

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

**Circuit Court
(Incumbent)**

Full Name: Alison Renee Lee
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1. Why do you want to serve another term as a Circuit Court Judge?
I have enjoyed my service as a circuit court judge and believe that I have contributed to society in serving as a judge. I would like the opportunity to continue to serve the State of South Carolina in this role.

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

3. Do you have any plans to return to private practice one day?
No.

4. Have you met the Constitutional 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?

I do not discuss any cases that have been assigned, are pending or closed with any of the parties, their attorneys or representatives. If a question arises, my administrative assistant or law clerk requests that the matter be addressed in writing and copied to all parties or their attorneys or a conference call is scheduled to discuss the matter with all parties or their representatives. For simple clerical questions regarding a case or its status, my staff will answer the question or refer the call to the appropriate court official.

There are situation in which ex parte communications are allowed. These include administrative matters in which substantive issues are not discussed, situations in which the other party is not placed at a disadvantage, and matters allowed by statute or the Rules of Civil Procedure.

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

Mere affiliation with any of these classes of lawyers would not require recusal. If faced with a situation in which my impartiality could reasonably be questioned, I would recuse myself. Certainly if I thought my



friendship with one of these lawyers would interfere with my impartiality or cause me to hesitate because of the friendship, recusal would be appropriate and required.

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?

Under the canons of judicial conduct, a judge should avoid the appearance of impropriety and bias. After disclosing information that could reflect on impartiality, if one of the parties did not waive the potential conflict, I would recuse myself.

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

The canons of judicial conduct treat this situation the same as Question 7. I would recuse myself in all situations involving my spouse or a close relative.

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

I accept lodging and food from lawyer associations when invitations to attend meetings are extended to all judges. I accept invitations equally from both plaintiff and defense organizations. I have also accepted a meal from an organized group of lawyers when all judges in the circuit or state have been invited. I do not accept any other offers or gifts of hospitality including food, lodging, or gifts from lawyers who appear before me. I will accept a meal, transportation or lodging in connection with expenses incurred for an invitation to speak to a group out of town and the time of the engagement requires it.

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

If I had actual knowledge of any misconduct I would first discuss it with the person and inform him/her of my duty to report the conduct to the appropriate authority. I would encourage the person to self-report. If the misconduct is reported to me, then I would try to ascertain the circumstances and discuss the fact that it was reported to me as possible misconduct. I would encourage the person reporting the conduct to me to report it directly to the Commission. After inquiry, I would report the matter if the circumstances require that I do so.

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

No.

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

No.

13. How do you handle the drafting of orders?

When a matter is scheduled for a hearing, the parties are requested to send proposed orders on the matter to me and exchange them with each other. After the hearing, I review all orders in conjunction with the law and arguments presented. Once a decision is made, the appropriate order is revised and executed. If a party is not represented by an attorney, then after reviewing all of the materials my law clerk and I will draft the appropriate order. In those situations in which no order is presented, I review all of the submissions and may request my law clerk to prepare a draft order for my review. On complex matters I may prepare a letter to all parties outlining the decision and the basis for the decision and then direct the prevailing party to prepare an order that comports with my instructions. A copy of that order is required to be sent to the opposing party for review and comment before the order is finalized.

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

My law clerk and I take extensive notes during hearings. After the hearings, a list is made of the date matters are taken under advisement and the due date of any documents or orders. The due dates are recorded on the calendar. The law clerk will contact the attorneys if the information is not received. The list of all matters taken under advisement is reviewed on a periodic basis to make sure that work is completed timely.

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

Judges should not initiate public policy or engage in activism infringing on other the authority of other branches of government. The Supreme Court sets the standard for interpretation of the law. To the extent the courts are required to determine the constitutionality of actions by the executive and legislative branches, there are certain standards that require the courts to give deference in favor of constitutionality.

16. 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 speak at seminars, meetings, conferences, and in panel discussions on topics relating to law of which I have knowledge. I have also participated in panel discussions in public forums. I also speak to students encouraging them to study, set goals, and to work hard to achieve those goals and to succeed. I participate in mock trial and moot court programs.

17. 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?

The demands on a judge can strain relationships. My husband is retired and my children no longer live at home so my professional life does not create a hardship in daily activities. My friends understand the demands

and restrictions placed upon public officials and the ethical considerations associated with being a judge.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders:
- b. Juveniles (that have been waived to the circuit court):
- c. White collar criminals:
- d. Defendants with a socially and/or economically disadvantaged background:
- e. Elderly defendants or those with some infirmity:

In all of these situations, the factors to consider are the same. The first consideration is the statutory requirements on the sentence and any conditions or restrictions. Second, I consider the facts surrounding the crime and its impact on the victim and community including aggravating or mitigating circumstances. Third, any prior criminal history is considered. Fourth are the capacity for rehabilitation and any programs to assist in helping the defendant become a productive, law abiding member of society. Fifth, the societal costs for incarceration and reasonable alternatives designed to accomplish the goals of punishment and rehabilitation are considered.

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

No.

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

The Canons do not require recusal unless the interest is more than de minimis. However, I would determine whether the interest has the effect of creating an appearance of impropriety. If so, then recusal would be appropriate. The interest should be disclosed to the parties.

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

No.

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

Yes.

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

A judge must act in accordance with the Canons of Judicial Conduct and must be fair, impartial, courteous, and patient with all persons appearing before him/her. The judge should expect the same conduct to be exhibited by staff and all people appearing in court.

24. 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?
The Canons on Judicial Conduct apply at all times – 24 hours a day, 7 days a week, whether performing judicial functions or not.
25. 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 or a pro se litigant?
While there may be occasions in which emotions of persons in the courtroom are heated, it is never appropriate for a judge to display anger to any pro-se litigant, attorney, criminal defendant, or a member of the public.
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?
None.
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
No.
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?
No.
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/Alison Renee Lee

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

Betty J. Smith

Notary Public for South Carolina

My commission expires: October 20, 2018