

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

**Supreme Court/Court of Appeals**  
**(New Candidate)**

Full Name: Costa M. Pleicones  
Business Address: 1231 Gervais Street  
Columbia, SC 29201  
Business Telephone: 803-734-1438

1. Do you plan to serve your full term if elected?

No. I will be required to retire on December 31, 2016, the end of the year in which I attain the age of seventy-two.

2. If elected, do you have any plans to return to private practice one day?

I am keeping that and all other permissible options open. I currently have no plans to do so.

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?

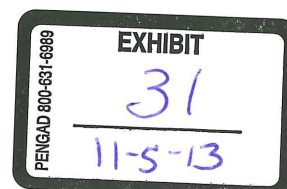
I do not permit nor have I ever intentionally permitted an impermissible ex parte communication. There are certain narrow instances where ex parte communications are permitted. See e.g. Rule 501, SCACR, Canon 3; Rule 65(b), SCRCP; Rule 241(d)(6), SCACR; and, 16-3-26 (Supp. 2003).

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 recuse when my impartiality may be fairly challenged or when required by rules of court. I do not recuse merely because a lawyer or litigant may also be a legislator. I do recuse when members of my former law firm appear before me, in cases which were in their firm prior to August of 2009. After that date, I no longer owned property jointly with members of the firm. I do not recuse merely because I have in the past been associated with someone in the practice of law.

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

I would accord appropriate sensitivity but not necessarily deference. Recusal would depend on the circumstances in a given



case.

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

Strictly within the rules governing judicial conduct. I do not place myself in the position of being indebted to lawyers, or potential litigants.

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

Report it if required to do so under the Rules of Professional Conduct, or Standards of Judicial Conduct.

9. Are you affiliated with any political parties, boards or commissions that need to be evaluated?

No.

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

Not as a fundraiser, but as a donor to religious and charitable organizations.

11. How would you prepare for cases that were before you?

Thoroughly and carefully. Our Court hears oral argument as a "hot" panel, unlike the practice in some courts. This means we have been thoroughly briefed on the case by memoranda, in addition to having read all adversarial filings and relevant transcript references.

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

In my lexicon "judicial activism" is characterized by usurpation by a court of legislative or executive functions or prerogatives, as opposed to legal interpretation of the actions of the other two branches. Such a usurpation is impermissible. I believe my track record of judicial restraint over the past twenty-two years emphatically illustrates a "non-activist" approach to decision making. I respect the separation of powers. Additionally, I do not seek to advance any personal agenda.

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

I plan to continue my extensive speaking activities both to continuing legal education programs as well as to civic and professional organizations whether local or national. I hope to continue my involvement in international judicial outreach programs sponsored by USAID, DOJ, or the State Department such as those I have participated in to Azerbaijan and Turkey. I enthusiastically support the national iCivics program founded by Justice Sandra Day O'Connor, and the statewide "Class Action" program created by this Court's Chief Staff Attorney, Betsy Goodale, which educates middle and high

school students about the court system. Further, I would support the Supreme Court Institute, which provides training to our state's high school teachers. My firm belief is that the legal system is improved by every citizen who understands the function of law in our society, and that we have an obligation to foster and advance that understanding.

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

No. The criticism to which judges are sometimes subjected in fact fosters bonding rather than tension in interpersonal relationships. I always attempt to evaluate criticism, which, if fair, I acknowledge and address. If unfair, I suffer, as judges must, in silence.

15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?

In May 2013, I was elected by the South Carolina Methodist Conference to the board of trustees of my alma mater, Wofford College, for a four year term beginning in October 2013. Additionally, I have served on many committees appointed by the Chief Justice, and currently serve as our Court's representative to the National Conference of Bar Examiners.

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:

Generally speaking, the aim of constitutional interpretation, like that of statutory interpretation, is to determine and give effect to the intent of the drafters of the language. To that end, plain meaning is the primary tool. Certainly, historical evidence as in the tenor of the times of the framing of a particular provision would be important.

- b) The use and value of an agency's interpretation of the Constitution:

As I understand subsection b., I place no reliance upon the interpretation of an executive agency of a constitutional provision.

- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

Contemporaneous documents, to the extent that they provide insight into the framers' mindset could be of significance in constitutional interpretation. Attention would of course need to be paid to the United States Constitution lest there be an irreconcilable conflict between that document and the provision of the state constitution undergoing scrutiny.

17. Is the power of the South Carolina General Assembly plenary in nature

unless otherwise limited by some specific Constitutional provision?

Yes.

18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?

Political subdivisions derive their power from constitutionally permissible grants of authority from state government. There may be specific constitutional provisions which grant authority directly to political subdivisions. Inferior courts are in some respects products of legislation and of course encompassed within the unified judicial system.

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

In my opinion, no. To be on the safe side, I disclose stock ownership to parties where relevant, and let them make an informed decision. I am involved in no income producing venture that requires recusal, including stock ownership.

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

No.

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

Yes.

22. Have you written any scholarly articles?

No.

23. What do you feel is the appropriate demeanor for a judge?

To be respectful of all persons who appear before the court. To be oneself. If that does not include having a highly developed sense of humor, try to cultivate one. You must take what you do - but not yourself - seriously.

24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

No. I am certainly more relaxed at home and in social settings than I am at the "office." That said, it is always important for a judge to conduct himself or herself in a circumspect and decorous manner, wherever he or she happens to be.

25. Would there be a role for sternness or anger in meetings with attorneys?

Sternness, yes. Anger, no.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics

Committees?

§ 353.21. Yes.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?

No, with the exception that my assistant while on leave, stuffed envelopes and affixed postage to a general letter announcing by candidacy for this office. My payment to her is included in item 26.

28. Have you sought or received the pledge of any legislator prior to this date?

No.

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No.

30. 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.

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

As reported in other documents forming this application, I sent a general letter to all members of the General Assembly on June 12, 2013. Since six members of the General Assembly also serve on the JMSC, I am constrained to answer this question, "yes."

32. 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/Costa M. Pleicones

Sworn to before me this 6th day of August, 2013.

Ann John

Notary Public for S.C.

My Commission Expires: January 28, 2018