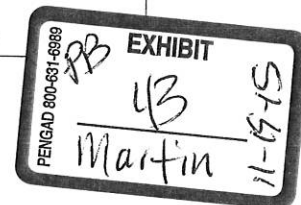


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings



Family Court
(Incumbent)

Full Name: The Honorable Daniel E. Martin, Jr.
Business Address: 100 Broad Street, Suite 241, Charleston, S.C. 29401
Business Telephone: (843) 958-4416

1. Why do you want to serve another term as a Family Court Judge?
I find that serving as a Family Court Judge is personally fulfilling to me. It allows me to serve the community within the profession to which I have dedicated my professional life. I feel that I have grown into the position and that I have demonstrated myself to be fair, professional, ethical, and competent.
2. Do you plan to serve your full term if re-elected?
I Plan to serve my full term if re-elected.
3. Do you have any plans to return to private practice one day?
I have no plans to return to private practice.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?
Yes I have.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
I believe that *ex parte* communications are unethical, inappropriate and violate our Judicial Cannons. Lawyers or pro se litigants who attempt to communicate *ex parte* are quickly rebuffed and reminded of the rules. I cannot envision circumstances when *ex parte* communications should be tolerated. Motions for *ex parte* relief are to be properly filed and presented to the Court in a manner established by the Rules of Civil Procedure.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Judges should recuse themselves whenever possible in such circumstances. Unfortunately, because all Family Court judges in South Carolina are elected by members of the General Assembly, it is not always possible to refuse to preside over cases where lawyer-legislators are involved. Their cases must be heard by some member of the bench. However, where a judge believes that he cannot be fair when such cases are before him/her or where the appearance of impropriety may exist, the judge should be recused or have the case set before another judge without such a conflict. All conflicts should be disclosed on the record so that all litigants and their counsel would be placed on notice about the relationships between the judge and the litigant/lawyer/legislator. Such discretion should be exercised when former associates and law partners appear in Court as well. Although the degree of any relationship is always a factor, best practices require that such relationships be disclosed and recusals should be freely offered to the

litigants when judges have even the slightest concern about the appearance of impropriety.

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?
In all cases, the request would be granted.
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?
Again, I would give full disclosure to the parties and allow them to be heard. If any party sought recusal or even showed any hesitation while deliberating over the matter, I would recuse myself. The issue, however, has never been presented in my courtroom.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
As a rule, I don't accept gifts from lawyers, litigants or potential litigants. The exception is that some firms do circulate gift baskets to all of the judges in the courthouse during Christmas. Those baskets do not come from individuals and are given primarily for the judge's administrative assistants and clerks in acknowledgment of the season. I have not sought to stop this practice that existed for decades before I became a judge.
10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
I have never become aware of any such misconduct involving a fellow judge. I have been made aware of alleged misconduct of a lawyer and promptly referred the matter to the Office of Disciplinary Counsel for an investigation.
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 draft such orders myself. I direct that lawyers that appear before me prepare orders and provide opposing counsel or opposing litigants with copies for review before having them sent to me. When the parties appear without counsel, I often time prepare the orders.
14. What methods do you use to ensure that you and your staff meet deadlines?
My administrative assistant prepares a monthly MUA report and follows up with all attorneys concerning any outstanding orders that are delinquent. Lawyers that fail to promptly respond are informed by my assistant of the consequences for failing to get orders in on time. We also use "Microsoft Outlook" and a wall calendar to enter events, schedules and deadlines that are important. Such entries are automatically uploaded on my personal mobile phone and can be accessed remotely from my desktop computer.

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?
Before guardians ad litem are appointed, they have to be certified to hold that position. The Court does not monitor guardians in every case unless issues are raised by attorneys and litigants. In such cases, the guardian may be questioned on the record about their understanding of their duties and whether they are able to comply. If the guardian is overwhelmed or has personal reasons why they cannot faithfully, impartially and professionally carry out their duties, the guardian may be relieved and a suitable person will then be appointed to serve in that capacity. Our Court maintains a list of volunteer guardians and will remove any guardian off the list if they fail to meet the standards required for the position.
16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?
The legislative and executive branches of government set public policy. The role of judges is not to engage in judicial activism or to set public policy.
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?
Since serving on the bench, I have served on the South Carolina Children Justice Act Task Force which holds meetings in Columbia many times through the year. I am an active participant and attend as many of those meeting as my docket will allow. I am also part of the Charleston Chapter of Inns of Court which meets monthly during the season to receive and give lectures on jurisprudence and other law related matters. I made presentations at the New Judges School for Family Court Judges and lectured about mediations and arbitrations at the South Carolina Bar convention. I have sat on numerous community panels to discuss and explore solutions to issues involving juvenile justice. I have participated with the Community Resource Connection to identify stakeholders in the community concerned about juvenile justice. I have given speeches to groups concerning the function of family court and the need for the community to get involved in the lives of our children. I have volunteered and served as a judge for the annual High School Mock Trial Competition for three of the last four years. I plan to continue to participate in such events.
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 have not experienced any pressure in regard to my personal relationships with those that are close to me. I have been aggressively approached by people I wouldn't consider to be a friend and have had to diffuse tempers directed towards me. Those few incidents involved people upset with rulings I made in child support enforcement hearings. However, those incidents are rare and I'm not particularly bothered by them.
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?
A judge should be firm, concise in his ruling and in control of his courtroom. However, there is no reason for a judge to be intimidating or display an angry disposition. I pride myself on greeting all litigants when entering the courtroom and referring to each by either "Mr." or "Ms." or "Ma'am" or "sir." I thrive to treat everyone in the courtroom with courtesy, even when such treatment is not reciprocated.
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?
My demeanor is my character. It does not change from hour to hour or day to day. These rules apply all day, every day.
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?
It is not appropriate to express anger. Even when lawyers or defendants are being disrespectful to the Court, the judge should display firmness and maintain control of the Courtroom. If necessary, the judge may need to elevate the level of his/her voice so as to not be "sounded-out" by a person showing disdain for the Court. However, such a response may be necessary to wrest control from the individual and need not be done in anger. Losing control of your temper is unacceptable and reflects poorly on the position.
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.
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 am.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/Daniel E. Martin, Jr.

Sworn to before me this 30th day of July, 2015.

Anita Antoinette

Notary Public for South Carolina

My commission expires: April 5, 2020