

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

Retired Judge

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

1. Have you met the Constitutional or statutory requirements for this position regarding age, residence, and years of practice? Yes
2. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
3. Do you have any plans to return to private practice one day? No
4. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator?
Yes, I am a family court mediator.
5. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No
6. Do you belong to any organizations that discriminate based on race, religion, or gender? No
7. Have you engaged in any partisan political activity since your retirement? No
8. What do you feel is the appropriate demeanor for a judge?
A judge should calmly and thoughtfully listen to the litigants and make a decision based on applying the law to the facts of the case.
9. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met?
I keep the docket sheets and email the attorney's office (with a copy to the other attorney) if I have not received the order within a week or so. Most attorneys send the orders to me within a few days and do not have to be emailed.
10. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys?
No, anger is not appropriate for a judge to exhibit.
11. How would you handle a situation in which you became aware of misconduct of a lawyer or fellow judge?
I would give the person the opportunity to self-report and then I would call the appropriate agency or person to report it myself.



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

I recuse myself if I feel the public could construe my hearing the case as having the appearance of impropriety. I do not feel that just because someone is a lawyer-legislator recusal is automatic.

13. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?

I avoid ex parte communications concerning the case. I will email both attorneys if I need to communicate about schedules or telephone conferences to ensure both are available.

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

I would recuse myself to avoid the appearance of impropriety or bias unless neither party had any objection to my hearing the case. If either party objected, I would recuse myself.

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

I do not accept gifts or social hospitality from anyone who might appear in front of me.

16. In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator? No

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

s/Jane D. Fender

Sworn to before me this 23 day of July, 2013.

C.R.

Notary Public for S.C.

My Commission Expires: 3/8/2014