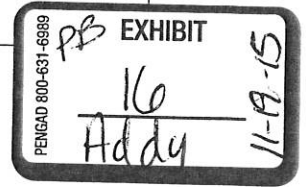


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**



**Circuit Court**  
**(Incumbent)**

Full Name: Frank Robert Addy, Jr.  
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1. Why do you want to serve another term as a Circuit Court Judge?  
Serving as a circuit judge has been one of the greatest honors of my career. Although challenging at times, I find the work rewarding because I am committed to fairness, patience, diligence, and a desire to see justice done. Every time I take the bench, I am cognizant of the incredible responsibility entrusted to me – the obligation to see that a just result is reached according to the requirements of the law. As a judge, I am proud to embody the law and be a part of a profession which is tasked with safeguarding the law, seeking justice, and ensuring a fair hearing for everyone who comes before the court. When I sought this position six years ago, I wrote of my admiration for Judge Jim Johnson and Justice James Moore and how I aspired to match their "intellect, demeanor, and diligence." Truly, I am honored to sit where they once sat and to be tasked with the obligations which they knew, and I continue to aspire to match their abilities.
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?  
Possibly, but that option would be years from now.
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?  
Ex parte communications are to be avoided except in those rare instances when they are allowed under the rules, such as for an emergency TRO. Even in such instances, however, every effort should be made to contact the other party. Scheduling issues generally do not fall within *ex parte* communications, but with email's ability to communicate with all sides simultaneously, the need for *ex parte* scheduling communications has almost been eliminated.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
It has been over fifteen (15) years since I was professionally associated with another lawyer, and I have no financial relationships with any attorneys, so this issue has not arisen in the past. As a resident judge in a smaller community, I do

know most of the lawyers who practice before me on a daily basis. However, no one receives special favors or consideration regardless of whether they are lawyer-legislators or were formerly associated with me in some way, and I believe the fairness I demonstrate toward the parties and counsel is the reason why no recusal motion has been made before me based upon a lawyer's association. Additionally, it would be improper for a lawyer-legislator to attempt to use that status in a manner to influence my objectivity.

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 have generally found that, if a judge discloses something which may indicate an appearance of bias, the parties are often satisfied that the disclosure indicates my desire to keep everything above board. Correspondingly, they then trust my assurances as to impartiality and do not request my recusal. However, if asked to recuse myself after such a disclosure, I would seriously consider the request, especially if the request appears sincere, is not made out of a desire to delay the proceedings or judge shop, and the other side would not be harmed by any delay. In short, I would still seriously consider recusal, even if I knew I could be fair, because the moving party might doubt the underlying integrity of the judicial system and the outcome if I were to hear the matter and rule against them.

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

If my spouse or close relative had an interest in the outcome of the litigation, especially if that interest were financial or social, I would recuse myself.

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

Under the rule, gifts from lawyers who appear before you are inappropriate. Social hospitality, which I have always considered synonymous with common courtesy, may be accepted if not provided with the intention of influencing the judge.

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

This question deals with two possible scenarios: one involving actual knowledge of misconduct, and another where I merely suspect misconduct.

If I possessed actual knowledge of misconduct which reflected upon the person's fitness or honesty, I would speak with that individual, tell them that I have become aware of the misconduct, and explain that disciplinary counsel would have to be informed. Contemporaneously with my informing them that I am required to report the matter, I would then recommend that the lawyer self-report the matter.

If I merely suspected misconduct, I would speak with the attorney and get their input into my understanding of the facts. If I was completely satisfied that my suspicions were unwarranted, I would proceed no further. If I still harbored suspicions, I would take appropriate action as required under the rules. For example, if I was concerned that an attorney was developing a drinking problem but was confident no harm had befallen his clients as yet, I would likely confront

the attorney, get the lawyer involved in Lawyers Helping Lawyers, and make reasonable efforts to monitor the situation. Of course, any serious or substantial matters which reflect upon the lawyer's trustworthiness or fitness must be reported.

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, aside from continued responsibility for my father's trust.
13. How do you handle the drafting of orders?  
Typically, I prefer to draft my own orders, especially for any cases taken under advisement. I have found doing so to be more efficient and better reflects my findings and the tenor of the decision. However, in some circumstances, I do request that prevailing counsel draft the order, especially if the case is extremely fact-intensive.
14. What methods do you use to ensure that you and your staff meet deadlines?  
My law clerk and I both keep up with any matters under advisement. Although I truly do not like taking cases under advisement, sometimes it is necessary especially when the law is unfamiliar or the facts are very complex. Even then, however, I do not like having matters under advisement for more than thirty (30) days. With so little under advisement, it is fairly easy to keep up with orders.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?  
Judicial activism is inappropriate for a judge in that judges should merely administer the law as written. Judges are charged with overseeing application of the law, not making it. Should a problem be noticed which requires correction, however, a judge also has an obligation to discretely point out that problem to those who have the power to improve upon a law or procedure.
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 currently serve as judge for the Eighth Circuit Drug Court program, and I intend to continue this service because I have seen how this program can change lives. I also support our local high school moot court programs, and I have spoken to school groups and local organizations about the role of the courts in our society. In terms of recommending improvements to the law or procedure, contacting the Chief Justice's advisory committee is the preferred method to communicate those suggestions.  
I have also recently involved the local Solicitor and Public Defender in implementing a plan to clear the backlog of pending cases, and this program has worked extremely well in the past eight months.
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?  
My personal relationships have not been strained in any meaningful way, although I do miss my family (and they profess to miss me) when I'm away from

- home because of my duties. Truly, I am in awe of my wife, I love the people my children are growing to be, and my family knows how much I care for them.
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 sentence them more harshly than I do first time offenders. Repeat offenders have been through the criminal justice system and have usually had ample opportunities to reform their ways and conform their conduct. Therefore, they are generally more deserving of a harsher sentence;
  - (b) Juveniles (that have been waived to the Circuit Court):  
Certainly, they have to answer for their crimes, but so long as a genuine possibility for rehabilitation exists, a sentence should be crafted which speaks justice for the victim while still maximizing opportunities for rehabilitation and redemption;
  - (c) White collar criminals:  
I am aware that many do not consider financial crimes as deserving of retribution as "blue collar" crimes. I disagree in that financial injury is often more devastating than physical injury. Bones heal, but taking a person's life savings is likely something from which they can never recover. Under the proper facts, therefore, the argument could be made to treat such crimes more severely;
  - (d) Defendants with a socially and/or economically disadvantaged background:  
Being from a disadvantaged background cannot excuse culpability, but it is appropriate to consider in mitigation. In such circumstances, I attempt to craft a sentence which minimizes the likelihood of reoffending, such as requiring job training or getting a GED. Similarly, drug treatment is often an appropriate component of sentencing regardless of whether an active or probationary sentence is required;
  - (e) Elderly defendants or those with some infirmity:  
Again, being elderly or infirm does not excuse criminal conduct, but it is a factor to be taken into account at sentencing. Common sense dictates that a ten (10) year sentence for a 70 year old is not the same as it would be for a 20 year old. However, I would still take into account various factors as I would for any defendant, such as criminal history, previous incarceration, severity of the crime, victim's input, and any mitigation.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?  
No. Most of my investments are publically traded companies, and the value of these investments would not be affected by any ruling I make.
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
Generally, a *de minimis* interest is not grounds for disqualification so long as my impartiality could not reasonably be questioned. I have heard such cases in the past, but my usual practice has been to disclose those facts on the record, reassure

the parties as to my objectivity, and give counsel an opportunity to discuss the matter with their client. Frequently, all concerned agree that no conflict exists in my hearing the case.

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?

Patient, thoughtful, wise, and knowledgeable. At times, a sense of humor is very helpful, too. Most importantly, a judge must always try to maintain their composure and avoid losing their temper or becoming visibly frustrated. Every party must receive, and hopefully feel as if they have received, a full and fair hearing. The ability to listen, reason, and apply wisdom remains the most essential traits of a good jurist.

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?

Being a judge is a full-time commitment, and it affects every aspect of your life. A judge should always make every effort to conduct himself or herself in a respectful manner, be slow to anger, and considerate of anyone with whom the judge comes into contact.

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?

The nature of this work means that judges will become frustrated at times, but anger or acrimony should never be demonstrated. Judges must sometimes be firm and resolute, but demonstrations of anger only damage the reputation of the bench as neutral ministers of justice.

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?

I have spent nothing on this campaign.

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.

Frank R. Addy, Jr.

Sworn to before me this 5<sup>th</sup> day of August, 2015.

Kayla Fryer

Notary Public for South Carolina

My commission expires: Jan. 9, 2017