS. SHULER: Thank you, Judge Hocker.

9 Is there anything additional regarding
10 your experience and professional experience thus
11 far that would assist you to be an effective judge?

12 JUDGE HOCKER: Well, my background is
13 one of -- I'm active in my church. I'm Christian,
14 which I think is extremely important. I have
15 assisted for many years with the Boy Scouts, which
16 has been very valuable and a big part of my life.
17 My son actually received his Eagle Scouts several
18 years ago. So I think those background aspects are
19 very important to being a part of the bench.

20 MS. SHULER: Thank you.

21 Judge Hocker, are there any areas of
22 the law that you would need additional preparation
23 in order to serve as a Circuit Court judge, and if
24 so, how would you handle that preparation?

25 JUDGE HOCKER: Well, I certainly

1 wouldn't claim to be an expert in all of the areas,
2 but since I have been practicing for 30 years and
3 have been on the bench for 26, and I've pretty much
4 seen and done it all, I think I would possess the
5 necessary experience to serve as a Circuit Court
6 judge.

7 MS. SHULER: Thank you, Judge Hocker.

8 Could you explain to the Commission
9 what you believe to be the appropriate demeanor for
10 a judge.

11 JUDGE HOCKER: Well, as I said earlier,
12 I think it's extremely important to always be
13 courteous to the litigants and to the parties, to
14 be fair, and always be respectful. There's nothing
15 worse than having a judge show their emotion or
16 anger in public -- in a public courtroom hearing,
17 and I think that is absolutely important that the
18 temperament always be on an even keel.

19 MS. SHULER: Judge Hocker, what
20 suggestions would you offer to the Commission for
21 improving the backlog of cases on the docket in the
22 Circuit Court? You can break it down criminal and
23 civil cases.

24 JUDGE HOCKER: Well, I think on the
25 criminal side, I think a circuit judge needs to

1 work very closely with the solicitor. As we know,
2 the solicitor has the primary responsibility for
3 calling cases and moving cases forward, so I think
4 there needs to be a tremendous working relationship
5 between the judge and the solicitor.

6 On the civil side, I think it's very
7 important to try to have as many pre-trial status
8 conferences where the circuit judge can meet with
9 the lawyers involved in the case and assist them in
10 getting their cases ready for trial, assisting them
11 in settling their respective case, if it is one
12 that can be settled.

13 MS. SHULER: Thank you.

14 Have you sought or received the pledge
15 of any legislator prior to this date?

16 JUDGE HOCKER: No, ma'am.

17 MS. SHULER: Have you sought or have
18 you been offered a conditional pledge of support of
19 any legislator pending the outcome of your
20 screening?

21 JUDGE HOCKER: No, ma'am.

22 MS. SHULER: Have you asked any third
23 parties to contact members of the General Assembly
24 on your behalf?

25 JUDGE HOCKER: No, ma'am.

1 MS. SHULER: Have you contacted any
2 members of the Commission?

3 JUDGE HOCKER: No, ma'am.

4 MS. SHULER: Do you understand that you
5 are prohibited from seeking a pledge or commitment
6 until 48 hours after the formal release of the
7 Commission's report?

8 JUDGE HOCKER: I am aware of that.

9 MS. SHULER: Have you reviewed the
10 Commission's guidelines on pledging?

11 JUDGE HOCKER: I have.

12 MS. SHULER: Are you aware of the
13 penalties for violating those pledging guidelines,
14 that is, it is a misdemeanor, and upon conviction,
15 you could be fined not more than \$1,000 and
16 imprisoned not more than 90 days?

17 JUDGE HOCKER: I'm aware of that.

18 MS. SHULER: I would note for the
19 record that the Piedmont Citizens Committee found
20 Judge Hocker well qualified for constitutional
21 qualifications, ethical fitness, professional and
22 academic ability, mental stability, and found him
23 qualified for physical health.

24 They noted, His ethical fitness is
25 excellent. For his professional academic ability,

1 they noted, He appears to be well qualified
2 concerning his professional and academic ability.
3 For his experience, they stated, Extensive, well
4 qualified.

5 I would just note for the record that
6 any concerns regarding this candidate were raised
7 in my questioning of this candidate today.

8 Mr. Chairman, I have nothing further
9 for Judge Hocker.

10 REPRESENTATIVE DELLENEY: Does any
11 member of the Commission have any questions for
12 Judge Hocker?

13 Senator McConnell.

14 SENATOR McCONNELL: I don't have -- as
15 much as I was reading through his thing, I found it
16 interesting that in 2009, the subscribers to the
17 Clinton Chronicle chose you as the best attorney.

18 JUDGE HOCKER: Yes, sir. That's
19 correct. I wonder how many people voted, though.

20 SENATOR McCONNELL: They didn't say.

21 REPRESENTATIVE DELLENEY: Any other
22 questions from the Commission?

23 There being none, Judge Hocker, we want
24 to thank you so much for being with us today and
25 bringing your family to be with us this morning.

1 This concludes this portion of your
2 screening. The record of your screening will close
3 at this point. However, we do reserve the right up
4 until the report is issued to reopen the record and
5 reconvene screening if there were other issues that
6 we need to explore. Of course, I don't anticipate
7 that happening in your case. It has happened from
8 time to time, but it's been rare.

9 And with that, I would remind you of
10 the 48-hour rule, remind you to remind anybody who
11 might seek to advocate on your behalf about the
12 48-hour rule.

13 And we thank you for your service, and
14 hope you all have a safe trip back home.

15 JUDGE HOCKER: Thank you very much.

16 (Candidate excused.)

17 (Off-the-record.)

18 SENATOR McCONNELL: All right. We'll
19 go back on the record at this point.

20 We have before us Ms. Angela
21 McCall-Tanner.

22 It's good to have you with us.

23 MS. TANNER: Good morning, sir.

24 SENATOR McCONNELL: Good morning to
25 you.

1 She'll be offering in the Circuit
2 Court, At-Large, Seat Number 9.

3 Would you be so kind as to raise your
4 right hand, please.

5 (Candidate sworn.)

6 SENATOR McCONNELL: Thank you.

7 The Judicial Merit Selection Commission
8 has thoroughly investigated your qualifications for
9 the bench. Our inquiry is focused on the nine
10 evaluative criteria, and has included a survey of
11 the bench and the bar, a thorough study of your
12 application materials, a verification of your
13 compliance with the state ethics laws, a search of
14 newspaper articles in which your name appears, a
15 study of previous screenings, and a check for
16 conflicts of interest.

17 We have received no affidavits filed in
18 opposition to your election. No witnesses are
19 present to testify.

20 I'll ask if you have a brief opening
21 statement you may wish to give at this point --
22 it's purely optional -- before I turn you over to
23 counsel for questions.

24 MS. TANNER: No, sir. I'm sure you
25 guys are ready to move along, so thank you for

1 allowing me to be here.

2 SENATOR McCONNELL: Please answer
3 counsel's questions.

4 MS. SHULER: Good morning,
5 Ms. McCall-Tanner.

6 MS. TANNER: Good morning, Ms. Shuler.

7 MS. SHULER: I am substituting for
8 Bonnie Anzelmo because she needs to be on the house
9 floor to ensure the Judicial Merit.

10 MS. TANNER: Yes, ma'am.

11 MS. SHULER: Mr. Chairman and Members
12 of the Commission, I have a few procedural matters
13 to handle with this candidate.

14 Ms. McCall-Tanner, you have before you
15 your personal data questionnaire and an amendment
16 you submitted as part of the application.

17 Are there any additional amendments
18 that you would like to make at this time to your
19 PDQ?

20 MS. TANNER: No, ma'am.

21 MS. SHULER: Okay. Mr. Chairman, I
22 would ask that Ms. McCall-Tanner's personal data
23 questionnaire and amendment be entered as an
24 exhibit into the hearing record.

25 SENATOR McCONNELL: Without objection,

1 so ordered.

2 (EXH. 11, Ms. Angela McCall-Tanner's
3 Personal Data Questionnaire and Amendment, was
4 admitted.)

5 MS. SHULER: Ms. McCall-Tanner, you
6 have before you the sworn statement you provided
7 with detailed answers to over 30 questions
8 regarding judicial conduct, statutory
9 qualifications, office administration, and
10 temperament.

11 Are there any amendments that you would
12 like to make now to your sworn statement?

13 MS. TANNER: No, ma'am.

14 MS. SHULER: Thank you.

15 Mr. Chairman, I would ask that
16 Ms. McCall-Tanner's sworn statement be entered as
17 an exhibit into the hearing record.

18 SENATOR McCONNELL: Without objection,
19 so ordered.

20 (EXH. 12, Ms. Angela McCall Tanner's
21 Sworn Statement, was admitted.)

22 MS. SHULER: One final procedural
23 matter.

24 I note for the record that based on the
25 testimony contained in the candidate's PDQ, which

1 has been included in the record with the
2 candidate's consent, Ms. McCall-Tanner meets the
3 statutory requirements for this position regarding
4 age, residence, and years of practice.

5 Ms. McCall-Tanner, would you state for
6 the record the city and the judicial circuit in
7 which you reside.

8 MS. TANNER: Yes, ma'am. I live in
9 Bluffton, South Carolina, and that is in the 14th
10 Judicial Circuit.

11 MS. SHULER: Thank you.

12 Ms. McCall-Tanner, why do you want to
13 serve as a Circuit Court judge.

14 MS. TANNER: Well, ma'am, that would be
15 possibly a two-part answer. I would say that to
16 begin with, I love the courtroom. I love to be in
17 the courtroom. I love to be part of what's going
18 on in the courtroom. As I stated in my PDQ, I
19 believe that is where life plays itself out. I
20 believe that that's where we see people at their
21 worst, and sometimes, we actually get to see them
22 at their best. I can't imagine being a lawyer and
23 not being part of that.

24 I know that there are people who enjoy
25 sitting at a desk drafting contracts. I'm glad

1 there are people that enjoy doing that. I prefer
2 to be in the courtroom. And to have an opportunity
3 to actually preside over their matters would just
4 be an honor that I just can't explain.

5 So the second part of that question
6 would be why I would be the judge in that scenario
7 and not one of the parties. Over the years, as my
8 skills have developed, as I have -- I guess, my
9 personality has blossomed, and I have figured out
10 what my strengths and weaknesses are. I believe
11 that I am best suited for that position in the
12 courtroom. I have the ability to see all sides of
13 a situation, because, as we know, there is Side A,
14 Side B, and the truth is somewhere in the middle,
15 and I have the ability to work through that. I
16 have diplomacy skills. I have the ability to be
17 fair.

18 I believe that it's our duty to use our
19 God-given talents to the best we can use them. And
20 I believe that if I were allowed to be seated as a
21 judge, that would be my opportunity to use my
22 skills, to use my talents as best I could.

23 MS. SHULER: Thank you.

24 Ms. McCall-Tanner, can you explain to
25 the Commission how you feel your legal and

1 professional experience thus far will assist you in
2 becoming an effective Circuit Court judge.

3 MS. TANNER: Yes, ma'am.

4 All of my legal experience has been in
5 the courtroom. That's what I do. That's where I
6 spend my time. It's what I'm familiar with. As a
7 prosecutor, a lot of my experience has been
8 negotiating, refereeing, and trying to find an
9 outcome that suits justice for all parties.

10 I believe that is at face of what a
11 judge does. They seek to serve justice. They seek
12 to find a middle ground for all parties. I do
13 have -- obviously noted, I have more limited civil
14 experience. I do have some. I have been involved
15 in some civil law firms over the years, so I do
16 have a taste of that and look forward to spending
17 more time in the civil arena. But overall, being
18 in the courtroom is what I have done and would like
19 to continue to do.

20 MS. SHULER: Ms. McCall-Tanner, you
21 alluded to the fact you have a little bit less
22 civil experience.

23 MS. TANNER: Yes, ma'am.

24 MS. SHULER: Are there any other areas
25 of the law that you would need additional

1 preparation for to serve as a Circuit Court judge,
2 and how would you handle that preparation,
3 including how would you handle learning more about
4 the civil law?

5 MS. TANNER: Well, as far as learning
6 civil law, the first thing I have done, I have sat
7 down and I have read the entire set of Civil
8 Procedure Rules. I did do that. It was quite an
9 eye opener. I went back through my law school
10 notebook. It's actually pretty interesting how
11 much of it makes sense now, seeing as how it was
12 all a blur back in those days, but it actually
13 makes sense now.

14 So I actually -- the base concepts, I'm
15 comfortable with. Again, the Rules of Evidence,
16 ethics, all of those are the same regardless of
17 what the subject matter. Civil law, I would try to
18 attend as many CLE's. If there was an area that I
19 was unfamiliar with, I would like to attend more
20 CLE's.

21 But on my own, like I said, I'm reading
22 the rule -- I've read through the rules, studied
23 the rules, and on my own, I like to keep updated
24 with all the advance sheets, and that's something I
25 would continue to do.

1 MS. SHULER: Thank you.

2 Ms. McCall-Tanner, could you explain to
3 the Commission what you believe is the appropriate
4 demeanor for a judge.

5 MS. TANNER: Yes, ma'am.

6 Demeanor for a judge, the base line, it
7 needs to be consistent. It needs to be fair. You
8 need to be calm. You need to be polite, things in
9 general society you should be anyway, but as a
10 judge, it's even more important. In order to give
11 everyone a fair chance in the courtroom, you have
12 to be open minded. You have to be patient, allow
13 the parties an opportunity to be heard. I think
14 that if you just show everyone the same dignity and
15 respect, then you will go far in that area, and
16 that's what you should do, treat everyone the same.

17 MS. SHULER: Thank you.

18 Ms. McCall-Tanner, what suggestions
19 would you offer for improving the backlog of cases
20 on the Circuit Court? I guess start first with the
21 criminal cases and then Circuit Court cases.

22 MS. TANNER: Yes, ma'am.

23 Being a prosecutor, my suggestion for
24 moving the criminal docket, we need to try more
25 cases. You need -- and I know one of the problems

1 we have is getting experienced lawyers to work as
2 prosecutors, but they do need to try cases. You're
3 not going to move a lot of cases until you actually
4 call them for trial. We need to speed that process
5 up. We need to have better trained prosecutors in
6 the solicitor's offices.

7 In civil court, I have attended a few
8 roster meetings. It appears to me that, perhaps,
9 continuances are granted maybe too easily. I think
10 maybe if they were held to come into court and try
11 cases as well, things would speed along a little
12 more.

13 But I think, like I said, moving the
14 courtroom, working the courtroom from Monday to
15 Friday, not ending court on Tuesday, not ending on
16 Wednesday, but a full, solid week of trials would
17 actually make an improvement. And I believe if
18 people believe they're going to trial, they are
19 more apt to start working on negotiations more
20 seriously and more quickly, if they know that there
21 is a deadline and this case is actually going to
22 see a jury.

23 MS. SHULER: Thank you.

24 Your SLED report showed that you were
25 named as a defendant in a civil rights suit. Can

1 you explain the nature of this suit and the current
2 status.

3 MS. TANNER: Yes, ma'am.

4 I actually was unaware of that until it
5 was brought to my attention by Ms. Anzelmo. I was
6 never served personally. I'm assuming that the
7 paperwork went to the IRF lawyer in our county.

8 It was a pro se -- I say defendant.
9 That's how I knew him. He was a defendant in
10 criminal court. He filed his own handwritten
11 lawsuits in court, and they were both -- there were
12 two of them by him. They were both summarily
13 dismissed fairly quickly. I'm not sure what the
14 grounds were that he was alleging. I know that we
15 prosecuted him in General Sessions in Beaufort
16 County. I believe his complaints arose out of that
17 somehow, but they have been dismissed.

18 MS. SHULER: Thank you.

19 Ms. McCall-Tanner, two bench and bar
20 surveys were filed in regards to your candidacy for
21 the Circuit Court seat. One of those surveys
22 contained a few negative comments. The first
23 comment questioned whether or not you would be able
24 to hear cases in Beaufort County because your
25 husband is the sheriff in the county.

1 What response would you offer to that
2 comment? And I would ask that you confirm your
3 husband is, in fact, the sheriff in Beaufort
4 County.

5 MS. TANNER: Yes, ma'am, he is the
6 sheriff of Beaufort County. He was first elected
7 in '99 and actually just won re-election a couple
8 weeks ago.

9 My response of that would be I
10 absolutely understand. I would expect people who
11 do not know me, people that first hear that, that
12 their first response would be that they may have a
13 concern. However, I would like to point out that
14 there is a tremendous difference between someone
15 having a concern and someone actually producing an
16 issue that they have experienced. I don't believe
17 there have been any reports or any instances given
18 where I have been unfair or I have not been
19 impartial in a case. So I would say there is a
20 huge difference.

21 I understand a concern, but I believe
22 that my work record, my work ethic, how I treat
23 people speaks for itself. There have been no
24 issues there. There would not be any issues there.
25 I treat people completely fairly. I treat every

1 individual the same. I treat them with dignity and
2 respect regardless of the circumstance.

3 I evaluate cases based on their merit,
4 based on the defendant's background, and what they
5 did. I don't care who their daddy is. I don't
6 care where they came from. I want to know the
7 facts of the case, and I want to know the
8 defendant's background, and that's how I treat
9 people, and I treat them all with dignity and
10 respect.

11 So like I said, my background, my work
12 record speaks for itself there. I understand an
13 expressed concern, but, again, there is a great
14 distance between a concern and an actual issue that
15 has not been presented.

16 MS. SHULER: Well, let me pose a
17 scenario. Let's say that you were elected to the
18 Circuit Court bench, and your husband is the
19 sheriff, and you were to hear criminal cases.

20 How would you handle cases that come
21 before you that the sheriff -- first the sheriff,
22 your husband, might be a witness, and secondly,
23 someone from the sheriff's office might be a
24 witness.

25 MS. TANNER: Well, how I would love an

1 opportunity to have him on the stand under oath.
2 If he were a witness, I would recuse myself. I
3 don't think there's any scenario where that would
4 be fair for the parties whether I thought I could
5 be fair or not. I don't know that they would ever
6 believe that, and I think it would be an automatic
7 recusal if he were a witness.

8 Where deputies are concerned, you know,
9 I would leave that up to the parties involved. If
10 they asked for me to recuse myself, then I would --
11 I would probably do that. I don't know that they
12 would feel like they were getting a fair trial, and
13 I want to make sure that they're comfortable with
14 it.

15 My thoughts are, though, that it's an
16 At-Large seat. Forty-six counties in the state.
17 There's a lot of work to be done. I wouldn't
18 expect to be assigned to Beaufort County for some
19 time, mainly because I am a prosecutor there. I
20 would be too familiar with the cases anyway.

21 So I believe as an At-Large seat, I
22 would be assigned other cases. And my circuit,
23 14th Circuit, we have five counties, so there's
24 plenty of work for me to do without even leaving my
25 circuit. So I think that there is ample work for

1 me to do outside of Beaufort County, but clearly, I
2 wouldn't expect to be assigned to General Sessions
3 in Beaufort County for some time.

4 MS. SHULER: Ms. McCall-Tanner, if you
5 were, let's say, serving in another county and
6 hearing criminal cases, would you automatically
7 disclose on the record that you were married to a
8 sheriff?

9 MS. TANNER: I would. I don't know
10 that it would be necessary. I think that's a far
11 and wide fact, but I would disclose that. I don't
12 know that that would -- I don't know that that
13 would be a reason for me to recuse myself in every
14 criminal matter. But, again, I would hear the
15 parties and find out what their problems were. But
16 if I don't know the witness, I don't have any
17 reason.

18 There may be a defense lawyer who is
19 working in another county that I'm more familiar
20 with than a law enforcement officer, so I think
21 anywhere you go, you're going to know people.
22 You're going to have -- everyone is going to have
23 their own set of experiences and have issues that
24 are brought to them, but I don't think there is
25 anything that would prevent me from hearing other

1 criminal matters outside of Beaufort County. No,
2 ma'am, I do not.

3 MS. SHULER: Thank you.

4 Ms. McCall-Tanner, the second comment
5 concerned your lack of experience in civil law, and
6 I think you've briefly addressed it, but would you
7 offer further comments regarding this concern.

8 MS. TANNER: Yes, ma'am. As far as
9 hands-on handling civil cases, I do have limited
10 experience. I actually started in a civil firm out
11 of law school. I spent a year and a half as part
12 time with a civil law firm in Bluffton.

13 I was also part time with the
14 solicitor's office. I worked it out with Solicitor
15 Murdock where he allowed me to work part time for
16 him, and I agreed to handle all of the criminal
17 sexual conduct with minors cases, which no one in
18 the circuit wanted to touch at the time, so I
19 handled those for him. He allowed me to work part
20 time to stay with him.

21 And then I worked part time in a civil
22 law firm, so I do have some experience there. It
23 did turn out that it was better for me to go back
24 full time with the solicitor's office, and I did
25 that prior to being -- going to deputy solicitor in

1 2006.

2 MS. SHULER: Thank you.

3 What types of civil cases did you
4 handle in your part-time practice?

5 MS. TANNER: In the initial firm I
6 worked for in Spartanburg, it was a general
7 practice. There were -- there was a probate lawyer
8 that I assisted. There was a general civil
9 practice attorney. I also worked with Mr. Dwight
10 Patterson, Elizabeth Patterson's husband. He
11 represented the sewer district. There was some of
12 that work.

13 I was basically a contract attorney. I
14 assisted them all for whatever they needed, so I
15 got to touch a little bit of everything. There was
16 also a real estate attorney in the office.

17 And then in the Bluffton office, the
18 primary focus was insurance reserve fund defense,
19 so I had a little bit defense experience there.

20 MS. SHULER: All right. Thank you.

21 The last comment questioned your
22 courtroom demeanor and alleged that you have a shy
23 personality. You just explained to the Commission
24 what you think is the proper demeanor for a judge,
25 but could you offer a response to this comment.

1 MS. TANNER: I can't imagine where that
2 comes from. Shy? I don't know, unless the fact
3 that I'm not boisterous was misinterpreted as shy.
4 I am not shy. As a child, I was shy, but that
5 disappeared a long time ago. I don't know how to
6 address that. I'm not shy. Perhaps because I'm
7 not the loudest in the courtroom, they
8 misinterpreted that. But I'm -- I don't speak
9 first. I think out what I'm going to say. I'm
10 very careful about what I say, because, again,
11 everything is on the record.

12 But no, shy -- shy is not a problem.
13 I'm very assertive, and I'm very firm, and I think
14 that the lawyers who have tried cases with me would
15 attest to that part of it. I definitely will speak
16 my mind, and put on the record what needs to be put
17 on the record, so --

18 MS. SHULER: Thank you.

19 MS. TANNER: Yes, ma'am.

20 MS. SHULER: Have you sought or
21 received the pledge of any legislator prior to this
22 date?

23 MS. TANNER: No, ma'am.

24 MS. SHULER: Have you sought or been
25 offered any conditional pledge or support of any

1 legislator pending the outcome of your screening?

2 MS. TANNER: No, ma'am.

3 MS. SHULER: Have you asked any third
4 parties to contact members of the General Assembly
5 on your behalf?

6 MS. TANNER: No, ma'am.

7 MS. SHULER: Have you contacted any
8 members of the Commission?

9 MS. TANNER: No, ma'am.

10 MS. SHULER: Do you understand that
11 you're prohibited from seeking a pledge or
12 commitment until 48 hours after the formal release
13 of the Commission's report?

14 MS. TANNER: Yes, ma'am. I'm aware of
15 that.

16 MS. SHULER: Have you reviewed the
17 Commission's guidelines on pledging?

18 MS. TANNER: Yes, ma'am.

19 MS. SHULER: Are you aware of the
20 penalties for violating the pledging rules, that
21 is, it's a misdemeanor, and upon conviction, you
22 could be fined up to \$1,000 and imprisoned not more
23 than 90 days?

24 MS. TANNER: Yes, ma'am.

25 MS. SHULER: I would note that the

1 Lowcountry Citizens Committee found
2 Ms. McCall-Tanner well qualified in each evaluative
3 criteria. Those criteria are constitutional
4 qualifications, ethical fitness, professional and
5 academic ability, character, reputation, physical
6 health, mental stability, experience, and judicial
7 temperament.

8 I would also note that any concerns
9 raised during the investigation of this candidate
10 were incorporated in my questioning of the
11 candidate today.

12 Mr. Chairman, I have no further
13 questions at this time.

14 SENATOR McCONNELL: Thank you.

15 Does any member of the committee have
16 any questions?

17 Professor.

18 PROFESSOR FREEMAN: Okay. First, I tip
19 my hat to you and your husband for public service
20 and --

21 MS. TANNER: Thank you, sir.

22 PROFESSOR FREEMAN: And work, hard
23 work, for the taxpayer. Okay.

24 MS. TANNER: Yes, sir.

25 PROFESSOR FREEMAN: And for the public.

1 The question is this. Have you done
2 any research at all on kind of the ethical, slash,
3 disqualification issues that could arise if you
4 were appointed a Circuit Court judge and you end up
5 in or around Beaufort county given your husband's
6 job?

7 MS. TANNER: I have not done any
8 further research other than reading the ethical
9 canons and the standards for recusal. I have
10 studied those, and obviously, you know, I'm
11 comfortable with those. Again, that's why if he
12 were a witness, absolutely I would recuse myself
13 without anyone asking.

14 I think down the road, if I were in
15 Beaufort County for General Sessions and it was a
16 sheriff's office case, and there were deputies that
17 were employed by my husband, and counsel for either
18 party made a motion, then I would consider that
19 strongly. Most likely I would recuse myself
20 depending on the facts they want to present, but
21 as --

22 PROFESSOR FREEMAN: Okay. Well,
23 there's also the question of, you know, you're in
24 an outside circuit. And I thought I heard with
25 Ms. Shuler that you might be willing to disclose on

1 the record to the parties in a criminal case that
2 your husband was a sheriff. Suppose defense
3 counsel at that point says in light of that
4 disclosure, I move to recuse you.

5 What would you do then?

6 MS. TANNER: Well, I would ask for a
7 little more than that. That fact alone, like I
8 said, has never been an issue for me being fair and
9 impartial, so I would ask them to explain further
10 why they thought that was a reason for me to recuse
11 myself. If I don't know any of the parties, if I
12 don't know any of the officers or the victims or
13 the defendants, I just don't -- I don't believe
14 that that is a reason standing alone for recusal.

15 PROFESSOR FREEMAN: Is it -- I guess
16 what I'm wondering, is it -- you know, in your
17 mind, the test is your ability to be fair and
18 impartial, and that's not so much what other people
19 might think.

20 MS. TANNER: No, I don't say that. But
21 I believe that parties will make those motions
22 without a valid basis for it. And, therefore, I
23 would ask for a valid basis. I don't believe that
24 that fact standing alone is a valid basis. I
25 believe that there has to be some showing that I

1 cannot be fair or I cannot be impartial for that
2 reason. And like I said, my record shows that I
3 can be fair and impartial.

4 PROFESSOR FREEMAN: Suppose that the
5 issue is that you're in Beaufort County, and the
6 issue is your husband has nothing to do with it,
7 but some deputy or some staffer is accused of
8 mishandling evidence, and there's a motion to
9 suppress. Would you hear that or not?

10 MS. TANNER: If the parties wanted me
11 to hear that, I would.

12 PROFESSOR FREEMAN: No, I'm saying,
13 first of all, that's the issue. Would you feel
14 that there is a disclosure issue or a possible
15 disqualification issue?

16 MS. TANNER: In Beaufort County, I --

17 PROFESSOR FREEMAN: In Beaufort County.

18 MS. TANNER: I would understand that
19 motion being made, that I would be recused from
20 hearing that, so long as my husband is still the
21 sheriff in Beaufort County. I would -- I would
22 definitely consider that. I would most likely
23 recuse myself.

24 However, I don't have any problem
25 suppressing evidence if it was not collected

1 properly, so I don't know that the parties actually
2 would be doing themselves a favor by having me
3 recused in that situation. I have extremely high
4 standards, not only for myself, but for law
5 enforcement, so --

6 PROFESSOR FREEMAN: And I don't doubt
7 that. You know, it's reflected by an excellent
8 record that you've got. Last question.

9 Is there some statewide organization of
10 sheriffs to which your husband belongs or law
11 enforcement group to which he belongs with that
12 brings him into contact and have meetings with
13 these sheriffs at any other circuits?

14 MS. TANNER: Yes. There is a Sheriffs
15 Association. He is actually the president right
16 now, so he does have meetings with the sheriffs
17 probably two or three times a week -- a month --
18 I'm sorry, a year. Two or three times a year, the
19 Sheriffs Association meets. They discuss whatever
20 sheriffs discuss at their business meetings. But
21 he in no way has contact with all law enforcement
22 across the state, only the sheriffs.

23 PROFESSOR FREEMAN: Only the sheriffs.
24 Thank you.

25 MS. TANNER: Yes, sir.

1 SENATOR McCONNELL: Senator from
2 Lexington.

3 SENATOR KNOTTS: Thank you,
4 Mr. Chairman.

5 I know your husband, and he's a fine
6 man.

7 MS. TANNER: Thank you, sir.

8 SENATOR KNOTTS: And I know the family
9 values that he has and the respect that he has in
10 law enforcement, and I know that he would never put
11 you in a position to create you a problem where you
12 would probably have to recuse yourself without,
13 first of fall, notifying you.

14 How do you handle those cases now
15 because you are the assistant solicitor under
16 Duffie Stone, and you've got five candidates -- how
17 do you handle that now as a prosecutor if a case is
18 made by his department or by one of his deputies or
19 he's involved? How do you handle that now?

20 MS. TANNER: Well, I do prosecute those
21 cases. I think as far as there being a conflict
22 there, that there's no conflict. We're on the same
23 side, so to speak.

24 However, I believe his deputies live
25 harder under me than other prosecutors. I hold

1 them to a higher standard. They know that I have a
2 direct line to their chain of command. If I find
3 problems with how they've handled the case, I have
4 open dialogue with them first about things I find.
5 If there's something that needs to be turned over
6 to their chain of command, I'll actually do that.

7 Something that I do in order to help my
8 relationship with defense counsel because of my
9 position, any time I get a file, I go through the
10 file, every piece of paper. I make a list: You
11 know, incident report by Corporal Rodriguez, five
12 pages. Supplement report by Sergeant Garcia, four
13 pages. I make a list of everything in my file, and
14 I send that to defense counsel, and I say, Do you
15 have this? If you don't, call me immediately. If
16 you're having any trouble getting copies of videos,
17 photographs, let me know. I will assist you in
18 that.

19 I think, you know, we all say we have
20 an open-file policy, but I go a step further. I
21 want them to know what I have right here is what is
22 in my file. That way discovery is handled.

23 I just don't believe -- I don't believe
24 you win if you win by cheating, and so if you win,
25 you need to do it fair and square. And that's how

1 I go into the courtroom. I show all of my cards.
2 If someone is going to be prosecuted by me, then
3 I've got the goods on them. They've committed the
4 crime they're accused of and we're going to go
5 forward. If I come across an evidentiary issue,
6 I'm the first one to bring that to someone's
7 attention. That's just how I operate.

8 And so I believe that the deputies know
9 that. They respect that, and they know they're
10 held to a higher standard under me. And once we
11 started with this process, I did have to give my
12 husband a hard time and explain to him, I said, You
13 understand the only negative thing they have to say
14 about me so far is that I'm married to you. And,
15 of course, he took me out to a very nice dinner and
16 was very apologetic for a few days. And that's
17 what I mean by I understand that there is a
18 concern, but there is no issue.

19 SENATOR KNOTTS: I think you probably
20 agree with me that wives and immediate family
21 members of law enforcement are the worse jurors you
22 could put on a jury because they know how to look
23 through things, because usually they're hard to
24 convince to be on the prosecutor's side.

25 MS. TANNER: Absolutely. I mean --

1 SENATOR KNOTTS: Donnie Myers was a
2 victim of my wife on a jury one time that they made
3 chairman and they lost the case.

4 MS. TANNER: That's true.

5 SENATOR KNOTTS: I was interested in
6 finding out, you know, if you're handling it now as
7 a prosecutor, you know, I'm sure you could handle
8 it the same high of professionalism as you would as
9 a judge, but -- and you shouldn't be penalized
10 because your husband is in law enforcement. That's
11 an honorable profession, and just because he's
12 there, that shouldn't stop your career.

13 But the other question I have is --
14 you've got five counties down there. All of
15 them -- all of them are not counties that have
16 year-round court.

17 MS. TANNER: That's correct.

18 SENATOR KNOTTS: Some of your counties
19 have probably court twice a year or something like
20 that, you know, short periods of time.

21 MS. TANNER: Yes, sir.

22 SENATOR KNOTTS: What is your -- as a
23 judge in those counties like that, how would you
24 handle your workload if you had -- how would you
25 handle the backlog in those counties, because we

1 have counties that are small counties that don't
2 have it but twice a year, and they are backlogged,
3 and the judges don't even work a full week when
4 they get there. You know that situation as a
5 prosecutor, I'm sure.

6 MS. TANNER: I have seen that.

7 SENATOR KNOTTS: Have you experienced
8 judges coming in on Tuesdays and leaving on
9 Thursday?

10 MS. TANNER: Without naming names, I
11 would say I've seen that. It does happen. And I
12 think that that would be the issue. I think that
13 when you have court time, you make the most of it.
14 I'm not afraid to work. I don't mind long hours.
15 I'll be there first. I'll be there last. I'll be
16 there.

17 SENATOR KNOTTS: Do you have any
18 problems holding lawyers that don't want to be
19 there?

20 MS. TANNER: I do not have any problems
21 holding lawyers who don't want to be there. That's
22 their job. If they want to do the job, then
23 they're going to come do the job.

24 SENATOR KNOTTS: Or abusing the court
25 by hospitals and sicknesses and vacations and

1 golfing games and stuff like that.

2 MS. TANNER: Well, I think that,
3 especially in counties where they don't have court
4 that often, they know it's coming. The schedule is
5 sent out, a minimum, six months in advance.
6 Sometimes we know a year in advance when we're
7 going to be holding court. There's no excuse short
8 of a medical emergency.

9 SENATOR KNOTTS: What about counties
10 like Lexington that -- suppose they have court
11 every day? Do you have problems dealing with
12 lawyers that want to have different types of abuses
13 of the court docket and because a certain judge is
14 going to be there, they want to hold off that case
15 and go play golf or get sick and go to the hospital
16 or something like that?

17 MS. TANNER: Well, the golf course is
18 going to be there Saturday and Sunday. They can
19 put that off. If they are sick and they can't help
20 it, then I'll deal with it.

21 SENATOR KNOTTS: Well, they've been
22 sick for the last four terms --

23 MS. TANNER: Right.

24 SENATOR KNOTTS: -- of the court
25 because a tough judge is there, and they'll be

1 waiting on a judge that will give them a break.

2 You would recognize that type of activity?

3 MS. TANNER: I believe so. I think you
4 can see through that pretty easily. Obviously
5 you've seen it. I think it's out there, and we all
6 know who they are. We all -- we're familiar with
7 our local bars. We know who pulls that. And
8 absolutely, I would address that. I'm not a fan of
9 that.

10 If I'm going to be there working,
11 everybody is going to be there working. That's why
12 we're there. That's why court is scheduled. If
13 you don't hold court, you're going to have a
14 backlog. Bottom line, you can't move cases without
15 court, and that's why we're going to work. We're
16 going to be there.

17 And I like to play golf myself, but I'm
18 going to play on Saturday or Sunday when I have
19 time. I played on Veteran's Day because we had the
20 day off. It was an opportunity.

21 But, you know, abuse is not going to be
22 allowed. And I think that's -- whoever called me
23 shy will find that out real quick. I'm not shy.
24 I'm not afraid to hold someone in contempt if they
25 are --

1 SENATOR KNOTTS: I've heard that.

2 MS. TANNER: -- in contemptuous in
3 court. So, no, sir, I don't have any problem with
4 that at all.

5 SENATOR KNOTTS: Okay. Thank you.

6 MS. TANNER: Yes, sir.

7 SENATOR KNOTTS: Thank you,
8 Mr. Chairman.

9 SENATOR McCONNELL: Yes, sir. Any
10 others?

11 SENATOR NICHOLSON: Yeah, Mr. Chairman,
12 one question.

13 MS. TANNER: Yes, sir.

14 SENATOR NICHOLSON: Ms. McCall-Tanner,
15 you know public perception is something that's very
16 important.

17 MS. TANNER: Yes, sir.

18 SENATOR NICHOLSON: And when you think
19 about law enforcement, a lot of times people think
20 they're not getting a fair deal.

21 How would you deal with public
22 perception with your husband being sheriff, you
23 know? And you know how sheriffs communicate all
24 over the state everything, you know. And how are
25 you going to handle the public perception of this,

1 you know, with you being the judge and your husband
2 as sheriff and everything?

3 MS. TANNER: All I can do is lead by
4 example. All I can do is put the work in. I can
5 stand here and tell you all you want to hear, but
6 until you see me do it and set the example -- and
7 that's how I refer back to my work record. What I
8 have done, what is known about me in the courtroom,
9 that's what I would do.

10 I know that anyone in law enforcement,
11 and judges as well, are held to a higher standard,
12 and I think it should be that way. I think we
13 should be held to a higher standard because we are
14 judging. Law enforcement is judging. Law
15 enforcement is making decisions. And therefore,
16 you need to be held to a higher standard, and so I
17 do -- when I am out in public, I do hold myself to
18 a higher standard.

19 I know that if I go out with a friend,
20 if I drink one beer, my friend drinks five, the
21 eyes will be on me and watch me walk to my car
22 because of who I am. I know that. I'm very
23 conscious of that.

24 Over the years, I've been selective
25 about the friends I keep. I surround myself with

1 people who respect what I do and understand my
2 responsibilities and my commitments.

3 So public perception is out there, and
4 all you can do is do your best to live right, set a
5 good example. So instead of talking -- words
6 aren't worth much, but actions speak louder than
7 anything else, and that's all I can do. And that's
8 what I have spent my career doing. Set an example.

9 SENATOR KNOTTS: Mr. Chairman.

10 SENATOR McCONNELL: Senator from
11 Lexington.

12 SENATOR KNOTTS: One more question.

13 MS. TANNER: Yes, sir.

14 SENATOR KNOTTS: Just about anybody we
15 screen up here is a member of some type of
16 organization, either a solicitor's office
17 organization or the trial attorneys South Carolina
18 Bar. They all have meetings and they all talk
19 about things all the time of who the judges are and
20 what organizations they were members of, and the
21 fact of the matter we even got in here, in your
22 questionnaire, what groups you are associated with
23 or what groups they kind of associated groups.

24 So basically with your husband being a
25 member of the South Carolina Sheriffs Association

1 and president, which they rotate that --

2 MS. TANNER: Yes, sir.

3 SENATOR KNOTTS: -- that is no
4 different than a solicitor or assistant solicitor
5 being a member of the Solicitor's Association or a
6 lawyer being a member of the South Carolina Trial
7 Lawyers or, you know, those type of organizations.
8 So that wouldn't be a problem, I don't think, would
9 you, for the association that you're with -- are
10 you a member of the Solicitor's Association?

11 MS. TANNER: I am currently a member of
12 the South Carolina Solicitor's Association. I'm a
13 member of the National District Attorney's
14 Association. Other than the annual solicitor's
15 conference, I can't say I've ever been to a
16 meeting. I've never been to an NDA meeting. I go
17 to their classes, attend their CLE's. They have --

18 SENATOR KNOTTS: CLE'S.

19 MS. TANNER: They put on the best
20 CLE's. But as far as meetings, I don't go to
21 those. I have attended the South Carolina Sheriffs
22 Association conference with my husband as his wife.
23 I don't attend any of the meetings. I attend the
24 banquets.

25 SENATOR KNOTTS: They're boring, aren't

1 they?

2 MS. TANNER: They're a little boring.
3 A lot of talking heads, but I -- but they're good
4 people. And I go to the banquet. I don't attend
5 meetings. I have no idea what they discuss in
6 their business meetings. But I do attend the
7 banquet. And this year, because I am also a
8 notary, I swore my husband in as president, so that
9 was an honor for me, but it was as a wife. And
10 that's --

11 SENATOR KNOTTS: Thank you.

12 SENATOR McCONNELL: Any other
13 questions?

14 REPRESENTATIVE MACK: I have one.

15 MS. TANNER: Yes, sir.

16 REPRESENTATIVE MACK: The judicial
17 circuit down there, Beaufort County --

18 MS. TANNER: Yes, sir.

19 REPRESENTATIVE MACK: Jasper, you know
20 you can travel through Jasper to get to Beaufort
21 vice versa and all of that. So the two counties,
22 the police forces interact through the counties.
23 You're over in Jasper holding court, reveal that
24 your husband is the sheriff --

25 MS. TANNER: I would reveal that.

1 REPRESENTATIVE MACK: -- in an
2 adjoining county, party says, I distrust your bias
3 because your husband's employees interact with
4 these -- this police force, employees. Give me
5 some guidance on how you would handle that.

6 MS. TANNER: Well, that would be on a
7 case-by-case basis. The Beaufort County Sheriff's,
8 Office does share some resources with Jasper.
9 Jasper has a much lower economic base. Beaufort
10 Country shares their drug task force. So there may
11 be cases in Jasper County made by Beaufort County
12 officers.

13 In that case, if parties ask me to
14 recuse myself, then I would probably do that. If
15 it's -- if there are no Beaufort County officers
16 even related to the case and just the fact that on
17 other cases they have worked together, you know,
18 again, unless there is some basis for their
19 comment, I don't know that I would automatically
20 recuse myself from that. I would want to have a
21 hearing on it. I'd allow them to put it on the
22 record. But just knowing that these officers
23 interact, I don't know that that would be a fair
24 reason to recuse myself, no, sir.

25 REPRESENTATIVE MACK: All right.

1 SENATOR McCONNELL: Mr. Sellers.

2 MR. SELLERS: Ms. McCall-Tanner --

3 MS. TANNER: Yes, sir.

4 MR. SELLERS: -- I have been trying to
5 understand your view of this issue we've been
6 discussing, and I want to be sure that I understand
7 it.

8 As I understand what you're telling us,
9 your view is that if you believe that there is a
10 basis for the motion, that you believe there may be
11 some reason that you might be biased, you'd recuse
12 yourself, but if you don't believe there's any
13 basis for it, you wouldn't. Is that fair?

14 MS. TANNER: I don't know that that's
15 completely fair, and maybe I'm not communicating it
16 well. What I said, any time in Beaufort County,
17 obviously, I think I can be fair, but, again, that
18 is not the test. And I think there is a true basis
19 for someone in Beaufort County making a motion to
20 recuse myself because they will never believe that
21 I could be fair. And I understand that. There is
22 a basis there for them to make that motion, and I
23 would recuse myself, because there is a basis for
24 it. It's in Beaufort County. My husband is the
25 sheriff there.

1 The difference in going to Lexington
2 County where I don't know any of the officers, I've
3 never met them, I might have met the sheriff at the
4 banquet in a social setting, but just to make a
5 blanket motion every time I show up in General
6 Sessions court, I don't believe there is a basis
7 for that. Again, that's why I would ask for a
8 basis for the motion. Do you think I know these
9 parties? Do you think -- something more than just
10 the issue of my marriage.

11 MR. SELLERS: The basis of the
12 motion -- let's assume the basis for the motion is
13 that the defendant is fixing to be tried for
14 murder, and he is facing the potential of life in
15 prison or being put to death.

16 MS. TANNER: Yes, sir.

17 MR. SELLERS: And he says, I don't want
18 a judge who is married to a sheriff presiding over
19 the proceeding which may end up in me spending the
20 rest of my life in jail.

21 MS. TANNER: I just don't see the
22 difference in that and them saying, I don't want a
23 judge who used to be a prosecutor. That does not
24 make me unfair. It does not make me partial to any
25 side. In fact, like I said, if they would give it

1 an opportunity, I'm probably going to be a very
2 good judge in a criminal case because I'm going to
3 hold law enforcement to an extremely high standard.
4 They better have crossed their T's and dotted their
5 I's. I'm not going to allow it into evidence if it
6 was obtained illegally.

7 So, I mean, I have to be honest. I
8 just don't see that as a basis for recusal every
9 time it comes up.

10 MR. SELLERS: Okay.

11 SENATOR McCONNELL: Any further
12 questions?

13 All right. Then this will conclude
14 this portion of the screening process. As you
15 know, the record will be closed. We reserve the
16 right to reopen the record at any time that we need
17 to.

18 I want to also remind you of the
19 48-hour rule and ask you to be very mindful of
20 that, so mindful that if, in fact, someone inquires
21 with you about whether they may or may not advocate
22 you, in the event that you're screened out here and
23 nominated, that you remind them of the 48-hour
24 rule.

25 MS. TANNER: I will do that.

1 SENATOR McCONNELL: Again, we thank you
2 for offering and have a nice day.

3 MS. TANNER: Thank you very much.

4 SENATOR McCONNELL: We're going to
5 stand and recess for ten minutes. Give the staff a
6 chance to -- the court reporter -- we'll stand in
7 recess for ten minutes.

8 (Candidate excused.)

9 (A recess transpired.)

10 SENATOR McCONNELL: All right. We'll
11 go back on the record at this point. We have
12 before us Ms. Stephanie Pendarvis-McDonald.
13 Delighted to have you with us today.

14 MS. McDONALD: Thank you for having me.

15 SENATOR McCONNELL: She is offering to
16 Circuit Court, At-Large, Seat 9.

17 If you would, raise your right hand,
18 please.

19 (Candidate sworn.)

20 SENATOR McCONNELL: Thank you.

21 The Judicial Merit Selection Commission
22 has thoroughly investigated your qualifications for
23 the bench. Our inquiry is focused on nine
24 evaluative criteria. As included, a survey of the
25 bench and bar, a thorough study of your application

1 materials, verification of your compliance with
2 state ethics law, a search of newspaper articles
3 with which your name appears, a study of previous
4 screenings, and a check for economic conflicts of
5 interest.

6 We have no affidavits filed in
7 opposition to your election. No witnesses are
8 present to testify.

9 And I'll ask you if you have any brief
10 opening statements you wish to make before I turn
11 you over to Counsel, Mr. Gentry, who has some
12 questions for you?

13 MS. McDONALD: That was very well done,
14 Senator. Thank you all for having me this morning.
15 I have been through this process once before. I am
16 delighted to be back. I believe that my personal
17 data questionnaire was probably more comprehensive
18 than you all even wanted it to be, so I'm happy to
19 waive any opening statement and just answer any
20 questions that the members of the Commission might
21 have.

22 SENATOR McCONNELL: Thank you. Please
23 answer Mr. Gentry's questions.

24 MR. GENTRY: Mr. Chairman and members
25 of the Commission, I have a few procedural matters

1 to take care of with regards to this candidate.

2 Ms. Pendarvis-McDonald, you have before
3 you the personal data questionnaire you submitted
4 as part of your application along with an
5 amendment.

6 Are there any additional amendments you
7 would like to make at this time?

8 MS. McDONALD: There are no additional
9 amendments.

10 MR. GENTRY: Mr. Chairman, I would ask
11 that Ms. Pendarvis-McDonald's personal data
12 questionnaire be entered as an exhibit in the
13 hearing record at this time.

14 MR. McCONNELL: Without objection, so
15 ordered.

16 (EXH. 13, Ms. Stephanie
17 Pendarvis-McDonald's Personal Data Questionnaire
18 and Amendment, was admitted.)

19 MR. GENTRY: Ms. Pendarvis-McDonald,
20 you also have before you the sworn statement you
21 provided with detailed answers to over 30 questions
22 regarding judicial conduct, statutory
23 qualifications, office administration, and
24 temperament.

25 Are there any amendments you would like

1 to make at this time to your sworn statement?

2 MS. McDONALD: There are not.

3 MR. GENTRY: Mr. Chairman, I would ask
4 that the sworn statement be entered as an exhibit
5 into the hearing record at this time.

6 SENATOR McCONNELL: Without objection,
7 so ordered.

8 (EXH. 14, Ms. Stephanie
9 Pendarvis-McDonald's Sworn Statement, was
10 admitted.)

11 MR. GENTRY: One final procedural
12 matter.

13 I note for the record that based on the
14 testimony contained in the candidate's PDQ, which
15 has been included in the record with the
16 candidate's consent, Ms. Pendarvis-McDonald meets
17 the statutory requirements for this position
18 regarding age, residence, and years of practice.

19 Ms. Pendarvis-McDonald, would you
20 please state for the record the city and judicial
21 circuit in which you reside.

22 MS. McDONALD: I am in the Ninth
23 Judicial Circuit in Charleston.

24 MR. GENTRY: Why do you want to serve
25 as a Circuit Court judge?

1 MS. McDONALD: A lot of people have
2 asked me that question, and I've been thinking
3 about it for a while. I think I have the
4 temperament required to sit on the Circuit Court
5 bench, and I'm ready for an intellectual challenge.
6 I love the job that I have. I've been practicing
7 with Sandy Senn down in Charleston for 16 years,
8 and we do a pretty varied practice to a lot of
9 constitutional law, a lot of work on behalf of
10 governmental entities and officers.

11 And also, about 50 percent of my
12 practice is appellate, which is challenging, but
13 I'm ready to do something else. And this sounds
14 corny, but I want to serve the citizens of South
15 Carolina. This is what I think I am most qualified
16 to do.

17 MR. GENTRY: Can you explain to the
18 commission how you feel your legal and professional
19 experience thus far has prepared you to be a judge.

20 MS. McDONALD: Sure. My practice is
21 about 50 percent trial practice and about 50
22 percent appellate practice. It is all courtroom
23 work. I've tried cases that were half a day and
24 three weeks long, and I think up in the last four
25 months, I've been to the Court of Appeals three

1 times. So it's been pretty varied, mostly civil
2 work, a lot of constitutional work, which involves
3 questions of the Fourth amendment, Fifth amendment,
4 Sixth, Fourteenth, and others.

5 I try some pro bono prosecution cases
6 for the Attorney General. In Orangeburg County,
7 they do not have a criminal domestic violence
8 prosecutor, and they have some federal funding that
9 supports their pro bono program, so I do that. So
10 most of my work has been civil, but I do have some
11 criminal background as well.

12 MR. GENTRY: Are there any areas,
13 including subjective areas, of law that you would
14 need to do additional preparation for in order to
15 serve as a judge, and if so, how would you go about
16 that preparation?

17 MS. McDONALD: Of course. I think
18 there are many areas of the law that I would need
19 to do extra work in. That's one of the reasons why
20 I want to do this. I want to work in some areas
21 with the law that I haven't already had a chance to
22 be exposed to.

23 I'm willing to put in the extra time,
24 whatever I need to do to get up to speed. There's
25 not many things more frustrating for a trial lawyer

1 than to go to court and have the judge's eyes kind
2 of glaze over where there's a clear demonstration
3 that there's not a lot of understanding of what's
4 going on. That really has not happened as much in
5 the last several years as it used to happen back
6 when I first started practicing, but I think it's
7 important.

8 MR. GENTRY: Although you addressed
9 this in your sworn affidavit, can you please
10 explain to the members of the Commission what you
11 believe is the appropriate demeanor for a judge.

12 MS. McDONALD: I think that patience
13 and good temperament are important for a judge. I
14 also think that a judge needs to be strong enough
15 to control their courtroom but never in a rude way.
16 I think I put in my sworn statement that "robitis"
17 is not appropriate. Everybody's seen it, and
18 judges are human. They can lose their tempers when
19 they get frustrated as well. But it's really more
20 appropriate to have an even temper and to treat
21 everyone fairly.

22 MR. GENTRY: What suggestions, if any,
23 would you offer for improving the backlog of cases
24 in the Circuit Court?

25 MS. McDONALD: I think the main thing

1 that would be more helpful would be to have more
2 motion terms. It's a little bit frustrating when
3 the motions roster gets backed up five to six
4 months, and then there are three judges sitting
5 here in jury trials, and the roster falls apart on
6 Wednesday. That doesn't make a whole lot of sense
7 to me. Why don't you have one or two judges
8 hearing Common Pleas jury trials and put in an
9 extra motions term instead of putting three in,
10 which makes all the lawyers panic? Nobody can tell
11 when they're going to be up. And it would just
12 move some cases along, I think. If the motion to
13 compel that was filed six months ago hadn't been
14 heard yet, and discovery hadn't been done, the case
15 obviously can't be tried.

16 MR. GENTRY: Thank you,
17 Ms. Pendarvis-McDonald.

18 Have you sought or received the pledge
19 of any legislator prior to this date?

20 MS. McDONALD: I have not.

21 MR. GENTRY: Have you sought or have
22 you been offered a conditional pledge in support of
23 any legislator pending the outcome of this hearing?

24 MS. McDONALD: No.

25 MR. GENTRY: Have you asked any third

1 parties to contact any members of the General
2 Assembly on your behalf?

3 MS. McDONALD: I have not.

4 MR. GENTRY: Have you contacted any
5 members of this Commission?

6 MS. McDONALD: I have not. I have,
7 however, introduced myself or run into folks around
8 town. Last year I came to several events up at the
9 General Assembly. My dad and I came to the senator
10 barbecue. I've seen Senator McConnell and
11 Representative Mack at legislative delegation
12 events in Charleston, but we have not talked about
13 this. I've just said hello. I believe I saw
14 Professor Freeman at one or two CLE's this year.
15 He often speaks on ethics, but we didn't have a
16 discussion.

17 MR. GENTRY: Do you understand that
18 you're prohibited from seeking a pledge or
19 commitment until 48 hours after the formal release
20 of the Commission's report?

21 MS. McDONALD: I do understand that.

22 MR. GENTRY: And have you reviewed the
23 Commission's guidelines on pledging?

24 MS. McDONALD: Yes.

25 MR. GENTRY: Are you aware of the

1 penalties for violating the pledging rules, that
2 is, it's a misdemeanor, and upon conviction, the
3 violator must not be fined not more than \$1,000 or
4 imprisoned more than 90 days?

5 MS. McDONALD: Yeah, I'm aware of
6 those.

7 MR. GENTRY: I would note that the
8 Lowcountry Citizens Committee found
9 Ms. Pendarvis-McDonald well qualified for each of
10 the nine evaluative criteria: constitutional
11 qualifications, ethical fitness, professional and
12 academic ability, character, reputation, physical
13 health, mental stability, experience, and judicial
14 temperament.

15 I just note for the record that any
16 concerns raised during the investigation regarding
17 the candidate were incorporated into the
18 questioning today.

19 Mr. Chairman, I have no further
20 questions.

21 SENATOR McCONNELL: All right. Does
22 any member of the Commission have any questions at
23 this point?

24 Senator from Lexington.

25 SENATOR KNOTTS: I see where you -- you

1 practice with Sandy?

2 MS. McDONALD: Yes, sir.

3 SENATOR KNOTTS: Okay. She's -- Sandy
4 Senn's father is from Calhoun County.

5 MS. McDONALD: He sure is.

6 SENATOR KNOTTS: Tell him I said hello.

7 MS. McDONALD: I will do it.

8 SENATOR KNOTTS: I see here where you
9 were a member of the Attorney General Dog Fighting
10 Task Force. Is that the unit that -- involving
11 PETA, the group.

12 MS. McDONALD: Oh, no, sir, this was
13 the group that --

14 SENATOR KNOTTS: Just on dog fighting?

15 MS. McDONALD: Well, he also has a
16 fighting task force. I'm not involved with that
17 one. This was the task force that was set up
18 several years ago. They found the -- they followed
19 up with the confiscation of the dogs from the David
20 Tant property.

21 SENATOR KNOTTS: Right.

22 MS. McDONALD: We did not prosecute the
23 case, but we handled the confiscation action for
24 the -- what was then the John Ancrum SPCA, but now
25 it's the Animal Society in the county.

1 SENATOR KNOTTS: Okay. Is this an
2 out-of-state group that came in with a grant from
3 out of state for the animal rights group?

4 MS. McDONALD: I don't think so. My
5 understanding was that Henry McMaster set it up.

6 SENATOR KNOTTS: It was through Henry?

7 MS. McDONALD: Yes, sir, and he had
8 asked Sandy to be a member of it, and I helped her
9 with the confiscation trial.

10 SENATOR KNOTTS: Okay. What's your
11 thoughts on the hours of a judge on the bench?

12 SENATOR McDONALD: Well, the hours on
13 the bench or the working hours, I guess, would be a
14 little different in my mind. Our office is open
15 from 8:30 to 5:30. A lot of times we're there a
16 lot --

17 SENATOR KNOTTS: I'm talking about if
18 you become a judge. What would you consider to be
19 your hours on the bench of a workweek?

20 MS. McDONALD: The same hours, would be
21 8:30 to 5:30. Usually the bailiffs want you out of
22 there by then so they can cut the air conditioner
23 off, is what we've found. My difference would be
24 actually on the bench time.

25 Usually we try to take care of things

1 administratively, try some before we bring the jury
2 in. That way they don't have to sit around and
3 wait, and they're able to take care of things at
4 home. Our trials usually start around 9:30 and
5 wind up between 5 and 5:30, or whenever the witness
6 that needs to be attended to is over. Sometimes
7 they run as late at 7:00. But I can't see why 8:30
8 to 5:30 would be unreasonable to expect a judge to
9 do.

10 SENATOR KNOTTS: Would that be every
11 day, or Tuesdays through Thursday or --

12 MS. McDONALD: They work every day in
13 Charleston, that I know of, Senator.

14 SENATOR KNOTTS: All right. Thank you.

15 MS. McDONALD: Thank you.

16 SENATOR McCONNELL: Any other
17 questions? If not, that concludes this portion of
18 the screening process.

19 As you know, the record will be closed,
20 but we reserve the right to reopen the record if
21 any reason we find is something that does not
22 indicate to be pending at this time.

23 I want to remind you of the 48-hour
24 rule, so much so that if anybody asks you if we
25 were to report you out and nominate you, and they

1 ask you about it, that -- whether or not they can
2 advocate for you, that you remind them about the
3 48-hour rule.

4 MS. McDONALD: Yes, sir.

5 SENATOR McCONNELL: With that, we thank
6 you for offering. We thank you for your service to
7 the people of South Carolina, and have a good day.

8 MS. McDONALD: Thank you, and I thank
9 you for your time.

10 (Candidate excused.)

11 SENATOR McCONNELL: We'll go off the
12 record until the next candidate.

13 (Off-the-record.)

14 SENATOR McCONNELL: All right. We'll
15 go back on the record at this point.

16 It's good to have you with us. Before
17 I start, let me put for the record we've got
18 Ms. Tara L. McGregor who is offering for Circuit
19 Court, At-Large, Seat Number 9.

20 And before I go through all the
21 formalities of it, do you have any guests you wish
22 to introduce to the Commission?

23 MS. MCGREGOR: This is my husband,
24 Keith McGregor. And I would just like to thank him
25 for being here with me this morning.

1 SENATOR McCONNELL: I'm glad to have
2 you with us.

3 With that, if you would, raise your
4 right hand.

5 (Candidate sworn.)

6 SENATOR McCONNELL: Thank you.

7 The Judicial Merit Selection Commission
8 has thoroughly investigated your qualifications for
9 the bench. Our inquiry is focused one our nine
10 evaluative criteria and has included a survey of
11 the bench and the bar, a thorough study of any of
12 your application materials, a verification of your
13 compliance with state ethics laws, a search of
14 newspaper articles from anywhere that your name
15 would appear, a study of previous screenings, and a
16 check for economic conflicts of interest.

17 We have received no affidavits filed in
18 opposition to your election. No witnesses are
19 present to testify. So I would ask if you wish to
20 make any brief opening statements -- it's purely
21 optional -- before I turn you over to Ms. Benson,
22 who has some questions for you.

23 MS. MCGREGOR: No statements. I would
24 just like to thank you for having me here. It is
25 truly my honor to be here this morning, and thank

1 you for your time.

2 SENATOR McCONNELL: Thank you.

3 Ms. Benson.

4 MS. BENSON: Mr. Chairman and members
5 of the Commission, I have a few procedural matters
6 to take care of with this candidate.

7 Ms. McGregor, you have before you the
8 personal data questionnaire that you submitted as
9 part of your application and your amendments to
10 that questionnaire, including a recent one from you
11 yesterday where you were updating about your job
12 status.

13 Are there any additional amendments
14 that you would like to make at this time to your
15 PDQ?

16 MS. MCGREGOR: No further amendments,
17 Ms. Benson.

18 MS. BENSON: Mr. Chairman, I would ask
19 that Ms. McGregor's personal data questionnaire and
20 the amendments be entered in as an exhibit as part
21 of the record.

22 MR. McCONNELL: Is there objections?
23 There being none, so ordered.

24 (EXH. 15, Ms. Tara Lyons-McGregor's
25 Personal Data Questionnaire and Amendments, was

1 admitted.)

2 MS. BENSON: You now have before you
3 the sworn statement that you provided with detailed
4 answers to over 30 questions regarding judicial
5 conduct, statutory qualifications, office
6 administration, and temperament.

7 Are there any amendments that you would
8 make to this statement?

9 MS. MCGREGOR: No amendments.

10 MS. BENSON: Thank you.

11 At this time, Mr. Chairman, I would ask
12 that Ms. McGregor's sworn statement be entered as
13 an exhibit as part of the hearing record.

14 MR. McCONNELL: Is there objection?
15 There being none, so ordered.

16 (EXH. 16, Ms. Tara Lyons-McGregor's
17 Sworn Statement, was admitted.)

18 MS. BENSON: One final procedural
19 matter.

20 I would note for the record that based
21 on the testimony contained in the personal data
22 questionnaire, which has been included in the
23 record, that Ms. McGregor meets the statutory
24 requirements for this position regarding age,
25 residence, and years of practice.

1 Ms. McGregor, would you state for the
2 record the city and the judicial circuit where you
3 reside.

4 MS. MCGREGOR: I live in Irmo, South
5 Carolina, and I'm in the Fifth Judicial Circuit.
6 And I'm applying for the At-Large seat in Circuit
7 9 -- I'm sorry, Seat 9.

8 MS. BENSON: Thank you.

9 Ms. McGregor, after working as a public
10 defender and a U.S. attorney, why do you now want
11 to serve as a Circuit Court judge?

12 MS. MCGREGOR: I think there are two
13 reasons why I am applying for this Circuit Court
14 position. The first is that I love the practice of
15 law, and I believe that I would make a good judge.
16 I have had the opportunity to be a public defender,
17 a prosecutor. I've been a victim of a crime. I've
18 served as a juror, and I've been a law clerk.

19 I think all of those experiences
20 provide me with a unique perspective that would
21 serve me very well on the Circuit Court bench.

22 The second reason I've applied for this
23 position is that I believe life is about making a
24 contribution. I have dedicated my career to public
25 service. I think that's illustrated by my resume,

1 and I think a Circuit Court position is the next
2 natural step in my career, and that would allow me
3 to further serve my commitment to public service.

4 MS. BENSON: Ms. McGregor, you
5 mentioned your extension of the criminal
6 background. How -- tell us a little bit about your
7 civil background and if there are any areas that
8 you would need to acquire further knowledge in to
9 serve in this capacity.

10 MS. MCGREGOR: As we all know, a
11 Circuit Court judge handles not only criminal
12 matters but civil matters, and most of my career
13 has been in the criminal arena. However, I don't
14 see that as a drawback. I don't see that as a
15 weakness because I've had a strong foundation in
16 civil law during my clerkship with Judge Henry
17 Floyd in the 13th Circuit.

18 Unfortunately, or fortunately, I'm a
19 great trial attorney, and the needs in my office
20 were always on the criminal side. I made several
21 requests to go to the criminal -- excuse me --
22 civil division of the U.S. Attorney's Office, but
23 they wanted my trial skills on the criminal side.

24 This does not concern me if I were to
25 get this position because I think in any practice

1 of law you have to become familiar with the
2 statues, the cases, anything that you might be
3 dealing with when you handle a different matter.

4 I've been asked to handle and dispose
5 of all different types of cases during my criminal
6 career, and each time I was assigned a new matter,
7 I had to go study guidance from the Department of
8 Justice, memorandums, new laws, new cases so that I
9 was familiar with that area.

10 I think the same thing applies to any
11 civil matters that I would be assigned to as a
12 Circuit Court judge. Confidence and competence are
13 directly related to preparation. That would not
14 change if I were on the Circuit Court bench.

15 I would prepare for any hearing,
16 criminal or civil, as if it was a new matter before
17 me, and I would make sure to review statues, CLE
18 materials, or even speak to peers if I needed to in
19 order to make sure that I was comfortable in
20 handling that matter.

21 MS. BENSON: Ms. McGregor, to follow up
22 on your comments about preparation, what is your
23 work ethic, and how would you use that if you were
24 to become a judge?

25 MS. MCGREGOR: I think that's always a

1 tricky question because I do believe that we all
2 work hard, and hopefully we're working hard at the
3 things we love, and that makes it easier.

4 However, I try to balance my dedication
5 and my commitment to the cases or the issues I'm
6 handling with balancing it with my home life. And
7 that's been one benefit of working in government
8 service and working with the public defender's
9 office and the U.S. Attorney's Office, that they've
10 allowed me to dedicate myself to my cases. I work
11 hard. I'm there from 7 a.m. to 7 p.m. if I need to
12 to try a case. But at the same time, they
13 understand that I have family at home. And
14 sometimes on a weekend, maybe I return an e-mail
15 Sunday night instead of returning the e-mail
16 Saturday morning so that I can go to a soccer game
17 with my son. But I believe anybody who has worked
18 with me, or even seen me in the courtroom, knows
19 that I am dedicated and that my work ethic is not
20 to be questioned.

21 MS. BENSON: What do you think is the
22 appropriate demeanor for a judge?

23 MS. MCGREGOR: I think patience,
24 humility, respecting others and asking that same
25 respect in return. I think you should be efficient

1 and organized. I think you need to be able to
2 empathize with people and truly listen to what they
3 are saying and, hopefully, respond in kind when
4 able.

5 MS. BENSON: Thank you, Ms. McGregor.

6 Have you sought or received the pledge
7 of any legislator prior to this date?

8 MS. MCGREGOR: No, ma'am.

9 MS. BENSON: Have you sought or have
10 you been offered a conditional pledge of support of
11 any legislator pending the outcome of your
12 screening?

13 MS. MCGREGOR: No, ma'am.

14 MS. BENSON: Have you asked any third
15 parties to contact members of the General Assembly
16 on your behalf?

17 MS. MCGREGOR: No, ma'am.

18 MS. BENSON: Have you contacted any
19 members of the Commission?

20 MS. MCGREGOR: No, ma'am.

21 MS. BENSON: Do you understand that
22 you're prohibited from seeking a pledge or
23 commitment until 48 hours after the final report is
24 filed?

25 MS. MCGREGOR: I do understand that.

1 MS. BENSON: Have you reviewed the
2 Commission's guidelines on pledging?

3 MS. MCGREGOR: I have.

4 MS. BENSON: As a follow up, are you
5 aware that the penalties for violating the pledging
6 rules are a misdemeanor, and upon conviction, that
7 the violator may be fined not more than \$1,000 or
8 imprisoned not more than 90 days?

9 MS. MCGREGOR: I understand.

10 MS. BENSON: I would note for the
11 record that the Midlands Citizens Committee found
12 Ms. McGregor well qualified for each of the nine
13 evaluative criteria: constitutional qualifications,
14 ethical fitness, professional and academic ability,
15 character, reputation, physical health, mental
16 stability, experience, and judicial temperament.

17 In addition, the committee stated in
18 summary, The committee was very impressed with
19 Ms. McGregor, and we enjoyed her interview. We
20 believe that she has the character, work ethic, and
21 energy to be an outstanding Circuit Court judge.
22 Ms. McGregor is eminently qualified to serve on the
23 Circuit Court bench, and we believe that she would
24 serve our state in an outstanding manner.

25 I would also note for the record that

1 any concerns raised during the investigations
2 regarding this candidate were incorporated in my
3 questions.

4 And, Mr. Chairman, I have no further
5 questions.

6 SENATOR McCONNELL: Thank you.

7 Does any member of the Commission have
8 a question?

9 Well, with no further questions, this
10 concludes this portion of the screening process.
11 As you know, the record is closed with this
12 hearing, but we reserve the right to reopen it
13 should there be some outstanding questions. It's
14 not to indicate there is any outstanding questions.

15 Also, we would like to remind you of
16 the 48-hour rule and ask you to be mindful of that,
17 so mindful that if we were to nominate you and
18 report you out, that you remind anyone who might
19 approach you about advocating for you, remind them
20 of the 48-hour rule.

21 With that, we thank you for offering.
22 We also thank you for your service to the people of
23 South Carolina.

24 MS. MCGREGOR: Thank you very much for
25 having me today. Have a good day.

1 SENATOR McCONNELL: Have a great day.

2 (Candidate excused.)

3 (Off-the-record.)

4 SENATOR McCONNELL: We'll go back on
5 the record at this point.

6 We have before us the Honorable Reaves
7 McLeod who is offering for Circuit Court, At-Large,
8 Seat 9.

9 Before I swear you in, do you have any
10 guests you wish to introduce to us?

11 JUDGE McLEOD: Yes, sir. Senator, this
12 is my father, Peden McLeod. He came up with me
13 this morning.

14 SENATOR McCONNELL: I believe that face
15 is familiar, for the senate at least. Glad to have
16 you with us.

17 If you would, be kind enough to raise
18 your right hand.

19 (Candidate sworn.)

20 SENATOR McCONNELL: Thank you.

21 The Judicial Merit Selection Commission
22 has thoroughly investigated your qualifications for
23 the bench. Our inquiry is focused on our nine
24 evaluative criteria. It has included a survey of
25 the bench and the bar, of thorough study of your

1 application materials, a verification of your
2 compliance with state ethics law, a search of
3 newspaper articles in which your name appears, the
4 study of previous screenings, and a check for
5 economic conflicts of interest.

6 We have received no affidavits filed in
7 opposition to your election. No witnesses are
8 present to testify. So I would ask you if you have
9 any brief opening statement you wish to make --
10 it's purely optional -- and we'll turn you over to
11 Ms. Shuler. She'll have a series of questions for
12 you. At the conclusion of that, we'll see if any
13 members of the Commission have any outstanding
14 questions.

15 JUDGE McLEOD: Thank you, Senator. I
16 do have a brief statement, if I may.

17 Commission members, in the summer of
18 2009, I attended the National Judicial College in
19 Reno, Nevada. During that time, I learned a great
20 deal about not only being a judge, but also about
21 the judicial system throughout the country.

22 I was honored to spend my time there
23 with over 40 judges from around our country. In
24 doing so, I learned that most, if not all of them,
25 were elected via popular vote. Not one state

1 represented at the college elected judges through
2 the process that I'm currently going through.

3 After spending time and debating the
4 issue about how judges are elected, I was even more
5 proud to come away from my time at the judicial
6 college believing that we, in South Carolina,
7 indeed, do it right.

8 I want to commend the General Assembly,
9 its members, the Commission, and its staff, the
10 South Carolina Bar, the Citizens Committee, the
11 people of South Carolina for this process and its
12 duty to place impartial citizens at the forefront
13 of deciding unsettled questions and controversial
14 issues.

15 I thank you all for allowing me to be
16 here with you all, and I look forward to answering
17 any questions that you all may have for me.

18 SENATOR McCONNELL: Thank you, sir.

19 Ms. Shuler.

20 MS. SHULER: Mr. Chairman and members
21 of the Commission, I have a few procedural matters
22 to handle with this candidate.

23 Judge McLeod, you have before you your
24 personal data questionnaire and amendment you
25 submitted as part of your application.

1 Are there any additional amendments
2 that you would like to make at this time to your
3 PDQ?

4 JUDGE McLEOD: Not that I'm aware of.

5 MS. SHULER: I would ask that you make
6 an oral amendment on the record to PDQ Number 8 and
7 state the month, date, and year of your South
8 Carolina Bar admission date. You had the year but
9 not the month and the date.

10 JUDGE McLEOD: It is November 18th, I
11 believe, of 2002.

12 MS. SHULER: That's correct.

13 JUDGE McLEOD: I thought I amended it
14 via letter, but I just wanted to make sure. But,
15 yeah, it's November 18th, 2002.

16 MS. SHULER: I would note for the
17 record that Judge McLeod will meet the statutory
18 requirements as of tomorrow, on November 18th, of
19 the eight years of practicing law.

20 Mr. Chairman, I would like to ask that
21 Judge McLeod's personal data questionnaire and
22 amendments be entered as an exhibit into the
23 hearing record at this time.

24 SENATOR McCONNELL: Is there an
25 objection? There being none, so ordered.

1 (EXH. 17, Judge J. Reaves McLeod's
2 Personal Data Questionnaire and Amendments, was
3 admitted.)

4 MS. SHULER: Judge McLeod, you have
5 before you your sworn statement and your amendment
6 you provided with detailed answers to over 30
7 questions regarding judicial conduct, statutory
8 qualifications, office administration, and
9 temperament.

10 Are there any additional amendments
11 that you would like to make to your sworn statement
12 at this time?

13 JUDGE McLEOD: Not at this time, no,
14 ma'am.

15 MS. SHULER: Mr. Chairman, I would ask
16 that Judge McLeod's sworn statement and amendment
17 be entered into the record as an exhibit.

18 SENATOR McCONNELL: Is there objection?
19 Being none, so ordered.

20 (EXH. 18, Judge J. Reaves McLeod's
21 Sworn Statement, was admitted.)

22 MS. SHULER: One final procedural
23 matter.

24 I note for the record that based on the
25 testimony contained in the candidate's PDQ, which

1 had been included on the record with the
2 candidate's consent, Judge McLeod meets the
3 statutory requirements, and he will meet the
4 eight-year requirement of practicing law tomorrow.
5 And there is -- he does not -- he is not required
6 to meet that action until the time of election,
7 which is proposed to be February 2, 2011, and
8 that's pursuant to South Carolina Constitution
9 Article 5, Section 15. So he meets the
10 requirements for this position regarding, age,
11 residence, and years of practice.

12 Judge McLeod, would you state for the
13 record the city, and/or town and the circuit that
14 you reside.

15 JUDGE McLEOD: Walterboro, South
16 Carolina. It is the 14th Circuit.

17 MS. SHULER: Thank you. Judge McLeod,
18 after practicing law for almost eight years and
19 serving as a part-time magistrate, why do you now
20 want to serve as a Circuit Court judge?

21 JUDGE McLEOD: My family goes back a
22 long time in public service. I have a great
23 interest in serving the public, the people of this
24 state, the institutions of this state, and I feel
25 like this is a position that would allow me to do

1 such and provide a greater good for the community.

2 MS. SHULER: Thank you. Judge McLeod,
3 you have only handled two General Sessions criminal
4 cases in your career. How would you handle any
5 needed preparation as a trial judge in a General
6 Sessions court?

7 JUDGE McLEOD: I am not real sure what
8 you mean by that.

9 MS. SHULER: Okay. You've handled
10 two -- the trial of two General Sessions cases.

11 JUDGE McLEOD: Correct.

12 MS. SHULER: So if you were selected to
13 the Circuit Court bench, how would you prepare in
14 order to preside over General Sessions court?

15 JUDGE McLEOD: Well, the solicitor runs
16 the docket. And I've just -- I'm not real sure --
17 I mean, how would I prepare for it?

18 MS. SHULER: Well, I'll rephrase.

19 JUDGE McLEOD: Okay.

20 MS. SHULER: You do not have that much
21 experience trying criminal cases in the General
22 Sessions court, so what in your experience -- or
23 what would you do to prepare to preside over
24 General Sessions court?

25 JUDGE McLEOD: Sure. Okay. Yeah, and

1 that's very accurate. Since I've been a practicing
2 attorney, I've served as the city prosecutor of
3 Walterboro the first three years in my practicing
4 attorney. At that time, I generally did not
5 practice in General Sessions because I didn't want
6 there to be any conflict.

7 Since 2007, I've served as a
8 magistrate, thus, again, not allowing me to serve
9 in General Sessions, because, quite honestly, I
10 probably served -- signed a warrant on many of
11 those people that are going in front of the General
12 Sessions court.

13 I have -- over the past three years, I
14 have extensive experience in criminal matters, just
15 not necessarily in General Sessions. I'm allowed
16 to hear all criminal matters that are given to me
17 by the jurisdiction laid out by the General
18 Assembly, which I do believe has given me that
19 experience, to be able to hold General Sessions
20 courts.

21 Not only that, I served a year under
22 Judge Gregory in Beaufort, during which time many
23 General Sessions trials were held. So I believe
24 that experience is certainly positive in terms of
25 my lack of experience as a lawyer in General

1 Sessions.

2 MS. SHULER: Thank you, Judge McLeod.

3 While you've just explained some of
4 your experience to the Commission, can you explain
5 any other additional legal or professional
6 experience that would assist you in serving as an
7 effective Circuit Court judge.

8 JUDGE McLEOD: Absolutely. As I
9 mentioned earlier, I spent some time out at the
10 Judicial College in Reno two summers ago, 2009.
11 That was a great beneficial experience for me. My
12 private practice generally revolves around civil
13 litigation in which I defend -- most of it is
14 insurance defense, which I represent many of the
15 state entities, such as Allendale County or the
16 Town of Fairfax, Colleton County, Hampton County,
17 things such as that.

18 You know, I've had eight to ten trials
19 outstanding or completed through verdict in that
20 regard. As some of you all, I'm sure, know,
21 practicing in Allendale, Hampton County, as a
22 defense attorney isn't the easiest thing to do, and
23 thus it, quite honestly, limits the amount of time
24 I'm willing to expose my client to a horrendous
25 verdict because that's -- I don't want to say that

1 generally happens, but that is more than often the
2 case.

3 I would like to point out to the
4 Commission that my last case that I had in
5 Allendale, it was a defense -- I was defense
6 counsel for the Town of Fairfax, and the lady had
7 \$2500 in medical expenses, a reasonable amount of
8 medical expenses, and the jury awarded her
9 \$250,000, so that's not a good venue to be a
10 defense attorney. Hampton is not much better. I
11 would like to say Colleton is much better. It's a
12 very fair district. But that in itself tends to
13 limit my clients when it comes to trying cases in
14 civil court.

15 MS. SHULER: Judge McLeod, are there
16 any areas of the law that you would additionally
17 need to prepare for in order to serve as a Circuit
18 Court Judge, and if so, how would you handle that
19 additional preparation?

20 JUDGE McLEOD: Well, I feel like to be
21 a judge, you're always going to be preparing. I
22 don't think one goes into being a judge and is
23 fully prepared. As we all know, every case is
24 different. I mean, even Magistrate's Court, every
25 case that comes in, whether it's an eviction,

1 whether it's a civil complaint, whether it's a
2 criminal complaint, every case is different. So
3 just, you know, as a sitting judge, as a
4 magistrate, you just have to stay on top of what
5 the new laws coming out of the General Assembly
6 are, you know, what the rulings coming down from
7 the -- Circuit -- from the Appeals Court and the
8 Supreme Court are.

9 You know, in terms of how else to
10 prepare for it, I'm not real positive. I don't
11 know if -- as a lawyer, I don't know how you
12 prepare to be a judge other than being a judge,
13 because a lawyer is on the opposite side of the
14 bench than a judge. So, again, just, you know, the
15 most knowledge you can gather in is the best
16 preparation available.

17 MS. SHULER: Thank you.

18 Judge McLeod, can you share with the
19 Commission what you believe to be the appropriate
20 demeanor for a judge.

21 JUDGE McLEOD: The appropriate demeanor
22 for a judge is, I believe, you have to be an even
23 keeled person all the time, but you also have to be
24 firm. I have been in roll calls and other settings
25 where members of the public are in there, and,

1 quite honestly, they don't understand what it means
2 to be in court.

3 Even in Magistrate's Court, people come
4 in and just the demeanor that they have is
5 unfortunate, but you have to be able to stay in
6 control of that, because if not, bad things can
7 happen, and the demeanor needs to be a very fair
8 demeanor, but a very firm demeanor.

9 Everybody who's in the courtroom,
10 whether it's sitting in the public seats, or
11 whether it's down at the counsel tables, everybody
12 in there has to believe that everybody is being
13 treated fairly and honestly. And I believe that is
14 the only way a judge can render justice, and that
15 is what the judge's main concern is, is to render
16 justice to all parties.

17 MS. SHULER: Thank you, Judge McLeod.

18 What suggestions would you have to
19 offer to the Commission concerning how to reduce
20 the backlog in the Circuit Court?

21 JUDGE McLEOD: Well, I believe a lot of
22 that is already being addressed by the -- by the
23 Supreme Court. They've -- I've recently read in a
24 most recent article -- most recent order where the
25 Third Circuit is now participating in mandatory

1 mediation. Our circuit, the 14th Circuit, has been
2 participating in that mandatory mediation since the
3 first of 2008, so any cases that have been filed
4 after 2008, they're subject to mandatory mediation.

5 That is certainly one way to help. You
6 know, everybody is entitled to their day in court,
7 and, you know, other than that, I'm not sure if
8 you're going to get people to quit filing suits.
9 You know, I tell people all the time you can sue or
10 be sued for anything, and whether you're successful
11 is a different story.

12 You know, I know that the idea of
13 increasing the Magistrate's Court's jurisdiction
14 has been batted around a little bit. Does that
15 help the caseload? I'm not sure. It might in
16 civil court. I don't know if it helps it in
17 Magistrate's Court, but I think the Supreme Court
18 is actively trying to lessen the caseload by
19 enacting in this mandatory mediation, and it seems
20 about every year, one more circuit is put on the
21 mandatory list.

22 MS. SHULER: Thank you, Judge McLeod.

23 Both the South Carolina Bar and
24 Judicial Qualifications Committee and the
25 Lowcountry Citizens Committee for judicial

1 qualifications indicated in their reports to the
2 Commission concerns regarding your lack of
3 experience.

4 Judge McLeod, what response would you
5 offer to the Bar and the Citizens Committee's
6 concerns?

7 JUDGE McLEOD: Well, those were some
8 concerns, and I've tried to adequately address
9 those concerns via an amendment to my filings.

10 I have actively been a judge for three
11 years, and albeit it's in the magistrate's level,
12 but that is a level that is established by the
13 General Assembly as to what jurisdictions I can and
14 cannot hear.

15 I have made the decisions as to
16 whether, you know, somebody is guilty or not
17 guilty. I've made the decisions as to whether to
18 fine somebody the maximum or minimum amount or fine
19 somebody -- or excuse me -- or sentence somebody to
20 30 days in jail, or whatever the legal ability to
21 do is, because there are some instances where I do
22 have the ability to sentence more than 30 days.
23 Just off the top of my head, a DUS third would be
24 one. It's a mandatory 90 days. So I have actively
25 been a judge for three years.

1 Again, my experience is -- you know, it
2 started from even when I was -- prior to law
3 school, when I worked up at the United States Armed
4 Services Committee. I worked four years there.
5 Went to law school, served in the Fifth Circuit
6 Solicitor's Office while in law school. Served at
7 the Code Commissioner's Office here while in law
8 school. Served in private practice while in
9 school. I served as a law clerk to Judge Jack
10 Gregory in Beaufort, and then started my private
11 practice, and, again, the city practice.

12 I don't really know how else to address
13 my experience other than it is what it is. You
14 know, again, I've practiced civilly in some
15 unfriendly jurisdictions. I tend to limit my jury
16 load. I feel like it would, quite honestly, be a
17 detriment to my client to take cases to the jury
18 sometimes, as long as a reasonable solution is
19 available. But in terms of -- in terms of my
20 criminal experience, again, I feel like I've got
21 pretty good experience as a judge. So that would
22 be my answer.

23 MS. SHULER: Thank you, Judge McLeod.

24 Have you sought or received the pledge
25 of any legislator prior to this date?

1 JUDGE McLEOD: No, ma'am.

2 MS. SHULER: Have you sought or have
3 you been offered a conditional pledge of support of
4 any legislator pending the outcome of this
5 proceeding?

6 JUDGE McLEOD: No, ma'am.

7 MS. SHULER: Have you asked any third
8 parties to contact members of the General Assembly
9 on your behalf?

10 JUDGE McLEOD: No, ma'am.

11 MS. SHULER: Have you contacted any
12 members of the Commission, including but not
13 limited to, the September 7th, 2010, letter of
14 introduction that you sent to all members of the
15 General Assembly, which included legislative
16 members of the Commission?

17 JUDGE McLEOD: None, in addition to
18 that letter, no, ma'am.

19 MS. SHULER: And can you explain
20 sending the letter of introduction to all members
21 of the General Assembly, even those on the
22 Commission? Was that an inadvertent contact?

23 JUDGE McLEOD: Totally inadvertent.
24 Totally inadvertent. I had the stack of them in
25 there, and I just failed to take out the six that

1 are on the Commission, and I do apologize for that.

2 MS. SHULER: Do you understand that you
3 are prohibited from seeking a pledge or commitment
4 until 48 hours after the release of the
5 Commission's report?

6 JUDGE McLEOD: Yes, ma'am.

7 MS. SHULER: Have you reviewed the
8 Commission's guidelines on pledging?

9 JUDGE McLEOD: Yes, ma'am.

10 MS. SHULER: As a follow up, are you
11 aware of the penalties for violating the pledging
12 rules? It's a misdemeanor, and if convicted, you
13 could be imprisoned up to 90 days and a fine of
14 \$1,000?

15 JUDGE McLEOD: I'm aware of that, yes,
16 ma'am.

17 MS. SHULER: I would note that the
18 Lowcountry Citizens Committee found Judge McLeod
19 well qualified in the following evaluative
20 criteria: constitutional qualifications, ethical
21 fitness, professional and academic ability,
22 character, reputation, physical health, mental
23 stability, and judicial temperament. They found
24 him qualified in regards to experience. The
25 committee noted it has concerns over the

1 candidate's lack of experience.

2 And, Mr. Chairman, any concerns I have
3 regarding this candidate was raised in my
4 questioning of this candidate today. I have
5 nothing further.

6 SENATOR McCONNELL: Thank you. Let me
7 see if any members of the Commission have any
8 questions. Any questions?

9 SENATOR KNOTTS: Yes, sir.

10 SENATOR McCONNELL: Senator from
11 Lexington.

12 SENATOR KNOTTS: Judge McLeod, I
13 believe on Question Number 25, Do you feel that it
14 is ever appropriate to be angry with a member of
15 the public, especially with criminal defendants?
16 Is anger ever appropriate in dealing with the
17 attorneys or pro se litigants? You stated in there
18 that in some cases, it is appropriate.

19 Can you tell me when it would be
20 appropriate to show anger.

21 JUDGE McLEOD: If I -- if I stated
22 that, I -- it is certainly not a -- I think I
23 stated -- and I don't have the thing in front of
24 me.

25 SENATOR KNOTTS: It says, Anger is a

1 powerful emotion and one that can rear its head at
2 many different times. There are many people who
3 appear in court whose objective is to push the
4 buttons of the judge, i.e., get the judge angry.
5 As with any emotion, anger is -- anger is
6 appropriate at times.

7 JUDGE McLEOD: And I didn't mean to
8 insinuate that that was in the courtroom, Senator.
9 That was kind of a general statement that anger is
10 appropriate at times, but as far as -- well, I did
11 say it's far and few between in the courtroom.
12 It's certainly not something that you would wish to
13 do, but we all are people, and, you know, I can't,
14 you know -- we react to people.

15 SENATOR KNOTTS: At the same time, you
16 are the judge, and you are in control, for you can
17 do -- you can do a little -- whatever you have to
18 do without showing anger, don't you agree?

19 JUDGE McLEOD: Yes, sir, I would agree.
20 And I think that goes back to my initial thing of
21 saying you still have to be firm, so in order for
22 the judge to --

23 SENATOR KNOTTS: There's a difference
24 between being firm and anger. Is that what you're
25 saying?

1 JUDGE McLEOD: Yes, sir. Yes, sir. I
2 think if a judge is -- has to maintain the
3 courtroom in order to keep from getting to that
4 stage where an emotion such as anger does pop up.
5 And I believe that is why when I was saying a
6 balanced and firm demeanor is very necessary in the
7 courtroom.

8 SENATOR KNOTTS: I just have a -- I
9 have a problem understanding why you would put that
10 it is appropriate at times.

11 JUDGE McLEOD: Well, again, I think --
12 well, I guess --

13 SENATOR KNOTTS: Have you ever been
14 angry in the courtroom if it was appropriate at
15 times?

16 JUDGE McLEOD: I have not, no, sir.

17 SENATOR KNOTTS: Okay.

18 SENATOR McCONNELL: Any other
19 questions? I believe Ms. Shuler had one to follow
20 up.

21 MS. SHULER: Judge McLeod, has there
22 ever been an instance in the three years serving as
23 a magistrate that you have shown anger to a
24 litigant or an attorney or anybody in your
25 courtroom?

1 JUDGE McLEOD: Not that I believe. I
2 mean, you know, what -- I would say no to that.
3 So, I mean, I haven't received any complaints or
4 anything like that, but as far as I believe, no.

5 SENATOR McCONNELL: All right. If
6 there are no further questions, this will conclude
7 this portion of our screening process. As you
8 know, the record will be closed, but we do reserve
9 the right to reopen it if something should come up,
10 we have a question. That does not indicate there's
11 anything pending but should there be something.

12 I would also like to remind you of the
13 48-hour rule and ask you to be very mindful of it,
14 so much so that if anyone -- if you were to be
15 nominated and found qualified by this Commission,
16 and anyone approaches you about whether they may or
17 may not advocate for you, in that event, that you
18 would, of course, remind them of the 48-hour rule.

19 With that, we thank you for offering,
20 and we thank you for your service of the people of
21 South Carolina. It was good to see both of you.
22 Have a good day.

23 JUDGE McLEOD: Thank you, you all, and
24 I appreciate you all's service.

25 (Candidate excused.)

1 SENATOR McCONNELL: We will now take a
2 break and not be back until at least 30 minutes.

3 (Lunch recess.)

4 SENATOR McCONNELL: All right. We'll
5 go back on the record and reconvene. And we have
6 before us the Honorable Maite Murphy who is
7 offering for the Circuit Court, At-Large, Seat
8 Number 9.

9 If you would be so kind as to raise
10 your right hand.

11 (Candidate sworn.)

12 SENATOR McCONNELL: The Judicial Merit
13 Selection Commission has thoroughly investigated
14 your qualifications for the bench. Our inquiry is
15 focused on our nine evaluative criteria and has
16 included a survey of the bench and the bar, a
17 thorough study of your application materials, a
18 verification of your compliance with state ethics
19 laws, a search of newspaper articles in which your
20 name appears, the study of any previous screenings,
21 and a check for economic conflicts of interest.

22 We have received no affidavits filed in
23 opposition to your election. No witnesses are
24 present to testify, so I would ask if you have any
25 brief opening statement you would like to make --

1 it's purely optional -- before I turn you over to
2 Ms. Shuler who will have some questions for you.
3 At the conclusion of that, we'll see if any members
4 of the Commission have any questions.

5 JUDGE MURPHY: Thank you, Senator.
6 Instead of making an opening statement, I would
7 just like to thank the members of the Commission
8 for their hard work and for their involvement in
9 this process because it's an important one and a
10 time-consuming one. And I would also like to thank
11 Ms. Shuler and her staff for their kindness and
12 guidance through this process. It has been great.

13 SENATOR McCONNELL: Ms. Shuler.

14 MS. SHULER: Mr. Chairman and members
15 of the Commission, I have a few procedural matters
16 to handle with Judge Murphy.

17 Judge Murphy, you have before you your
18 personal data questionnaire you submitted as part
19 of your application and your amendment to Question
20 Number 10.

21 Are there any additional amendments
22 that you would like to make at this time to your
23 PDQ?

24 JUDGE MURPHY: No, ma'am.

25 MS. SHULER: Thank you.

1 Mr. Chairman, I would like to offer
2 Judge Murphy's PDQ and her amendment as an exhibit
3 in the public hearing record.

4 SENATOR McCONNELL: Is there any
5 objection? There being none, so ordered.

6 (EXH. 19, Judge Maite Murphy's Personal
7 Data Questionnaire and Amendment, was admitted.)

8 MS. SHULER: Judge Murphy, you have
9 before you the sworn statement you provided with
10 detailed answers to over 30 questions regarding
11 judicial conduct, statutory qualifications, office
12 administration, and temperament.

13 Are there any additional amendments
14 that you would like to make at this time to your
15 sworn statement?

16 JUDGE MURPHY: No, ma'am.

17 MS. SHULER: Thank you.

18 Mr. Chairman, I would like to ask that
19 Judge Murphy's sworn statement be entered as an
20 exhibit into the hearing record.

21 SENATOR McCONNELL: Is there any
22 objection? There being none, so ordered.

23 (EXH. 20, Judge Maite Murphy's Sworn
24 Statement, was admitted.)

25 MS. SHULER: One final procedural

1 matter.

2 I note for the record that based on the
3 testimony contained in the candidate's PDQ, which
4 has been included in the record today, Judge Murphy
5 meets the statutory requirements for this position
6 regarding her age, her residence, and years of
7 practice.

8 Judge Murphy, please state for the
9 record the city and the judicial circuit in which
10 you reside.

11 JUDGE MURPHY: I reside in Summerville,
12 South Carolina, in the First Judicial Circuit.

13 MS. SHULER: Thank you.

14 Judge Murphy, after practicing law for
15 15 years, why do you now want to serve as a Circuit
16 Court judge?

17 JUDGE MURPHY: I would like to serve as
18 a Circuit Court judge. I think it's a great
19 opportunity to give back, to serve to our
20 community. I have been afforded a -- been very
21 fortunate in my career today to actually serve in a
22 different capacity in the courtroom, first as a
23 prosecutor, and then as a general litigator, and
24 now as chief magistrate.

25 I've been able to see on an everyday

1 basis how our judiciary affects the lives of people
2 everyday. And part of that, whether somebody is
3 looking at a life sentence or being evicted from
4 their home or losing money, to them, their day in
5 court is the most important day to them. And to
6 serve on the Circuit Court level not only would
7 help me, I think, serve the state and our citizens,
8 but it would be a great honor and a responsibility
9 which I will certainly take very seriously and work
10 very diligently at.

11 MS. SHULER: Thank you, Judge Murphy.

12 Can you explain to the Commission how
13 you feel your legal, professional experience thus
14 far will help you to be an effective Circuit Court
15 judge.

16 JUDGE MURPHY: I think my experience,
17 professionally and legally, of course, is what
18 leads me to this point. Since I've worked on both
19 sides of the aisle and as a magistrate, my
20 prosecutorial experience has given me great
21 experience in the courts of General Sessions, so I
22 am very familiar with the trial procedures and
23 evidentiary procedures.

24 I have also been in private practice
25 for approximately the same amount of time that I

1 served at the solicitor's office, so my experience
2 is very balanced. I have a great deal of
3 experience in civil litigation matters as well as
4 criminal prosecution, and serving as a chief
5 magistrate, I would have some -- some idea of what
6 the judicial role is like, and not only the
7 judicial role of serving on the bench, but also
8 handling all the administrative matters of the
9 court, to ensure that all the bank records are up
10 to date and that our dockets move effectively, and
11 that all the cases are heard in a timely matter.
12 So I think my breath of experience actively and
13 basically puts me to the level to be a Circuit
14 Court judge.

15 MS. SHULER: Thank you, Judge Murphy.

16 Are there any areas of the law that you
17 would need to additionally prepare for in order to
18 serve on the Circuit Court, and if so, how would
19 you handle that preparation?

20 JUDGE MURPHY: Well, I think the
21 practice of law is just that. It's practice. I
22 don't think anyone is fully ever prepared to say
23 that they know everything, so if there is a matter
24 that comes before me that I am not familiar with,
25 certainly you can take a break from the bench and

1 research and learn what you need to know to make an
2 effective, diligent, and wise decision.

3 MS. SHULER: Thank you, Judge Murphy.

4 Can you share with the Commission what
5 you believe to be the appropriate demeanor for a
6 judge.

7 JUDGE MURPHY: The judge should always
8 be diligent and courteous and kind and punctual and
9 patient and treat all people with respect. The
10 main thing I see, especially in Magistrate's Court,
11 where you have a lot of pro se litigants that come
12 before you that may not understand the process and
13 they -- they want to be heard. And you may let
14 them talk and be heard, which is what the court
15 system is about. Whether their case puts relevant
16 evidence or not, after you rule, it's good to
17 explain to people the reasons for your ruling, and
18 so that whether they like the outcome of the case
19 or not, when they walk out of the courtroom, they
20 feel that they were treated in a fair and efficient
21 manner and the Court was fair, because we do have a
22 great justice system, and we need to uphold that
23 standard.

24 MS. SHULER: Judge Murphy, what
25 suggestions would you offer for handling the

1 backlog in Circuit Court?

2 JUDGE MURPHY: The backlog in Circuit
3 Court certainly is a very serious problem. I think
4 the best way to handle it is to have effective
5 communications, not only with the clerks of court,
6 but also with your solicitors and your public
7 defenders, and have actually effective roll calls,
8 not just where people show up and say they're here
9 and then dismiss them, but actually have roll call
10 terms of court where the parties are required to be
11 there. Work hard to submit dispositive motions
12 that may dispose of the case prior to the case
13 being called for trial rather than wasting the
14 whole jury panel coming in and then doing those
15 motions. And I think that's one very effective way
16 to do that. And you can do that both on the civil
17 side and the criminal side. I think it's really a
18 matter of communication with all the parties
19 involved.

20 MS. SHULER: Thank you.

21 Have you sought or received the pledge
22 of any legislator, including but not limited to,
23 your husband, Chris Murphy, recently elected to the
24 house prior to this date?

25 JUDGE MURPHY: No, ma'am.

1 MS. SHULER: Have you sought or have
2 you been offered a conditional pledge of support of
3 any legislator, including but not limited to, your
4 husband, Chris Murphy, pending the outcome of your
5 screening?

6 JUDGE MURPHY: No, ma'am.

7 MS. SHULER: Have you asked any third
8 parties to contact members of the General Assembly
9 on your behalf?

10 JUDGE MURPHY: No, ma'am.

11 MS. SHULER: Have you contacted any
12 members of the Commission?

13 JUDGE MURPHY: No, ma'am.

14 MS. SHULER: Do you understand that
15 you're prohibited from seeking a pledge or
16 commitment until 48 hours after the formal release
17 of the Commission's report?

18 JUDGE MURPHY: Yes, ma'am.

19 MS. SHULER: Have you reviewed the
20 Commission's guidelines on pledging?

21 JUDGE MURPHY: I have.

22 MS. SHULER: Are you aware of the
23 penalties for violating the pledging rules, that
24 is, it's a misdemeanor, and you could be fined not
25 more than \$1,000 or imprisoned not more than 90

1 days?

2 JUDGE MURPHY: Yes, ma'am, I'm familiar
3 with those.

4 MS. SHULER: Thank you.

5 I would note that the Lowcountry
6 Citizens Committee found Judge Murphy to be well
7 qualified in each of the nine evaluative criteria:
8 constitutional qualifications, ethical fitness,
9 professional and academic ability, character,
10 reputation, physical health, mental stability,
11 experience, and judicial temperament.

12 I would just note for the record that
13 any concerns raised during the investigation
14 regarding this candidate were incorporated in my
15 questioning of the candidate today.

16 Mr. Chairman, I have no further
17 questions for this candidate.

18 SENATOR McCONNELL: All right. Let's
19 see if any member of the Commission has any
20 questions. Are there any questions?

21 SENATOR KNOTTS: Yes, sir.

22 SENATOR McCONNELL: Senator from
23 Lexington.

24 SENATOR KNOTTS: What is your -- I see
25 it. Forget it. Thank you.

1 SENATOR McCONNELL: Any other
2 questions?

3 All right. If there are no further
4 questions, this concludes this portion of your
5 screening process. As you know, the record will be
6 closed, but we reserve the right to reopen it if
7 something should come that we need some further
8 information on.

9 I remind you of the 48-hour rule and
10 ask that you be mindful of it, so mindful that if
11 this committee should find you qualified and
12 nominated and anyone approaches you asking if they
13 could in any way advocate or not advocate for you,
14 that you remind them of the 48-hour rule.

15 With that, we thank you for offering.
16 We thank you for your service to the people of
17 South Carolina. Have a great day.

18 JUDGE MURPHY: Thank you, Senator.
19 Thank you for having me.

20 (Candidate excused.)

21 (Off-the-record.)

22 SENATOR McCONNELL: Okay. We'll go
23 back on the record at this point.

24 We have before us Ms. Catherine B.
25 Templeton who is offering for the Circuit Court,

1 At-Large, Seat Number 9.

2 Do you have anybody with you that's --
3 we'd be happy to have them introduced before we get
4 started.

5 MS. TEMPLETON: Thank you, Senator
6 McConnell. I brought my friend, Elizabeth Gray,
7 for moral support.

8 SENATOR McCONNELL: Well familiar.

9 MS. GRAY: Senator.

10 SENATOR McCONNELL: Good to see you.

11 All right. If you would be so kind as
12 to raise your right hand.

13 (Candidate sworn.)

14 SENATOR McCONNELL: Thank you.

15 The Judicial Merit Selection Commission
16 has thoroughly investigated your qualifications of
17 the bench. Our inquiry is focused on our nine
18 evaluative criteria. It has included a survey of
19 the bench and the bar, a thorough study of your
20 application materials, a verification of your
21 compliance with the state ethics laws, a search of
22 newspaper articles in which your name appears, a
23 study of any previous screenings, and a check for
24 economic conflicts of interest.

25 We have received no affidavits filed in

1 opposition to your election. No witnesses are
2 present to testify. So I would you ask you if you
3 wish to make any brief opening statement, which is
4 purely optional, before I turn you over to
5 Ms. Anzelmo, who is our staff counsel, who will ask
6 a few questions. At the conclusion of that, we'll
7 see if the commissioners have any questions, and
8 that will wrap up the hearing.

9 MS. TEMPLETON: Great. No, I don't
10 have an opening statement out of respect for your
11 time. I think you have an abundance of information
12 about my qualifications, and I don't want to be
13 redundant, but, of course, I will answer on any
14 topic that you find important to make your
15 decision.

16 SENATOR McCONNELL: All right.

17 Ms. Anzelmo.

18 MS. ANZELMO: Thank you.

19 Mr. Chairman and members of the
20 Commission, I have a few procedural matters to take
21 care of first.

22 Ms. Templeton, you have before you your
23 personal data questionnaire and amendment that you
24 submitted as part of your application. Are there
25 any additional amendments that you would like to

1 make at this time?

2 MS. TEMPLETON: I do not have any
3 additional amendments other than 50C, was that --
4 the Commission requested out of an abundance of
5 caution that I withdraw the recommendation letter
6 of Cam Lewis, a plaintiff's attorney here in town
7 who frequently appears in state court.

8 And just to make it a cleaner
9 application, I would like to withdraw the
10 recommendation letter of Mr. Lewis and replace it
11 with a letter of recommendation from the Honorable
12 Sandra Day O'Connor of the United States Supreme
13 Court as she does not appear very frequently in the
14 state court of South Carolina.

15 MS. ANZELMO: Thank you, Ms. Templeton.

16 Mr. Chairman, I would like to ask that
17 Ms. Templeton's personal data questionnaire and her
18 amendment be entered as an exhibit into the hearing
19 record.

20 SENATOR McCONNELL: All right. Is
21 there an objection? There being none, so ordered.

22 (Representative Delleney enters the
23 hearing room.)

24 (EXH. 21, Ms. Catherine B. Templeton's
25 Personal Data Questionnaire and Amendment, was

1 admitted.)

2 MS. ANZELMO: Ms. Templeton, you have
3 before you the sworn statement that you provided
4 with detailed answers to over 30 questions
5 regarding judicial conduct, statutory
6 qualifications, office administration, and
7 temperament.

8 Are there any amendments you would like
9 to make to your sworn statement at this time?

10 MS. TEMPLETON: No, ma'am, no
11 amendments.

12 MS. ANZELMO: At this time,
13 Mr. Chairman, I would like to ask that
14 Ms. Templeton's sworn statement be entered as an
15 exhibit into the hearing record.

16 REPRESENTATIVE DELLENEY: It will be
17 done at this point in the transcript without
18 objection.

19 (EXH. 22, Ms. Catherine B. Templeton's
20 Sworn Statement, was admitted.)

21 MS. ANZELMO: Thank you. One final
22 procedural matter.

23 I note for the record that based on the
24 testimony contained in the candidate's PDQ, which
25 has been included in the record with her consent,

1 that Ms. Templeton meets the statutory requirements
2 for this position regarding age, residence, and
3 years of practice.

4 Ms. Templeton, would you, please, state
5 for the record the city and judicial circuit in
6 which you reside.

7 MS. TEMPLETON: I am in the 14th
8 Judicial Circuit in Charleston County, Mt.
9 Pleasant, South Carolina.

10 MS. ANZELMO: Thank you.

11 Ms. Templeton, why do you want to serve
12 as a Circuit Court judge?

13 MS. TEMPLETON: Over the past several
14 years, I have coordinated a civics education
15 program in South Carolina for non-profit that was
16 started by Justice O'Connor. And I have gone
17 around the state, and as a result of a lot of work
18 here, she asked me to be the national coordinator.

19 I've gone around the nation and the
20 state -- good afternoon, Representative. I've gone
21 around the state and the nation talking to
22 educators and schoolchildren about civic
23 participation. And one thing that I found -- our
24 studies show that if they can name three branches
25 of government, they name the House, the Senate, and

1 the President, not the judicial branch. It doesn't
2 come into their -- come into their world very
3 often.

4 So what I have found is that I am -- I
5 am imposing upon them over and over and hear myself
6 talking about the importance of the judicial
7 branch. It is the -- the court system is the
8 mechanism by which justice is delivered.

9 Explaining to them that it can change the course of
10 business, that it affects individual lives, whether
11 or not someone keeps or loses their freedom, and I
12 want to be a part of that. And so I give myself --
13 I present myself to you for service in that
14 capacity.

15 MS. ANZELMO: Can you explain to the
16 Commission how you feel your legal and professional
17 experience thus far will assist you in becoming an
18 effective judge.

19 MS. TEMPLETON: Certainly. I work for
20 primarily a defense-oriented firm. However, I
21 handle plaintiff's cases. My first job was with
22 the state grand jury under the now Honorable
23 Cameron Currie at the Attorney General's Office. I
24 understand how drug busts go down and that type of
25 thing.

1 I've also worked for the Department of
2 Labor in an administrative law capacity, and then I
3 worked for the -- the reason Cam Lewis wrote me a
4 recommendation letter was because I worked for his
5 firm in a number of capacities, including
6 paralegal, for a couple of years.

7 The only thing I know for certain is
8 that I don't know everything, and there will be
9 issues that will come before any judge that the
10 judge will never have encountered in private
11 practice or otherwise. However, I am an
12 intelligent, hardworking person, and I do have
13 the -- the advantage, as does every judge, that
14 we're going to know what's coming up. And so we
15 are able to go find the seminal case on the issues
16 that will be before us and know the facts cold on
17 the cases that we will have before us.

18 So I think that -- one of the comments
19 in one of my bar surveys was, If I can say -- if I
20 have to say something negative about Catherine,
21 it's that she's a defense attorney. And I think
22 that was told to you by one of my friends at the
23 plaintiff's bar. However, I think it's important
24 that, regardless of any of the backgrounds of any
25 of the candidates, as long as you put an

1 intelligent person on the bench, you will be
2 delivering justice.

3 MS. ANZELMO: Are there any specific
4 areas of law that you think that you would need to
5 potentially prepare for in order to serve as a
6 Circuit Court judge, and if so, how would you
7 handle that preparation?

8 MS. TEMPLETON: I think, not to be
9 redundant, but just to repeat briefly what I just
10 said, no judge knows all of it. You know, it's
11 just that simple. However, we all have the tools
12 to go get it, to go read the cases that are the
13 precedent and the issues before us, and to read the
14 record as it's been presented by the parties.

15 MS. ANZELMO: Although you addressed
16 this in your sworn affidavit, could you please
17 explain to the members of the Commission what you
18 think is the appropriate demeanor for a judge.

19 MS. TEMPLETON: You know, that's such
20 an intuitive answer, and I guess that the
21 Commission has to ask the question to weed out the
22 people to whom that's not an intuitive -- there's
23 not an intuitive response.

24 You know, the judicial branch is about
25 the business of solving disputes, disposing of

1 disputes. It's very simply the business of society
2 that we have to have a level playing field for that
3 purpose. But the very fact that there is a dispute
4 results in the parties, the attorneys, even the
5 jurors, coming at a heightened level of anxiety.

6 In a courtroom, everybody in that room,
7 even the bailiffs, are stressed, and it is the
8 judge's duty to set the tone and to maintain the
9 decorum and to have good humor about it and to move
10 things along efficiently.

11 MS. ANZELMO: What suggestions would
12 you offer for improving the backlog of cases on the
13 docket in the Circuit Court?

14 MS. TEMPLETON: You know, there's not a
15 magic bullet, but I think there's a very simple
16 solution, and I think it surrounds expectations. I
17 don't believe that a Circuit Court judge should
18 arrive in a county on Monday and that be the first
19 time that the judge has talked to the solicitor or
20 the scheduling clerk, depending on whether it's
21 General Sessions or Common Pleas. The
22 importance --the clerks' expectation should be that
23 there will be a full docket of cases to be heard
24 from 8:30 to 6:30 Monday through Friday and knock
25 them out.

1 I understand in Common Pleas, in civil
2 court, the first 20 cases on the roster may all
3 settle, but if you have a conversation with the
4 attorneys Thursday and Friday before you get there,
5 you know the probability of that, and you either
6 let 21 through 40 know, or you find out the
7 non-jury roster to take -- you know, to hear
8 motions then.

9 There's a way to schedule so that we
10 greatly diminish our docket, and I've seen it done
11 in various counties. I've seen it make the
12 attorneys angry. Judge Pieper used to drive the
13 Charleston law crazy because every Friday, he held
14 court, and -- but it diminished the docket.

15 MS. ANZELMO: Ms. Templeton, 37 bench
16 and bar surveys were filed in response to you
17 offering your service for this judicial seat. One
18 of those surveys contained a concern. In that
19 survey, the person commented that your only
20 weakness is that you've mainly done defense work,
21 which you alluded to earlier. Will you, please,
22 offer a response to this comment.

23 MS. TEMPLETON: I think that's not
24 really a concern -- I mean, it's not a complaint.
25 Yes, I work for a defense firm. And as I said,

1 I've done administrative work, I've done criminal
2 work, both for the state. I worked for a
3 plaintiff's firm before. Importantly, I think the
4 rest of that -- actually that specific bench and
5 bar survey, as it was characterized, was very, very
6 positive overall. And the other 36 bench and bar
7 surveys were very, very positive.

8 Like I said, I have friends on the
9 plaintiff's bar who actually support my campaign --
10 or my contribution here, and they have, you know,
11 put their arm around me and said, you know, Boy, I
12 just don't know if I can support a defense
13 attorney, but you've got my support.

14 So I think that if that's the worse
15 that can be said about me, we're okay.

16 MS. ANZELMO: Thank you, Ms. Templeton.

17 Have you sought or received the pledge
18 of any legislator prior to this date?

19 MS. TEMPLETON: No, ma'am.

20 MS. ANZELMO: Have you sought or have
21 you been offered a conditional pledge of support of
22 any legislator pending the outcome of your
23 screening?

24 MS. TEMPLETON: No, ma'am.

25 MS. ANZELMO: Have you asked any third

1 parties to contact members of the General Assembly
2 on your behalf?

3 MS. TEMPLETON: No, ma'am.

4 MS. ANZELMO: Have you contacted any
5 members of the Commission?

6 MS. TEMPLETON: No, ma'am.

7 MS. ANZELMO: Do you understand that
8 you're prohibited from seeking a pledge or
9 commitment until 48 hours after the formal release
10 of the Commission's report?

11 MS. TEMPLETON: Yes.

12 MS. ANZELMO: Have you reviewed the
13 Commission's guideline's on pledging?

14 MS. TEMPLETON: Yes.

15 MS. ANZELMO: As a follow up, are you
16 aware of the penalties for violating the pledging
17 rules, that is, that it's a misdemeanor, and upon
18 conviction, the violator must be fined not more
19 than \$1,000 or imprisoned not more than 90 days?

20 MS. TEMPLETON: Yes.

21 MS. ANZELMO: Okay. I would note that
22 the Lowcountry Citizens Committee found
23 Ms. Templeton well qualified for the following
24 criteria: constitutional qualifications, ethical
25 fitness, professional and academic ability,

1 character, reputation, physical health, mental
2 stability, and judicial temperament.

3 The committee found Ms. Templeton to be
4 qualified in experience. The committee expressed
5 concerns that you lack criminal law experience. If
6 you would like to offer a response to that at this
7 time -- I think that you have talked about it a
8 good bit, but if you would like to offer a response
9 at this time, then I would ask that you do that.

10 MS. TEMPLETON: No. I think that
11 you've got all you need.

12 MS. ANZELMO: I would also note that
13 any concerns raised during the investigation of
14 this candidate were incorporated into the
15 questioning of her today.

16 Mr. Chairman, I have no further
17 questions.

18 REPRESENTATIVE DELLENEY: Does any
19 member of the Commission have any further questions
20 for Ms. Templeton?

21 Professor Freeman.

22 PROFESSOR FREEMAN: Yeah. Just this.
23 Did I hear you say that you would run court from
24 8:30 in the morning to 6:30 at night?

25 MS. TEMPLETON: I work a lot longer

1 than that in private practice. If --

2 PROFESSOR FREEMAN: I understand,

3 but --

4 MS. TEMPLETON: Yes, if necessary.

5 PROFESSOR FREEMAN: Well, if necessary,

6 but I'm just thinking about jurors, for example.

7 They may have to get home and prepare dinner and

8 stuff like that.

9 MS. TEMPLETON: Well, certainly.

10 Certainly. In the event that -- for example, there

11 are so many attorneys who will be glad to have

12 their motion heard, if they've got to be heard at

13 midnight.

14 PROFESSOR FREEMAN: Okay.

15 MS. TEMPLETON: So, I mean, you can do

16 non-jury from 5:30 to 6:30. But my point is that

17 there are a lot of hours in the day that aren't

18 being used right now. And there are a lot of

19 cases, and there's a way to schedule it to knock it

20 out.

21 PROFESSOR FREEMAN: And you're willing

22 to basically do whatever needs to be done in order

23 to achieve the work that's put out of that

24 courthouse?

25 MS. TEMPLETON: That is the judge's

1 job. Absolutely.

2 PROFESSOR FREEMAN: Okay.

3 REPRESENTATIVE DELLENEY: Any further
4 questions from the Commission?

5 There being none, we'll thank you,
6 Ms. Templeton. We appreciate you appearing before
7 us today. This concludes this portion of the
8 screening process. We're going to close the record
9 on your public hearing, but, of course, we still
10 have the right to reopen your record and reconvene
11 a public hearing if there were some other issues
12 that we might need to talk to you about. That's
13 not very likely in your case, but it has happened,
14 rarely, in the past.

15 And with that, I would remind you about
16 the 48-hour rule. That applies to anybody that
17 might advocate on your behalf.

18 And with that, I hope you have a safe
19 trip home.

20 MS. TEMPLETON: Thank you very much.
21 Thank you for your service.

22 (Candidate excused.)

23 (Off-the-record.)

24 REPRESENTATIVE DELLENEY: Good
25 afternoon, Mr. Wolf.

1 MR. WOLF: Good afternoon.

2 REPRESENTATIVE DELLENEY: We have
3 before us today Mr. David Whitten Wolf. And before
4 we get started, do you have anybody you would like
5 to introduce us to, Mr. Wolf?

6 MR. WOLF: I do. This is my father and
7 law partner, Bob Wolf.

8 MR. BOB WOLF: Pleasure to be here.

9 REPRESENTATIVE DELLENEY: We're glad
10 you could be here with us today, Mr. Wolf.

11 MR. BOB WOLF: Thank you.

12 REPRESENTATIVE DELLENEY: Yes, sir.

13 We have with us today Mr. David Whitten
14 Wolf who is applying for a position with the
15 Circuit Court, At-Large, Seat Number 9.

16 Would you, please, raise your right
17 hand to be sworn.

18 (Candidate sworn.)

19 REPRESENTATIVE DELLENEY: The Judicial
20 Merit Selection Commission has thoroughly
21 investigated your qualifications for service on the
22 bench. Our inquiry has focused on our nine
23 evaluative criteria, which include a survey of the
24 bench and bar, a thorough study of your application
25 materials, verification of compliance to state

1 ethics laws, a search of newspaper articles in
2 which your name may have appeared, a study of any
3 previous screenings, and a check for economic
4 conflicts of interests.

5 There are no affidavits filed in
6 opposition to your election, nor are there any
7 witnesses here to testify.

8 Do you have a brief opening statement
9 you would like to make?

10 MR. WOLF: I would just like to take a
11 moment to thank you for the opportunity to address
12 you with regard to my candidacy and my ability to
13 perform this position and to provide you with
14 insights with regard to me and answer any questions
15 that you might have. Thank you.

16 REPRESENTATIVE DELLENEY: Thank you,
17 sir. If you would, answer any questions our able
18 counsel, Mr. Dennis, might have for you.

19 MR. WOLF: Yes, sir.

20 MR. DENNIS: Thank you, Mr. Chairman.

21 Members of the Commission, I've got a
22 few preliminary matters to cover with Mr. Wolf.

23 Mr. Wolf, you should have before you
24 your personal data questionnaire you submitted as
25 part of your application.

1 Are there any amendments that you would
2 like to make to your PDQ at this time?

3 MR. WOLF: No, sir.

4 MR. DENNIS: Mr. Chairman, I would like
5 to ask that Mr. Wolf's personal data questionnaire
6 be entered as an exhibit into the hearing record.

7 REPRESENTATIVE DELLENEY: Those
8 documents will be admitted as exhibits into the
9 hearing record at this point in the transcript
10 without any objection.

11 (EXH. 23, Mr. David Whitten Wolf's
12 Personal Data Questionnaire, was admitted.)

13 MR. DENNIS: Mr. Wolf, you also have
14 before you the sworn statement you provided with
15 detailed answers to over 30 questions regarding
16 judicial conduct, statutory qualifications, office
17 administration, and temperament.

18 Are there any amendments that you would
19 like to make to that statement?

20 MR. WOLF: No, sir.

21 MR. DENNIS: At this time,
22 Mr. Chairman, I would ask Mr. Wolf's sworn
23 statement be entered into the record as an exhibit.

24 REPRESENTATIVE DELLENEY: Mr. Wolf's
25 sworn statement will be entered into the record as

1 an exhibit at this point in the transcript without
2 objection.

3 (EXH. 24, Mr. David Whitten Wolf's
4 Sworn Statement, was admitted.)

5 MR. DENNIS: As the final preliminary
6 matter, I would note for the record that based on
7 testimony contained in the candidate's PDQ, which
8 has been included in the record by the candidate's
9 consent, Mr. Wolf meets the statutory requirements
10 for this position regarding age, residence, and
11 years of experience.

12 Mr. Wolf, for the record, will you,
13 please, state your city and judicial circuit of
14 residence.

15 MR. WOLF: Charleston, Ninth Judicial
16 Circuit.

17 MR. DENNIS: Thank you, sir.

18 Why do you want to serve as a Circuit
19 Court judge?

20 MR. WOLF: The seed for my
21 consideration for this position was planted when I
22 was law clerked to the Honorable Daniel F. Pieper.
23 I clerked for Judge Pieper for two years and got a
24 very intensive opportunity to see what is entailed
25 with a Circuit Court position. During that time, I

1 was exposed to all aspects of a Circuit Court role,
2 the daily obligations.

3 I had the opportunity -- participated
4 substantively in the judge's day-to-day activities:
5 preparation of orders, preparation for hearings.
6 And from that time, I began to take an interest in
7 that position and have kind of explored that
8 throughout my legal career.

9 Probably the main reason that I'm
10 interested in being a Circuit Court judge is that
11 my motivation in handling cases tends to be a focus
12 on trying to give a fair and just outcome. If the
13 client approaches me, and I'm involved in a case,
14 my goal is not to get the absolutely best outcome
15 for my client without a consideration for fairness
16 and making sure that there's a just outcome at the
17 end of the day. And it's been that motivation
18 that's drawn me to the prospect of becoming a
19 Circuit Court judge.

20 MR. DENNIS: Mr. Wolf, aside from your
21 experience with Judge Pieper, can you explain to
22 the Commission how your other legal and
23 professional experience thus far will assist you in
24 being an effective judge.

25 MR. WOLF: Certainly. Following my

1 clerkship with Judge Pieper, I was a public
2 defender for two years in Charleston County.
3 During that time, I had the opportunity to work on
4 hundreds of cases. Would handle cases from the
5 outside of the case, not always with a bond
6 hearing, but sometimes with a bond hearing, until
7 the case was resolved with a trial or a plea. So I
8 had a very intensive opportunity to participate in
9 the criminal justice system as a public defender.

10 From there, I was an associate at
11 Savage & Savage. Had a great opportunity, again,
12 to work in an intensive environment on high-profile
13 criminal cases.

14 In addition to that, I got to work with
15 David Savage on civil matters. I got to develop
16 more experience with the discovery process, which I
17 had not had an opportunity to do before. And then
18 for the last five years, in my own private
19 practice, I've focused more on the civil side of
20 practice, handling more matters along the lines of
21 corporate and business law, but still doing general
22 litigation for my clients.

23 So over that period of time, I've had
24 the opportunity to focus on litigation matters and
25 trying to develop an intensive track record of

1 experience with regard to Circuit Court matters.

2 MR. DENNIS: Do you think that there is
3 any particular area, including any particular area
4 of substantive law, that you would need additional
5 preparation for?

6 MR. WOLF: I don't think that there is
7 an area of substantive law that I haven't had some
8 exposure to or the ability to be ready to go with
9 regard to that. Certainly some areas, with regard
10 to Rules of Civil Procedure, I've had exposure to,
11 but I think in the course of dealing with them as a
12 judge, it would be more helpful, such as class
13 actions, I -- as a law clerk to Judge Pieper, I had
14 the opportunity to deal with class actions, but I
15 have not had a class action case while in private
16 practice. But that's a function of following the
17 rules and the factors that are set forth in the
18 rules. So I think that that would be something
19 that I could handle in a short manner.

20 MR. DENNIS: Mr. Wolf, you addressed in
21 your sworn statement what you felt the appropriate
22 demeanor for a judge would be, but would you,
23 please, explain to the Commission again.

24 MR. WOLF: Sure. I think the Circuit
25 Court requires respect from the individuals that

1 come before it. And you don't earn that respect by
2 treating the individuals that come before you,
3 whether it's the attorneys or the parties, without
4 being respectful, being courteous, appreciating
5 their time, and doing what you can to take care of
6 the purpose that they come before you as promptly
7 and as efficiently as possible, so I think that
8 that sort of portrayal. And it's not just when
9 you're in court, but wherever you are, because what
10 you do outside of court certainly reflects on your
11 position as a judge as well.

12 MR. DENNIS: Thank you, Mr. Wolf.

13 What suggestions would you offer the
14 Commission for alleviating backlog of cases on the
15 Circuit Court docket?

16 MR. WOLF: Well, I have some ideas.
17 Obviously the opportunity to get some feedback from
18 the other parties involved, the clerks of court,
19 solicitors, public defenders, and attorneys in
20 civil cases. But I think that categorizing motions
21 in a way that you can expedite motions that will
22 impact how quickly a case can be ready for trial.
23 And my experience has been -- I've gotten some
24 cases that kind of get jammed because we're waiting
25 on a discovery motion being heard, or there's a

1 summary judgment motion that's outstanding. And it
2 prevents any further development in the case to be
3 ready for trial, and it ultimately causes a delay,
4 so I think approaching motions.

5 My idea would be that whenever there
6 are realizable downtimes in the court system, that
7 you have the docket coordinator ready to have you
8 do motions in order to try and take care of motions
9 that, otherwise, you're waiting for a non-jury week
10 to address.

11 In addition to that, on the criminal
12 side, again, I think it's just a function of the
13 amount of time that you put into anything. If you
14 have time that might otherwise be downtime that you
15 can apply to handling matters, then you can help
16 alleviate that.

17 MR. DENNIS: Mr. Wolf, both the South
18 Carolina Bar Association and the Lowcountry
19 Citizens Committee found you qualified and well
20 qualified of all the nine evaluative criteria.
21 However, both of them noted that they felt -- they
22 gave you the lower of the two rankings on the area
23 of experience. And, in particular, the Bar
24 Association expressed some concern about your
25 youth.

1 Would you respond to those observations
2 by those two organizations.

3 MR. WOLF: Sure. When I met with the
4 Judicial Qualification Committee Panel at the Bar
5 building, the statement that was made to me was
6 that two of the ten people they had spoken to were
7 concerned about my age and then experience. So I
8 think to some degree, there may be some focus on my
9 age without consideration for the experience that I
10 have.

11 As I've mentioned, in two years working
12 with Judge Pieper was a great opportunity to be
13 immersed into the judicial process and to have the
14 opportunity to get a feel for what is required for
15 that position, and learning from a very efficient
16 and effective judge how to do a good job when
17 you're this position.

18 So I think consideration of the
19 intensiveness of the work that I did both with
20 Judge Pieper while I was -- public defender's
21 office, while I was at Savage & Savage, I think you
22 get a better sense that while a certain period of
23 time may give you an idea of what experience
24 everybody has, it doesn't take into consideration
25 the intensiveness of the opportunities that were

1 available while I was doing that. And I think
2 just -- I've tried to take every opportunity to
3 work.

4 When I was a public defender, I would
5 volunteer to be second chair on any case that I
6 could get into to get that trial experience, to get
7 up in front of the jury, to cross-examine
8 witnesses. And so I'm not sure that the particular
9 persons' responding had the opportunity to get a
10 sense of that experience, other than just a
11 function of my age.

12 MR. DENNIS: Thank you, Mr. Wolf.

13 Mr. Chairman, at this time, I think we
14 need a very brief executive session to take up a
15 matter with Mr. Wolf.

16 REPRESENTATIVE DELLENEY: Do I hear a
17 motion?

18 MR. SELLER: So moved.

19 SENATOR KNOTTS: Second.

20 REPRESENTATIVE DELLENEY: All in favor.

21 THE COMMISSION: Aye.

22 REPRESENTATIVE DELLENEY: We're now in
23 executive session.

24 (The members go into executive
25 session.)

1 * * * * *

2 (The members return into open session.)

3 REPRESENTATIVE DELLENEY: We're now
4 back in public session.

5 MR. DENNIS: All right. Thank you very
6 much, Mr. Wolf. I've got just a couple more
7 questions for you.

8 Have you sought or received the pledge
9 of any legislator prior to this date?

10 MR. WOLF: I have not.

11 MR. DENNIS: Have you sought or have
12 you been offered a conditional pledge of support of
13 any legislator pending the outcome of your
14 screening?

15 MR. WOLF: I have not.

16 MR. DENNIS: Have you asked any third
17 parties to contact members of the General Assembly
18 on your behalf?

19 MR. WOLF: I have not.

20 MR. DENNIS: Have you contacted any
21 members of this Commission?

22 MR. WOLF: I have. The day that I
23 prepared my notice of intent, I sent letters to
24 every member of the Ninth Judicial Circuit's
25 Delegations, which are Charleston and Berkeley

1 County. So I -- it was an introductory letter. It
2 included all the information that was submitted in
3 my personal data questionnaire. Once I figured out
4 that that was inappropriate, I didn't do anything
5 in addition to that.

6 MR. DENNIS: So to be clear, Senator
7 McConnell and Representative Mack may --

8 MR. WOLF: Yes.

9 MR. DENNIS: -- have received those
10 letters?

11 MR. WOLF: Yes, sir.

12 MR. DENNIS: Do you understand that you
13 are prohibited from seeking a pledge or commitment
14 until 48-hours after the formal release of the
15 Commission's report?

16 MR. WOLF: I do.

17 MR. DENNIS: Have you viewed the
18 Commission's guidelines on pledging?

19 MR. WOLF: I have.

20 MR. DENNIS: As a follow up, are you
21 aware of the penalties for violating the pledging
22 rules, that is, it is a misdemeanor, and upon
23 conviction, the violator must be fined not more
24 than \$1,000 and imprisoned not more than 90 days?

25 MR. WOLF: I am aware of that.

1 MR. DENNIS: I would note that the
2 Lowcountry Citizens Committee found Mr. Wolf as
3 well qualified in all of the categories:
4 constitutional qualifications, ethical fitness,
5 professional and academic ability, character,
6 reputation, physical health, and mental stability
7 as well as judicial temperament. He was found
8 qualified for the following categories, experience.
9 Committee stated that they have concerns with the
10 candidate's lack of experience as we discussed
11 earlier in the hearing.

12 I would also note for the record any
13 concerns raised during the investigation regarding
14 the candidate were incorporated in the questioning
15 of the candidate today.

16 And, Mr. Chairman, I don't have
17 anything further.

18 REPRESENTATIVE DELLENEY: Does any
19 member of the Commission have any questions for
20 Mr. Wolf -- any further questions?

21 Okay. There being none, Mr. Wolf, we
22 would like to thank you so much for being with us
23 here this afternoon, and we thank your father for
24 coming with you.

25 This concludes this portion of the

1 screening process. We're going to close the record
2 and your screening at this point in time, although,
3 we would have the right to reopen the record and
4 reconvene a public hearing if there were issues
5 that we need to explore. Of course, I don't expect
6 that to happen in your case. It's happened on rare
7 occasions. But at any event, I would also advise
8 you about the 48-hour rule, which applies to not
9 only you, but to anyone who might advocate on your
10 behalf.

11 And with that, we thank you for
12 offering, and I hope you have a safe trip home.

13 MR. WOLF: Thank you, all.

14 (Candidate excused.)

15 (Off-the-record.)

16 REPRESENTATIVE DELLENEY: We can go
17 into executive session.

18 Do we have a motion? A second? All in
19 favor, aye.

20 Once the doors close, we'll be in
21 executive session.

22 We are now in executive session.

23 (The members go into executive
24 session.)

25 * * * * *

1 (The members return into open session.)

2 REPRESENTATIVE DELLENEY: All right.

3 To start with, do we have any issues of
4 qualification, or do I hear a motion that we find
5 all candidates for the Circuit Court, At-Large, 9th
6 Seat qualified?

7 SENATOR McCONNELL: So moved.

8 SENATOR KNOTTS: Second.

9 REPRESENTATIVE DELLENEY: All right.
10 All in favor?

11 THE COMMISSION: Aye.

12 REPRESENTATIVE DELLENEY: So they're
13 all qualified. So now we move to qualify and
14 nominate.

15 Okay. All in favor of finding the
16 Honorable Kellum W. Allen qualified and nominated,
17 raise your hand.

18 MS. SHULER: Five.

19 SENATOR McCONNELL: I'm also -- I'm
20 voting --

21 MS. SHULER: Are you voting a proxy?

22 SENATOR McCONNELL: I'm voting a proxy
23 for --

24 MS. SHULER: One, two --

25 MR. SELLERS: I'm voting a proxy.

1 SENATOR McCONNELL: -- Senator
2 Nicholson.

3 MS. SHULER: One, two, three, four,
4 five, six, seven.

5 MR. CLEMMONS: Mr. Sellers has a proxy,
6 too.

7 MR. SELLERS: Yeah.

8 MS. SHULER: Right. He has
9 Mr. Heller's proxy.

10 REPRESENTATIVE DELLENEY: All right.
11 Next, all in favor of finding qualified and
12 nominated Charles "Chuck" Juel Brooks, II, raise
13 your hand.

14 MS. SHULER: Zero.

15 REPRESENTATIVE DELLENEY: All in favor
16 of finding William Patrick Frick qualified and
17 nominated, raise your hand.

18 MS. SHULER: Zero.

19 REPRESENTATIVE DELLENEY: All in favor
20 of finding Daniel Dewitt Hall qualified and
21 nominated, raise your hand.

22 MS. SHULER: Are you voting a proxy?

23 SENATOR McCONNELL: Yeah. I'm also --
24 I've got Senator Nicholson's here.

25 MS. SHULER: One, two, three, four.

1 MR. SELLERS: Two.

2 MS. SHULER: Five, six, seven, eight.

3 SENATOR KNOTTS: Make it nine.

4 MS. SHULER: Nine.

5 REPRESENTATIVE DELLENEY: All in favor
6 of finding the Honorable Donald Bruce Hocker
7 nominated and qualified, raise your hand.

8 SENATOR McCONNELL: I'm voting for
9 Senator Nicholson.

10 MS. SHULER: Are you voting?

11 SENATOR McCONNELL: Just the proxy.

12 MS. SHULER: You're voting his proxy?

13 SENATOR McCONNELL: His proxy, yeah.
14 I'm not voting myself. I'm voting his proxy.

15 MS. SHULER: Okay. One, two, three,
16 four.

17 REPRESENTATIVE DELLENEY: All in favor
18 of finding Angela McCall-Tanner qualified and
19 nominated, raise your hand.

20 MS. SHULER: Zero.

21 REPRESENTATIVE DELLENEY: All in favor
22 of finding Stephanie Pendarvis-McDonald not
23 qualified and nominated, raise your hand?

24 MS. SHULER: Not qualified?

25 SENATOR KNOTTS: Not qualified?

1 REPRESENTATIVE DELLENEY: Qualified.

2 Qualified and nominated. Excuse me.

3 SENATOR CLEMMONS: You're trying to
4 throw us a curve ball, aren't you?

5 MS. SHULER: You, but any proxy?

6 SENATOR McCONNELL: No, there's no
7 proxy here. I'm --

8 MS. SHULER: One, two, three, four.

9 REPRESENTATIVE DELLENEY: All in favor
10 of finding Tara Lyons-McGregor qualified and
11 nominated, raise your hand.

12 MS. SHULER: Zero.

13 REPRESENTATIVE DELLENEY: All in favor
14 of finding the Honorable John Reeves McLeod
15 qualified and nominated, raise your hand.

16 MS. SHULER: Zero.

17 REPRESENTATIVE DELLENEY: All in favor
18 of finding Maite Murphy qualified and nominated,
19 raise your hand.

20 MS. SHULER: Two.

21 REPRESENTATIVE DELLENEY: All in favor
22 of finding Catherine B. Templeton qualified and
23 nominated, raise your hand.

24 MS. SHULER: Are you voting your proxy?

25 MR. SELLERS: Two, both of them.

1 MS. SHULER: One, two, three, four.

2 REPRESENTATIVE DELLENEY: All in favor
3 of finding David Whitten Wolf qualified and
4 nominated, raise your hand.

5 MS. SHULER: Zero.

6 REPRESENTATIVE DELLENEY: Okay. So
7 who's that all?

8 MS. SHULER: Okay. We have out Chuck
9 Brooks, William Frick, Angela McCall-Tanner, Tara
10 McGregor, Reeves McLeod, and David Wolf.

11 REPRESENTATIVE DELLENEY: Does anybody
12 have a problem with that?

13 MS. SHULER: And Judge Allen has seven
14 votes and Dan Hall has nine, so they are two
15 qualified nominees, so we need one more.

16 REPRESENTATIVE DELLENEY: So everybody
17 has one vote in this next go around.

18 SENATOR KNOTTS: Who is still in the
19 racing?

20 MS. SHULER: Okay. So we have left to
21 vote on is Judge Hocker, Stephanie
22 Pendarvis-McDonald --

23 SENATOR KNOTTS: Who has enough votes
24 so far?

25 MS. SHULER: Judge Allen and Mr. Hall.

1 One had seven, one had nine. And then we -- and so
2 you have Hocker, McDonald, Murphy, and Templeton.
3 We have four, and you each have one vote.

4 SENATOR KNOTTS: Each have one vote.

5 MS. SHULER: Yes, sir.

6 SENATOR CLEMMONS: I'm sorry. Say it
7 again.

8 MS. SHULER: Okay. We have left Judge
9 Hocker, Ms. McDonald, Stephanie Pendarvis-McDonald,
10 Judge Murphy, and Catherine Templeton, and you each
11 have one vote.

12 REPRESENTATIVE DELLENEY: Okay. All in
13 favor of the Honorable Donald Bruce Hocker as being
14 qualified and nominated, raise your hand.

15 MS. SHULER: Zero.

16 REPRESENTATIVE DELLENEY: All in favor
17 of Stephanie Pendarvis-McDonald being found
18 nominated and qualified, raise your hand.

19 MS. SHULER: One -- are you voting a
20 proxy?

21 SENATOR McCONNELL: And voting
22 Nicholson, too.

23 MS. SHULER: Two, three, four.

24 REPRESENTATIVE DELLENEY: All in favor
25 of finding the Honorable Maite Murphy nominated and

1 qualified, raise your hand.

2 MS. SHULER: One, two. Two.

3 REPRESENTATIVE DELLENEY: All in favor
4 of finding Catherine B. Templeton qualified and
5 nominated, raise your hand.

6 MS. SHULER: Are you voting your proxy?

7 MR. SELLERS: Proxy.

8 MS. SHULER: One, two, three, four.

9 REPRESENTATIVE DELLENEY: Okay. So we
10 have a tie.

11 MS. SHULER: Well, we can -- it's
12 really -- Hocker is out because he had zero votes,
13 so we're doing Templeton and McDonald.

14 REPRESENTATIVE DELLENEY: Okay.
15 Anybody got a problem with that, a runoff between
16 Templeton and McDonald?

17 Okay. All in favor of Stephanie -- we
18 only have two left on the ballot, and that's
19 Templeton and McDonald.

20 MS. SHULER: One vote each.

21 REPRESENTATIVE DELLENEY: So one vote
22 each. So you have to vote for McDonald or
23 Templeton.

24 All in favor of Stephanie
25 Pendarvis-McDonald as being qualified and

1 nominated, raise your hand.

2 MS. SHULER: One, two, three, four,
3 five, six.

4 SENATOR McCONNELL: And Nicholson.

5 REPRESENTATIVE DELLENEY: Okay. All in
6 favor of Catherine --

7 MR. SELLERS: I want to count again.
8 That was kind of --

9 MS. SHULER: Yeah. Raise your hand
10 again. Raise your hand again.

11 REPRESENTATIVE DELLENEY: All right.
12 We'll revote Stephanie Pendarvis-McDonald.

13 All in favor of Stephanie
14 Pendarvis-McDonald, raise your hand.

15 MS. SHULER: And you've got a proxy.

16 SENATOR McCONNELL: And I've got a
17 proxy for Senator Nicholson.

18 MS. SHULER: One, two, three, four,
19 five, six.

20 REPRESENTATIVE DELLENEY: All right.
21 All in favor of Catherine B. Templeton, raise your
22 hand.

23 MS. SHULER: One, two, three, four.
24 And Ms. McDonald has six votes and Ms. Templeton
25 has four. Six is enough.

1 REPRESENTATIVE DELLENEY: Is six
2 enough?

3 MS. SHULER: Yep.

4 REPRESENTATIVE DELLENEY: Is six
5 enough?

6 Okay. So we have nominated -- found
7 qualified and nominated the Honorable Kellum W.
8 Allen, Daniel Dewitt Hall, and Stephanie
9 Pendarvis-McDonald.

10 (Off-the-record.)

11 REPRESENTATIVE DELLENEY: Have we
12 concluded our business for today? All right. Do I
13 hear a motion that we adjourn?

14 MR. SELLERS: So moved.

15 REPRESENTATIVE DELLENEY: Second?

16 SENATOR McCONNELL: Second.

17 REPRESENTATIVE DELLENEY: All in favor?

18 THE COMMISSION: Aye.

19 REPRESENTATIVE DELLENEY: We are now
20 adjourned.

21 (The hearing was adjourned at
22 3:30 p.m.)

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CERTIFICATE OF REPORTER

I, Janni S. Jardine, Court Reporter,
and Notary Public for the State of South Carolina
At Large, do hereby certify:

That the foregoing hearing was taken
before me on the date and at the time and location
stated on Page 1 of this transcript; that all
statements made on the record at the time of the
proceeding were recorded stenographically by me and
were thereafter transcribed; that the foregoing
transcript as typed is a true, accurate and
complete record of the proceeding to the best of my
ability.

I further certify that I am neither
related to nor counsel for any party to the cause
pending or interested in the events thereof.

Witness my hand, I have hereunto
affixed my official seal this 4th day of December,
2010, at Columbia, Richland County, South Carolina.

Janni S. Jardine

Janni S. Jardine
Court Reporter
My Commission expires
September 1, 2019



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