

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

**Family Court**  
**(New Candidate)**

Full Name: James C. Alexander  
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1. Why do you want to serve as a Family Court Judge?

I have practiced law in South Carolina for many years and have a lot of experience in the Family Court. While all legal cases are important, it is my observation that Family Court cases affect the basic core of our society as we are structured around the family unit. These cases involve the essential and important emotions of our lives. Husbands and wives have years invested with each other, they have children that they have raised together or are still raising together, and they have accumulated property, sometimes over a lifetime of work and sacrifice. Emotions, sometimes extreme emotions, can run in many directions when these issues are litigated. I have seen how people react and are treated from the advocate's standpoint. I believe that all litigants and attorneys, and all other participants for that matter, involved in Family court litigation should be treated respectfully, courteously, professionally, and impartially. Each person's case is the most important case before the Court because it is the only case that they have, and a Judge should consider a case with that perspective. I personally have been blessed with a fulfilling law practice and I hope that I have helped a lot of people along the way. I would like to try and give back something that would be of benefit to my community. I believe that I can do this by being a Judge who treats each case as important as each litigant thinks their case is, by treating all people involved with respect, courtesy and compassion, and by rendering a fair decision based on the presented case, regardless of who is involved. Our Family Court system should operate in this manner. I would like the opportunity to serve my community.

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

Yes, I intend to serve the full term.

3. Do you have any plans to return to private practice one day?

No.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes



5. 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 exist. As a practicing attorney, I do not want the judge to be in ex parte communication with the other attorney or litigant in any way. I would carry that philosophy over to the Bench. I cannot envision any circumstances that would allow ex parte communications to happen.

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

Recusal is required if a conflict of interest exists or there is a hint of impropriety. As to lawyer-legislators, some Judge must hear their cases. If I did not have a connection to that person that required recusal, I would hear the case unless the other party raises another valid reason for recusal. For former associates and law partners, I would not be involved in a case in which any hint of impropriety exists. Justice is not served if one side thinks that the Judge favors one side because of a past working relationship. Even if I felt that impropriety did not exist, I would raise the issue and if the one side objected, recusal is best. It is not good for the Justice system to have a litigant find out later that the Judge was formerly partners or worked with the other lawyer. One issue that I would face is that I have a son who practices law and I would be disqualified from handling any case that involves him because of that relationship.

7. 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 disclose the issue and if either side objected, I would recuse myself and not hear the case. If I felt that the matter was important enough to raise, then that alone raises an appearance of bias and that is enough for recusal upon objection.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If my spouse or a close relative had financial involvement or social involvement with a party or issue to a case, I would recuse myself.

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

I would not accept gifts of any nature. I also would not accept any social hospitality from persons other than what I am engaged in now. For these occasions, I would also ensure that no improper motive and no negative effect would result from my appearance.

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

It is my understanding that if I, as a lawyer or Judge, become aware of a situation that I believe involves ethical misconduct, that I am required to report that misconduct to the appropriate committee. Therefore, I would do so.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?

No.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I would remain involved in my real property ventures.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

It is the common practice of the Family Court to direct one of the lawyers to draft the order. I would continue this practice. However, I am aware of at least one Judge who would sometimes draft his own orders, and I may do that if the occasion warranted. I draft orders now and would not object to doing so.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

I would keep a calendar of cases by the week and a check sheet to ensure that all tasks are performed in a timely manner, particularly the submission of orders.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

Since cases are not assigned to one Judge from beginning to end, I do not know exactly the intent of this question since a Judge would apparently not have the responsibility to monitor a case for this reason. However, when a case came before me for hearing or some action, I would review the case to ensure that all statutory provisions are complied with.

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

Judges do not make law or set policy. Judges carry out the law and policy as set by the legislature and as interpreted by the Supreme Court. "Judicial activism" has no place on the trial Bench.

17. 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?

There are areas in the Family Court system where improvements can be made, such as docketing and scheduling of cases. I would work with local Court personnel and with Court administration to

improve the efficiency of the Court system to make it work better for litigants and lawyers.

18. 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. I have been married for 42 years and my wife and family have been very supportive while I have pursued what is a high stress occupation. I do not anticipate any problems in this area.

19. Would you give any special considerations to a pro se litigant in family court?

No. I would treat a pro se litigant with the same courtesy and respect that I give all parties and attorneys. There would be no special consideration because they are pro se but there would also not be any less consideration.

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

No.

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

No. Even a minimal interest is a hint of impropriety involving money and adversely affects the public's perceptions of the justice system and I would recuse myself.

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

No.

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

Yes. In full disclosure, I became exempt from CLE requirements for 2012.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

a. Divorce and equitable distribution: In my overall Family Court practice, I estimate that 90 percent of my cases involve either divorce and equitable division of property or separate maintenance and equitable division of marital property.

b. Child custody: I estimate 50% of the Family Court cases that I have handled involved custody or visitation issues along with divorce and equitable division of property.

c. Adoption: I estimate that 1 to 2 percent of my Family Court cases involve adoptions. I have not handled many such cases but the cases that I have handled have made me familiar with the necessary law and procedure.

- d. Abuse and neglect: I estimate 5%. During the last 5 years, I have not handled many such cases due the conflict with my son's Guardian ad litem contract.
  - e. Juvenile cases: I estimate 5 percent. I handled a lot of juvenile cases for several years while assisting a former partner with a public defender contract. I have not handled many such cases since 2002. However, I have had sufficient experience to deal with these cases.
25. What do you feel is the appropriate demeanor for a judge?  
A judge should be courteous, professional, respectful, impartial, and punctual. A judge should treat all litigants and attorneys equally.
26. 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. These traits must apply to a person all of the time. If a person does not have these traits in his private life and does not treat his family, friends, and particularly strangers with courtesy and respect and be punctual, there is no way that he can effectively and consistently have these traits on the bench.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
No. Anger never solved a problem. Anger just makes the problem worse. There is no excuse for a Judge to be angry on the bench. Anger leads to bad decisions and actions.
28. 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?  
None
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?  
Not applicable to this candidate.
30. Have you sought or received the pledge of any legislator prior to this date?  
No.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?  
No.
32. 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.

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

No.

34. 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/James C. Alexander

Sworn to before me this 2nd day of August, 2013.

Steven L. Alexander

Notary Public for South Carolina

My commission expires: November 19, 2013