



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

Family Court
(New Candidate)

Full Name: John Lawrence Duffy, III
Business Address: 5110 N. Rhett Ave, N. Charleston, SC 29405
Business Telephone: 843-225-9287

1. Why do you want to serve as a Family Court Judge?
I believe that the Family Court makes the most impact on our society as there is nothing more valuable than family. Family Court permits parties, attorneys and the Court to craft unique solutions for each case individually as no two cases will ever be the same. I find the interaction of the Family Law Rules and Statutes and their interplay with the Civil Procedure Rules and other sections of the Code to be fascinating and interesting. I also find that the bench is comprised of some very interesting people that I would love to have as coworkers and the bar to be surprising cordial and close knit.
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 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?
I have a strict policy against *ex parte* communications. I do not believe that *ex parte* communications permit the other side the due process that they are entitled to under State and Federal standards. This being said, often *ex parte* packets are routine filings in Family Court, and if completed properly, require no communication between the lawyer and the judge; should a question arise in the course of considering one of these packets, I would speak with movant, in the Court with witnesses, limiting conversation to the matter that has raised my question.
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 should always be gravely considered when requested by a party. As to the list presented here, I would not grant a recusal on a lawyer-legislator as I cannot allow my desire to keep my job from grant any person a fair hearing; I would permit a former associate to appear before me for limited purposes that were uncontested – an uncontested temporary hearing or the placement of an agreement on the record; since my wife is the only law partner I have ever had, I would

- simply not permit her to appear before me as a matter of common sense. Should my wife take a new partner on I would recuse myself from their matters as well.
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 give great deference to that litigant. It is important that parties feel that they have been given a fair and impartial decision from the judge that heard their case. My decision to actually grant a motion to recuse myself would have to be based on the reason for the request.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
In any situation in which the legitimacy of the Court may be called into question, due to the appearance of impropriety as noted above, would require that the Court distance itself from the matter and be recused.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?
I would not be willing to accept any gifts, of any value, from any parties (past or present), nor would I accept gifts from attorneys that appear before me in my court. Should I receive a "thank you" gift from a organizing body, I would accept the gift and make all disclosures as required by law. As to social hospitality, I would be willing to consider joining a party at a restaurant and paying for myself. I would not accept social hospitality from any person that would present an appearance of impropriety.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I would follow the Rules of Professional Conduct and the Canons of Judicial Ethics and address the matter as required by those rules.
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?
No.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?
I would assign orders to the prevailing party to draft orders and in rare situations would write an order myself.
14. If elected, what method would you use to ensure that you and your staff meet deadlines?
I would use a combined method of a three ring binder with 31 tab dividers and a calendar on my computer and on my assistant's computer. I would have my staff member manually check on a daily basis for any order that is not submitted within 20 days after the hearing. I would have my assistant call the attorney or litigant to check the status of the order and remind them of the deadlines as provided in the Rules.

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?
I would require a guardian to submit the required documentation as to their qualifications as soon as reasonably possible. I would take any and all complaints against the guardian to be very serious and would consider the requested actions of the parties very carefully. I also believe that holding a guardian to accountable is necessary. A guardian out of compliance in assisting the Court should and would be subject of the powers of the Court either through contempt or removal.
16. 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 judicial branch to “legislate from the bench.” Rather, it is the job of the judiciary to follow and enforce the laws that have been approved by the General Assembly regardless of the Court’s agreement with the provisions of any such law. The Court must make its ruling within those confines. It is the duty of the litigants and attorneys to seek any perceived injustice through the appeals process or by speaking with their local representatives.
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?
As a member of the judiciary I would feel it important to make myself available to bench bars and other committees that seek to improve the legal system as a whole , but not those organizations with a specific agenda. I would certainly make myself available to any member of the General Assembly to supply feedback on what is working and what is not working and in need of change. I believe that I would take partake in committees sponsored by Court Administration and the State Bar, and be available as a speaker at either law school and in the community as a whole. I do not believe that I would join any group or organization that espoused any position on any matter even if I was supportive of the position of such organization; a member of the judiciary should not be a figurehead for “hot button” issues and the bench should seek to distance itself accordingly.
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. This matter has been well tested in my home with my service as an Associate Judge for the City of North Charleston. I do not believe that the pressures of this serving in this position would affect any relationships that I have personally.
19. Would you give any special considerations to a *pro se* litigant in family court?
No. Under court rules a *pro se* litigant is to be treated the same as a licensed attorney. They are expected to adhere to the Rules as any attorney is. If a concession was made for a *pro se* litigant, the other side would be afforded the same concession.
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. The bench must strive for the appearance of impartiality. Even *de minimus* interest is interest and gives the appearance of impartiality.
22. Do you belong to any organizations that discriminate based on race, religion, or gender?
I am a member of the Hibernian Society in Charleston, South Carolina. Since its inception is has had exclusively male membership. The goal of the society is to protect the historic building in which it is located next door to the Courthouse, and to encourage remembrance of Irish heritage.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes.
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: 30%
 - (b) Child custody: 35%
 - (c) Adoption: 10%
 - (d) Abuse and neglect: 20%
 - (e) Juvenile cases: 5%
- For those matters that are lower on the scale (adoption and Juvenile Justice) I will have to take those cases a little slower and become more familiar with those matters. I would conduct research as appropriate to ensure that I was up to date on all case law, and would follow the statutes as enacted by the General Assembly.
25. What do you feel is the appropriate demeanor for a judge?
A judge should be calm and collected at all times. He should carefully listen to both litigants and show no bias to either party. A judge should be consummate and kind, while be being stern and effective in controlling his Courtroom.
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?
The Rules would apply seven days a week, twenty-four hours a day. A member of the judiciary, much as members of the bar should apply those Rules at all times. I am judge at all times off the bench holding myself to the standard I expect of myself when I wear my robe.
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?
Anger is an unbecoming emotion for any member of the judiciary. If a judge has reached the level of anger, it is likely time to recuse themselves from handling the matter. Being frustrated, disappointed, or upset are appropriate emotions; anger is never appropriate, and that makes no deference as to the person before the judge or the issue and matters before the Court.

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?
N/A.
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
No.
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/ John Duffy, III

Sworn to before me this 10th day of August, 2015.

Abigail Duffy

Notary Public for South Carolina

My commission expires: 01/30/2022