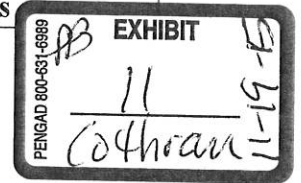


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Circuit Court  
(Incumbent)**



Full Name: Ralph Ferrell Cothran, Jr.  
Business Address: 16 North Brooks Street, Manning, South Carolina 29102  
Business Telephone: (803) 435-2450

1. Why do you want to serve another term as a Circuit Court Judge?  
I enjoy serving the citizens of South Carolina and I enjoy my work and the people that I work with.
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?  
As per Judicial Cannons, certain *ex parte* communication is approved by Section 3B(7) to facilitate scheduling and other administrative purposes and to accommodate emergencies. In general, however, a judge must discourage *ex parte* communication and allow it only if all the criteria stated in Section 3B(7) are clearly met. A judge must disclose to all parties all *ex parte* communications described in Sections 3B(7)(a) and 3B(7)(b) regarding a proceeding pending or impending before the judge.  
Examples when an *ex parte* communication may be expressly authorized by law include the issuance of a temporary restraining order under certain limited circumstances [Rule 65(b), SCRCP], the issuance of a writ of supersedeas under exigent circumstances [Rule 225 (d)(6), SCACR], the determination of fees and expenses for indigent capital defendants [S.C. Code Ann., Section 16-3-26 (Supp. 1995)], the issuance of temporary orders related to child custody and support where conditions warrant [S.C. Code Ann. Section 63-17-390 (Supp. 2008)], and the issuance of a seizure order regarding delinquent insurers [S.C. Code Ann., Section 38-27-220 (Supp. 1995)].
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
If I feel that there is an appearance of bias, I would inform all parties of my association and would only proceed after full disclosure and both sides having no problem with me hearing the case. I feel if I have an association with any of the parties that would prevent me from being fair and impartial, 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 deal with this on a case by case basis and take their request very seriously. If I could not clear up the appearance of impropriety on the record, I would grant the motion.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
If I could not clear up the appearance of impropriety, I would recuse myself and do everything I could to avoid the appearance of impropriety.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?  
I would not accept social hospitality or gifts that I feel would influence me as a judge.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
I understand the responsibility of the Bar and how important it is to maintain the integrity of the profession. I hope that I will not be faced with a situation to report a lawyer or a member of the judiciary, but certainly would be willing to do so in order to protect the judiciary as a whole.
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?  
None, other than rental property.
13. How do you handle the drafting of orders?  
I usually e-mail the attorneys with my decision and ask the attorney that I rule in favor of to submit a proposed Order based on my findings, while on other occasions, I may ask all sides to submit proposed Orders. In some situations, I draft the Order myself, along with my law clerk.
14. What methods do you use to ensure that you and your staff meet deadlines?  
We ensure our deadlines with computers/calendars.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
My personal political views should not have anything to do with my judicial decisions. I base my judicial decisions on the law and justice for the parties that come before me.  
I would defer my decisions to the Supreme Court and the Appellate Court to determine policy and when there are no cases on point, I will try to follow the reasoning of the Appellate Courts to keep the law consistent and logically evolving.
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 would work with local, county and state officials to improve the effectiveness of the legal system.

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?  
I basically have not had any problems with the strains of personal relationships since I have been on the bench.
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:  
Prior criminal record would weigh heavily in my decision. I feel that if a crime that is repeated more than one time and a Defendant had not altered or changed his behavior as a result of his prior record, that stronger punishment may be necessary to keep the repeat offender from society;
  - (b) Juveniles (that have been waived to the Circuit Court):  
If I feel I can protect society and, in turn, turn a juvenile around through Shock Incarceration or sentence the juvenile to a Youthful Offender sentence, I would certainly do so. However, in extreme cases, if society were not protected, it would warrant sending the offender to an adult facility;
  - (c) White collar criminals:  
I would deal with the white collar criminal with a a case by case basis. I do feel that incarceration may be appropriate to those who have stolen large sums of money and hold positions in the public eye. Certain crimes demand punishment and consequences;
  - (d) Defendants with a socially and/or economically disadvantaged background:  
The action of the Defendant and his/her prior record would carry more weight than his/her social and economical background, I would try to fashion my sentence to require the Defendant to obtain a GED or vocational training to improve his/her social and economical handicap;
  - (e) Elderly defendants or those with some infirmity:  
The age of the Defendant is just one of the many factors I would consider in the sentencing process. It would obviously play a role in how many years I would need to protect society from the Defendant, but the prior record and the facts of the case would be a predominant factor in my sentence.
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?  
Calmness, compassion, understanding and fairness. I feel that fairness should exist in the mind of a judge and a judge should strive to never embarrass attorneys, litigants or other parties. I also feel that they should bring to the bench deciveness, and when warranted, firmness.
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?  
I believe a judge should reflect the same qualities on and off the bench.
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?  
I do not feel that anger should be a part of a judge's decision.
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 at this time.
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/R. Ferrell Cothran, Jr.  
sSworn to before me this 31<sup>st</sup> day of July, 2015.  
Crystal N. Thompson  
Notary Public for South Carolina  
My commission expires: 3/27/16