

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement To Be Included In Transcript Of Public Hearings

Administrative Law Court
(Incumbent)

Full Name: Ralph K. "Tripp" Anderson, III
Business Address: 1205 Pendleton St., Ste. 224,
Columbia, SC 29201
Business Telephone: (803) 734-0550

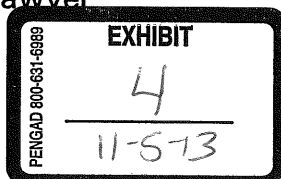
1. Do you plan to serve your full term if re-elected? Yes.
2. Do you have any plans to return to private practice one day? No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?

Ex parte communications should not be allowed on any substantive matters or issues. My law clerk is also well aware of the rules concerning ex parte communications and acts as an excellent front line of defense against ex parte communications. Furthermore, I scrupulously try to avoid any ex parte communications and insist that my staff observe this rule as well. The only occasion in which either my staff or I permit ex parte communication is either "for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits" or consultation with ALC personnel whose function is to aid the ALJs in carrying out our adjudicative responsibilities or with other judges in accordance with the Code of Judicial Conduct, Rule 501, SCACR (Canon 3).

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I have no former associates or law partners. The fact that an individual is a lawyer- legislator would not be a ground for which I would sua sponte recuse myself, as long as I believed that I could fairly and impartially consider the case. However, if a motion was made, I would give consideration to the concerns expressed -- especially if there was a potential that a reasonable person would perceive an appearance of impropriety.

If a potential of an appearance of impropriety existed, I would recuse myself regardless of whether I felt that I could fairly and impartially consider the case. Nevertheless, the fact that a lawyer



appears before the court, and is also a legislator, should not be the sole reason for recusal. Otherwise, lawyer-legislators would be precluded from appearing in any court.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

If there was a potential that a reasonable person could perceive an appearance of impropriety, I would recuse myself regardless of whether I felt that I could fairly and impartially consider the case. The only exception I could envision would be a situation in which all the other Administrative Law Judges would be subject to the same potential appearance of impropriety or I would be the only judge available in a matter requiring immediate judicial action. Then, the "rule of necessity" would offset the appearance of impropriety. Under the latter instance, I would transfer the case to another judge as soon as possible.

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

A judge should not accept any gifts except those specifically authorized by the Code of Judicial Conduct, Rule 501, SCACR (Canon 4). As far as social hospitality, judges cannot and should not live in ivory towers. However, the acceptance of a judgeship inherently brings limitations upon your lifestyle. One of those limitations is that any gift or social hospitality that could reasonably be perceived to influence the judge in the performance of judicial duties should not be accepted.

In the past, I have exchanged Christmas gifts (of which the value is less than \$100.00) yearly with Jim McLeod, who is a non-practicing attorney and longtime family friend. Because of his health that no longer occurs. Otherwise, I do not accept food, meals, beverages, lodging, transportation, entertainment, or other things of value from any attorney or group of attorneys. The only other individuals I accept gifts from are my family, coworkers and close personal friends of whom I would never hear any case involving their interest. Additionally, the only social hospitality I have accepted, or would accept from an attorney, is the attendance of holiday parties in which a large number of the bar is invited.

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

Any conduct that raised a substantial question of a judge's or lawyer's honesty, trustworthiness or fitness to practice in the legal profession, of which I had actual knowledge, would be reported in

accordance with Rule 501, SCACR. If I simply received information concerning a judge's or lawyer's honesty, trustworthiness or fitness to practice in the legal profession, I would take what action I believed was appropriate under the circumstances.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated? No.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.
11. How do you handle the drafting of orders?

In reviewing appellate matters as an ALJ, I read the briefs and usually research the issues before the oral argument. If I deem that oral argument is necessary, I schedule a hearing and consider the arguments made. Afterwards, except in exceptional cases, I research the law and review the record. I then prepare an order or request my law clerk to prepare an Order. Afterwards, we review each other's work.

In regard to contested cases, the preparation of orders is varied. In simple cases, either my law clerk or I will prepare the order. Afterwards, we review each other's work. In complex cases in which both parties are represented by attorneys, I often request proposed orders. I then review and modify the orders. It is exceedingly rare when I do not substantially modify a proposed order. My law clerk then reviews my changes and after discussion, if needed, the decision is issued.

Finally, the only instances in which I request one party to prepare a proposed order is when I make my ruling to the litigants and request a party at that time to prepare an order in keeping with that ruling. Even in those instances I give the opposing party an opportunity to also submit a proposed order or reply to the submitted order.

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

The Administrative Law Court has a case management system, My law clerk and I utilize that system as well as various list of involving concerning pending decisions to insure we promptly dispose of the cases before me. In instances in which there are specific deadlines, my law clerk and I discuss the fact that it is case involves timeframes and issue the decision in keeping with those parameters. I believe I have developed a good reputation for promptly disposing of the cases before me.

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

In South Carolina, the Legislature enacts public policy through statutes and regulations. Judges must honor the language of those statutes and regulations except when a constitutional issue is at stake. I thoroughly believe that my record and reputation as an ALJ confirms that I faithfully follow the words of the statutes themselves and am not a "judicial activist" as that term is commonly understood. Courts simply have no legislative powers but should rather follow and enforce the law, not create it. When an ambiguity exists in a statute or regulation that necessitates construction, I strive to effectuate the intent of the legislature.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I currently speak at CLEs and, if asked, would continue to make similar speeches. I also serve on a S.C. Bar committee which seeks to improve our judicial system. I plan to remain active in such activities.

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

No. This is not currently a problem and I don't envision it to be one in the future.

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

No.

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

Rule 501, SCACR (Canon 3(E)(1)) sets forth that "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned" Rule 501 defines "de minimis" as "an insignificant interest that could not raise reasonable question as to a judge's impartiality." Therefore, if the case was already assigned to me, I would hear such a case, if no party objected. As the Supreme Court has pointed out, if a judge does not have a conflict, the judge has a duty to hear the case. *Simpson v. Simpson*, 377 S.C. 519, 660 S.E.2d 274 (Ct. App. 2008) ("When disqualification is not required, however, the Code states, 'A judge shall hear and decide matters assigned to the judge' Canon 3B(1) of the Code of Judicial Conduct, Rule 501, SCACR."),.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

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

20. What do you feel is the appropriate demeanor for a judge?
A judge's demeanor should be patient, courteous and respectful to litigants. The judge should assure the litigants that he is neutral and impartial so that the litigants will be confident that they have received a fair trial even though they may not be pleased with the result. Additionally, the judge should maintain sufficient control of the courtroom to insure that integrity of the judicial process is upheld.
21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
Those rules apply seven days a week, twenty-four hours a day.
22. Do you feel that it is ever appropriate to be angry with a member of the public, appearing before you? Is anger ever appropriate in dealing with attorneys or a prose litigant?
A judge, like any human, is susceptible to becoming angry. However, it is not appropriate to display anger from the bench or in chambers. Even if angry, a judge's demeanor must always be respectful. Nevertheless, there are times when a judge may need to address the behavior of a member of the public or an attorney in a stern manner. In those rare instances, if practicable, I have those discussions in chambers so as to avoid embarrassing the attorney or creating the appearance of partiality.
23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?
Other than copying this application, none.
24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No, to both questions.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/Ralph K. Anderson, III

Sworn to before me this 10 day of July, 2013.

Susan C. Dickenson

Notary Public for S.C.

My Commission Expires: March 18, 2018