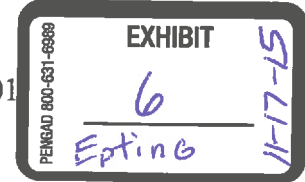


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Joseph M. Epting, Jr
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Business Telephone: 803-799-9577



1. Why do you want to serve as a Circuit Court judge?
I have been in courtrooms from the time I was a child tagging along with my father, a small town judge. I have observed circuit judges deliberate as a judicial law clerk and I have represented clients in Circuit Courts and federal trial courts. When I am away from the courtroom for any period of time, I miss it. For clients, justice is not found in my office or in a deposition. It is only in a courtroom. It is only in front of a judge, confident that their story has been heard, that clients feel they have received justice - no matter the outcome. While I have always wanted to be a judge, it is only now, at 45, that I have the legal experience and the life experience to not only ensure order and decorum in the court but most of all give those who appear the belief that they have been heard.
2. Do you plan to serve your full term if 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?
No. Even the appearance of impropriety should be avoided.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
In all instances any relationship should be disclosed to the parties. Should an attorney or party to the litigation have a concern, I would recuse myself.
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 likely grant such a motion. The appearance of bias is often as important as bias itself.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I would disclose any connection and give the parties that opportunity to request recusal. Such a motion would be given wide latitude and likely be granted.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
More important than rules limiting such gifts is the appearance of impropriety. In most instances this is easily avoided and easily understood.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
The reporting requirements of the SC Rules of Professional conduct provide the necessary guidance and would be followed. If the misconduct does not rise to that level, then there are tools such as costs and sanctions at my disposal to ensure that there is integrity in the process.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?
No.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench?
No.
13. If elected, how would you handle the drafting of orders?
There will be instances where parties will be asked to submit proposed orders or form orders would be used depending on the complexity of the matter. For more complex matters, I would draft the order.
14. If elected, what methods would you use to ensure that you and your staff meet deadlines?
I would follow current policies and procedures in place within the judicial department as well as my own calendaring system.
15. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
It is not the place of the judiciary to create policy. If citizens feel that justice is swayed based on the political leanings or social convictions of a judge then the court is no longer the place they will be heard but rather a place that decisions were made long before they arrived there.
16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?
- (a) Diversionary processes like the Drug Court currently in place are examples of the judiciary seeing a problem and addressing it in a specialized manner and I would like to help with those efforts.
 - (b) Sufficient court time in smaller counties through special sessions could be accomplished with a willingness to hold court in multiple circuits during the week.
 - (c) It is also important to teach or participate in Bar CLE’s and in law student mentoring/teaching programs.
17. 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 address this?
No. I feel secure in those relationships. I am sure there will be cases that garner

- media attention that may have to be explained to my children.
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:
I would consider the nature and similarity of the prior convictions. I would place a significant amount of weight on the fact that the defendant has not been deterred by previous efforts of the criminal system to deter his conduct.
 - (b) Juveniles (that have been waived to the Circuit Court):
In sentencing this type of defendant I would first ensure that proper procedures had been followed to transfer the case to General Sessions. I would impose a sentence which is warranted by the severity of the offense. At the same time I would recommend the Department of Corrections consider the defendant's youth in the type of facility he is housed.
 - (c) White collar criminals:
I consider white collar crime a serious offense and my sentencing would reflect that. As in other cases, I would also be guided by a defendant's criminal record
 - (d) Defendants with a socially and/or economically disadvantaged background:
The sentence would be primarily based on the crime committed, but I would consider arguments by the attorneys concerning any factors which they wanted me to be aware of prior to sentencing including the defendant's background, prior criminal history, etc.
 - (e) Elderly defendants or those with some infirmity:
I would primarily look at the nature of the crime but in sentencing I would also consider such matters as the health of the defendant and the type of incarnation that would be required. Would the defendant be so old at release that it would limit his ability to commit a similar crime in the future.
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?
No.
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?
There is a certain amount of formality and order that you must bring to the courtroom as a judge but that must be balanced with a suffice amount of deference to the parties that they feel comfortable telling their story. Above all, employees, litigants, attorneys and jurors must leave the courtroom feeling that they were

- treated with respect.
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?
You are always a judge. 24/7
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 pro se litigants?
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?
Less than \$20.00 on postage.
27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
N/A.
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?
I have not asked my friends to contact legislators and I am unaware of contact that was made.
31. Have you contacted any members of the Judicial Merit Selection Commission?
Prior to obtaining this packet, I left voicemails at the office of Sen. Gerald Malloy and Pete Strom notifying them of my plans and seeking advice. At the time, I was unaware of the prohibition. My calls were not returned and I attempted no further contact. I also notified the counsel for the commission of my error.
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/ Joseph M. Epting, Jr.

Sworn to before me this 5th day of August, 2015.

Cindy L. Sutphin

Notary Public for South Carolina

My Commission Expires: July 20, 2022