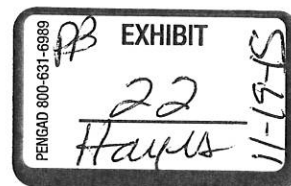


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

**Circuit Court
(Incumbent)**

Full Name: John Calvin Hayes, III
Business Address: Moss Justice Center, 1675-1H York Highway
York, SC 29745
Business Telephone: 803-628-3047



1. Why do you want to serve another term as a Circuit Court Judge?
I enjoy this as my career.
2. Do you plan to serve your full term if re-elected?
I will have to retire in 2017.
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?
I entertain none other than the limited allowance of the Rules (See Canon 3(B)(3)).
6. 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 not recuse for lawyer-legislators nor former law partners. (I have not practiced in over 24 years). I do not recuse for former Law clerks. I utilize the Canons regarding recusal.
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?
Probably, but it would depend on the circumstances. I follow the rules on recusal. I would not be prejudiced in any way regarding a Party who has requested recusal.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
I do not believe any of my spouse's, social or financial relationships would create an appearance of impropriety. However, depending on the circumstance, I would avoid any situation in which I personally felt an impropriety might exist.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
Refuse gifts/social hospitality which would or could create 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?
Follow Canon 3(D)(1)and (2).
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.
13. How do you handle the drafting of orders?
I personally, with my law clerk's assistance, draft all my orders with a few exceptions where attorneys are directed to draw an order.
14. What methods do you use to ensure that you and your staff meet deadlines?
I keep all active files present and review all active files at least weekly to ensure timely disposition of matters.
15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I do not see my role as a South Carolina Circuit Court Judge to be that of engaging in "judicial activism." Public policy is a broad area. I do not actively engage in matters which affect public policy except as to the impact any of my rulings may have.
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 hold myself out to have classes (college and high school) sit in at court. I speak to classes when invited. I am very active in Mock Court at the middle schools, high schools, and college levels.
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?
Both my spouse and I work. We both try to leave our work at work. Personally, my service as a judge has not, to my knowledge, adversely impacted any relationships with family or friends.
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:
Every case is different and each must be assessed on the nature of the offense, a defendant's record, the impact on society, and expectations of rehabilitation.
 - (b) Juveniles (that have been waived to the Circuit Court):
Every case is different and each must be assessed on the nature of the offense, a defendant's record, the impact on society, and expectations of rehabilitation.

- (c) White collar criminals:
Every case is different and each must be assessed on the nature of the offense, a defendant's record, the impact on society, and expectations of rehabilitation.
- (d) Defendants with a socially and/or economically disadvantaged background:
Every case is different and each must be assessed on the nature of the offense, a defendant's record, the impact on society, and expectations of rehabilitation.
- (e) Elderly defendants or those with some infirmity:
Every case is different and each must be assessed on the nature of the offense, a defendant's record, the impact on society, and expectations of rehabilitation.
This is tough. However, age and infirmity do impact what can be practically done with the overriding need to see justice served.
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?
I belong to a dance club in which holds two formal dances a year. The memberships are in the husband's names, but all events are with spouses. I have reviewed Canon 2(c) Rule 501 ACACT and an Ethics Advisory Opinion, and do not believe this membership is affected by Canon 2(c).
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?
A judge must perform his/her duties with calm dignity and respect all parties and their counsel. In short, be civil.
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?
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 a pro se litigant?
Never appropriate. Anger adversely affects 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?
None. Save the cost of stamps to mail materials and the cost of travel.
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/John C. Hayes, III

Sworn to before me this 31st day of July, 2015.

Frances J. Kirkman

Notary Public for South Carolina

My commission expires: May 3, 2021