



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

**Master-in-Equity
(New Candidate)**

Full Name: Steven Coleman Kirven
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1. Do you plan to serve your full term if appointed?
Yes.
2. If appointed, do you have any plans to return to private practice one day?
Doubtful.
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?
Ex parte communications in almost every situation are not permissible and should be avoided. Any effort initiated to engage in such should be immediately halted and appropriate admonishment given. The only possible exceptions would be those strictly limited to administrative or emergency matters with care given to insure no advantage to any party and prompt notification and opportunity to be heard to other parties. In most instances administrative matters should be handled by staff to the fullest extent possible. Emergency type situations should be strictly limited to the minimum extent necessary and with precise adherence to the applicable rules and safeguards.
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 would recuse myself whenever I was made aware of any relationship, interest or other factor which, in my judgment, would affect my objectivity or give that appearance. Since I have practiced as a sole practitioner for over five years I would not anticipate issues of recusal due to former law partners or associates, however, in those situations I would advise all involved of any such former relationship and entertain any forthcoming objections or motions for recusal and act on them as appropriate under the particular circumstances of that matter.
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 lean toward giving deference to such a party by recusal in order to avoid any appearance of impropriety provided there was no reasonable basis to conclude that the party's position was taken merely as a delaying tactic and no significant hardship would be caused to the other parties involved.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
As a judge I would not accept gifts and would urge members of my household not to do so unless specifically permissible under provisions and guidelines of the Judicial Code of Conduct. Even in those instances special care must be taken to insure that such a gift could not be reasonably perceived to be offered in order to assert influence or adversely affect my impartiality in carrying out my judicial duties. Ordinary social hospitality in the context of usual and customary social interactions would be permissible absent any circumstances which could be construed to impede my impartiality in carrying out my judicial responsibilities.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
If the knowledge indicated a substantial likelihood of misconduct I would be obligated to take appropriate action which might range from direct communication with the offending party, in an effort to clarify and dissuade, to reporting the incident to the applicable authority. If the knowledge rose to the level of a violation rendering the offender unfit to carry out their professional responsibilities there would be no alternative but to inform the appropriate authority.
9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?
I am not affiliated with any political parties. I do serve on several boards of public service type organizations primarily through my position as a member of Anderson City Council. If I am selected to serve as Master-in-Equity I would, of course, resign from my City Council seat and the corresponding board positions.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?
Over the years, but not recently, I have volunteered for fund raising or membership campaigns for certain community organizations such as the YMCA and Chamber of Commerce.
11. If appointed, how would you handle the drafting of orders?
In uncontested matters I would request a proposed order be submitted at the hearing. Once satisfied with the content I would proceed to issue it.
In contested matters I would request that the prevailing party draft a proposed order consistent with my ruling and submit it to opposing counsel for review and comment and then deliver it to me in electronic form (Word or similar format) with a report as to any unreconciled issues among counsel. If none, I would review and revise as necessary. If there did exist unresolved issues I would determine if there was need for further input from counsel to me such as memoranda or hearing and proceed accordingly. This process would be subject to a reasonable, defined timeline and all communications copied to all counsel. Ultimately I would make the final determination as to the wording and content of the order and then issue it.

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

I would utilize redundant calendars in both electronic and manual form incorporating reminders at predetermined times in advance of deadlines. At the end of each week I would have my assistant prepare for me a "to do" list showing the deadlines for the following week.

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

A judge should not trespass upon the legislature's province of creating and enacting laws. He should apply the law as intended by the legislature. If there is any lack of clarity as to the legislative intent he must endeavor to ascertain that intent and apply the law accordingly. In situations involving common law, a judge should adhere to the applicable precedents as faithfully as possible. A judge should never attempt to legislate from the bench.

14. 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?

In some ways the Master's court is underutilized. I would actively seek ways to make the Master's court resource available in any way permissible and consistent with the desires and preferences of the circuit judges, clerks of court and court administration officials. I would make myself available to participate in meetings, committees and bar groups designed to improve our legal system. I would endeavor in each case coming before me and at every other opportunity to make our legal system available and understandable to the citizens who come into contact with the system or may need to do so. Our legal system is only as strong as the level of confidence our citizens have that it is fair and available.

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

I do not believe this would present a problem for me. My marriage is solid and my only son is fully independent and living in Greenville. While I enjoy spending time with my three granddaughters that is not an everyday occurrence. I would utilize my after work time, holidays and weekends to enjoy family activities and gatherings much as I do now while working as an attorney. I have never been inclined toward needing constant interaction with friends. I have tended toward having a few very close friends with whom I visit by phone or in person on a frequent basis and a larger number of more casual friends and acquaintances I see from time to time in social settings.

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

No.

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

While the term *de minimis*, by definition, indicates that the interest would not be such as to render me unbiased, I would certainly disclose the existence of that interest. If a legitimate concern was expressed I would lean toward recusal absent

- an indication of a delay motive or the danger of significant negative impact or inconvenience to other parties.
18. Do you belong to any organizations that discriminate based on race, religion, or gender?
No.
19. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes.
20. What do you feel is the appropriate demeanor for a judge?
A judge should be courteous and respectful to all who come before him and those who work with him. He should exhibit a pleasant, dignified demeanor and maintain patience. He should be firm enough to maintain order in his courtroom without resorting to anger, rudeness or intimidation. A little sense of humor in the proper context would not be a bad thing.
21. 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?
A judge should exhibit those same traits and characteristics at all times.
22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
No, anger is as a counter-productive emotion and has no place in a courtroom or directed at any of the participants. It robs the mind of the ability to apply reason and logic. A judge may at times need to be firm, but he must remain patient and fair to all. Every person who enters the courtroom is entitled to respect and courteous treatment.
23. 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?
To date I have spent \$3.73 for postage.
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
N/A
25. Have you sought or received the pledge of any legislator prior to this date?
No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?
No.
27. 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 to all.
28. Have you contacted any members of the Judicial Merit Selection Commission?
No.

29. 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/Steven Coleman Kirven

Sworn to before me this 4th day of August, 2015.

Fredde C. Mule

Notary Public for S.C.

My Commission Expires: 2/10/19