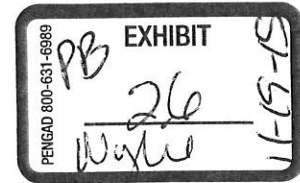


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(Incumbent)

Full Name: William James Wylie, Jr.
Business Address: 212 Deming Way, Box 4
Summerville, SC 29483
Business Telephone:



1. Why do you want to serve another term as a Family Court Judge?
I continue to find serving as a Family Court Judge both challenging and rewarding. Though called upon to make some very difficult decisions, I truly enjoy using my legal education, experience and ability to try to fairly resolve the controversies that mean so much to the people who appear before me. I believe that the work I do is important, and I am both proud of my position and humbled by the responsibility that comes with it.
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 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?
My philosophy remains unchanged over the years. *Ex parte* communications should be avoided. I know of little else that can so thoroughly persuade litigants that they are being treated unfairly than having reason to believe the judge is communicating privately with the opposing party or lawyer. I do not allow only one party to be in the courtroom when I am present, or allow only one lawyer to remain in the courtroom to discuss an unrelated matter at the conclusion of a hearing without the consent or presence of the other. Of course, there are limited instances when emergencies require *ex parte* communications, such as the application for temporary restraining orders or the emergency temporary custody of a child. Even so, it is my practice to limit consideration of such requests to the written pleadings and affidavits filed with the Court, and not to privately discuss the matter with the requesting party or counsel.
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 try to be alert to circumstances that could reasonably call into question my ability to be impartial, and to recuse myself in such cases. The mere appearance of a lawyer-legislator is not in and of itself grounds for recusal. However, if a lawyer-legislator were to appear before me while I am actively seeking reelection,

I would make that fact known to the opposing party and recuse myself if they were uncomfortable with my hearing the case. Likewise, the appearance of a former associate or law partner is not automatic grounds for recusal, unless the matter in controversy was handled by the associate or partner while the judge was still practicing law in the particular firm. This has not been a problem for me as my former partner does not practice before me. One lawyer with whom I was briefly associated does practice before me. However, we were together for less than one year, and have had very few conflicts arise.

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 a party requesting my recusal under any circumstances in which my impartiality could reasonably be questioned, and would mostly likely grant such a motion. The test for recusal should be objective, not subjective. However, the delay resulting from a recusal can be detrimental to the litigants and their children. I believe a judge should have the courage to refuse recusal if not required, and when it is not being sought for a valid reason but in an effort to gain an advantage through delay.

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

I would recuse myself from any case in which my wife or close relative (or secretary or court reporter) were financially or socially involved. If such involvement were truly insignificant, I would disclose the financial or social connection and give the parties the option of having another judge preside. Any time I feel my recusal is not mandated, but some circumstance might cause a litigant concern over my ability to be impartial, I give the litigants an opportunity to speak with their lawyers privately before asking them on the record if they want another judge to hear the case.

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

I do not accept gifts from litigants or lawyers or those whose interests are likely to come before me. I do not allow such persons to buy me lunch or dinner. I do not accept invitations to social events if I believe the host is trying to suggest to others that he is in a position of special relationship or influence over me. I do occasionally attend bar association functions.

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

If the information seems credible, I take appropriate action including talking to the judge or lawyer. If I had actual knowledge of the misconduct of a judge that called his fitness into question, I would have to report the misconduct. Likewise, I would have to report a lawyer of whom I had actual knowledge of misconduct.

11. Are you affiliated with any political parties, boards or commissions which, if you were re-elected, would need to be re-evaluated?

No.

12. Do you have any business activities that you have remained involved with since your election to the bench?

- No.
13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders?
I am able to draft some orders myself. Most orders are drafted by the attorney for the prevailing party, as is customary. If I cannot announce the decision from the bench, I communicate my decision to the lawyers and self-represented litigants by way of a faxed or emailed memorandum. If the self-represented litigant does not have a fax or email, I use the same method to notify the opposing attorney (mail) so that both parties receive the same notice at substantially the same time. I make it a practice to explain to self-represented parties the manner in which proposed orders are prepared, and how to resolve any disputes over the proposed language. When I receive a proposed order, I verify that the opposing party has been sent a copy by the same means and at the same time.
14. What methods do you use to ensure that you and your staff meet deadlines?
We use a shared computer calendar. Additionally, my secretary keeps a desk calendar, and provides me a running list of cases I have taken under advisement.
15. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?
I make sure that the fee provisions of the statute are clearly expressed in the orders appointing the guardian ad litem in cases where custody is at issue. I require guardian ad litem to participate in pre-trial hearings and status conferences where their work in the case can be discussed, and any concerns about their compliance with statutory guidelines can be raised. Motions addressing deficiencies in a guardian ad litem's performance are scheduled well in advance of final hearings as much as possible. I do not, however, believe it appropriate for a judge to independently seek information about a guardian ad litem's compliance in an individual case. Guardian ad litem should be required to offer sworn testimony and be subject to cross examination so that their testimony can be evaluated and weighed based upon the quality of their work including whether or not they have complied with statutory guidelines.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?
I believe that judges should interpret and apply law, not make it. Nevertheless, judges should be concerned with the "spirit" of the law and not just its sterile and technical application. In this way judges can have a positive effect on promoting the public policy established by the Legislature.
17. 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 believe it is important for judges to work for the continued improvement of the legal system. I have spoken at continuing legal education seminars, held meetings with the local bar, spoken to prospective volunteer guardian ad litem, spoken at foster parent programs, am a regular presenter at the new judges school, and have met with representatives of the Department of Social Services, Department of Juvenile Justice, assistant solicitors and public defenders. I have served on a Magistrate Selection panel implemented by a former Senator, and I regularly

participate in the law school Judicial Observation and Experience program. I participated as a judge in a middle school essay contest on the U.S. Constitution. I have served as a judge in the Middle School Mock Trial competition. As president of the South Carolina Conference of Family Court Judges I have served on the Chief Justice's Family Court Advisory Committee. I have served on a task force of the South Carolina Bar on Self-Represented Litigants. I make it a practice to offer guidance as to courtroom practice to young attorneys at the conclusion of a case. I plan to continue such activities.

18. 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 do not feel that the pressure of being a judge has strained any of my personal relationships. If anything, being a family court judge has made me appreciate my spouse and children more than ever, and I now count other family court judges amongst my closest friends.
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?
Not without full disclosure and an offer of recusal to the other party (including allowing them to speak with their attorney outside of my presence.)
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?
A judge should be mostly serious, but have a good sense of humor. A judge should speak and act responsibly. A judge should be firm but kind, patient, courteous and respectful.
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, 365!
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?
No. The very few times that I have become angry in the courtroom, I have said things that I have regretted. A judge should be in control, and becoming angry implies a loss of control. There is a difference, however, between being angry and expressing disapproval and giving a lecture.
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?
To date I have not spent any money on my campaign. I will likely file my application for reelection in person and will incur the cost of transportation to and from Columbia. I do not expect to spend more than \$100.

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/William J. Wylie, Jr.

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

Lauren Wilmoth

Notary Public for South Carolina

My commission expires: 03/29/2023