

**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be Included in Transcript Of Public Hearings**

**Administrative Law Court**  
**(Incumbent)**

Full Name: Sebastien Phillip Lenski  
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1. Do you plan to serve your full term if re-elected?  
Yes.
2. Do you have any plans to return to private practice one day?  
No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
My personal philosophy regarding *ex parte* communications is to avoid them. I always have a representative of both (or all) parties present whenever I discuss a matter involving a case before me. Whether it is a telephone conference or a face-to-face communication, I always ensure that either the litigant or counsel for all parties are present during the communication.  
The only time I could envision an *ex parte* communication occurring would be if a party were to contact me about a non-substantive, purely administrative issue involving a matter before me such as the date or time of a hearing or conference, or the due date for a brief or memo or motion.
5. 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 recuse myself in any situation where my impartiality might be reasonably called into question. However, I do not believe that a judge must recuse him/herself in any situation where a lawyer-legislator, former associate, or former law partner is representing a party. If I have practiced or worked with a lawyer-legislator or other attorney before becoming a judge, and my work involved the subject matter at issue, either directly or indirectly, then I would certainly recuse myself. However, if a lawyer-legislator or attorney I used to work with appeared before me, then I would be inclined to hear the matter unless I felt that my prior relationship with that attorney in some way inhibited me from being impartial to the parties.
6. 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 probably would. I believe that once the appearance of bias is raised, and if a party objects to my further presence in the proceeding, then there is little else to do except recuse myself to ensure a trial that not only is fair, but that appears to be fair as well. A judge must avoid any impropriety as well as the appearance of impropriety in all actions.

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

It is my personal policy to not accept any food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney or group of attorneys, or from other individuals.

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

If I became aware of possible misconduct by a lawyer or fellow judge, I would confront the person and inform them of my concerns. I would inform that person that they needed to report their behavior to the appropriate Commission (Commission on Judicial Conduct, Commission on Lawyer Conduct). If they did not do that, I would then report the misconduct the appropriate body myself.

9. Are you affiliated with any political parties, boards or commissions that need to be re-evaluated?

No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No.

11. How do you handle the drafting of orders?

I sometimes ask for proposed orders from the parties in a matter, however, I generally draft my own orders. I have a law clerk who assists me with research and drafting for some orders, however, however, I review, revise, and am responsible for the content of all orders that I sign.

12. What methods do you use to ensure that you and your staff meet deadlines?

I and my staff calendar all deadlines and use a tracker system to monitor deadlines. When dates or deadlines are approaching, our case management system notifies us of such.

13. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

My philosophy on judicial activism is that a judge’s personal or political opinions have no place in judicial decisions. I believe that a judge should exercise judicial restraint and should interpret the law (statutes, regulations, ordinances, etc.) according to its literal meaning. And by doing that, I find that the plain meaning of the law generally leads to a clear result. However, when a statute is ambiguous or the law is silent on an issue, then I must infer the intent of whatever legal provision I am interpreting. In those situations, I avoid injecting my own personal views and focus on things such as legislative intent and the clearest interpretation of the ambiguous language to ensure a reasoned and consistent result.

As far as setting or promoting public policy, I do not believe that it is the court’s place to do that. Sometimes laws – especially statutes – set forth the General Assembly’s intent to promote a particular public policy. In such situations, in

interpreting ambiguous or unclear provisions of that law, I will consider the General Assembly's intent in determining the meaning of the ambiguous or unclear provision.

14. 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 have made myself available to lecture or participate in discussions about administrative law and the Administrative Law Court. I believe that this is a proper activity for me to engage in to improve understanding of the law and the legal system.

15. 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 believe that serving as a judge and living by the Judicial Canons actually serves to promote a strong relationship with my family, friends and relatives. The principals of fairness, impartiality, and judgment are all things that help relationships remain healthy and strong. Of course, the time demands can sometimes create stress on a family, however, I believe that learning to balance a healthy work ethic with the need to be present and participate in family activities and other personal matters are part of everyone's experience, not unique to a judge's life.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No.

18. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

20. What do you feel is the appropriate demeanor for a judge?

A judge should be impartial and strive to be fair, and to give every party in a matter an equal opportunity to present his/her position to the court. A judge should not allow his/her personal feelings, political views, or emotions to cloud his/her decision making on the bench. A judge should show respect to all parties who come before him/her. A judge must also ensure that the dignity of the court and the legal system is protected. And so, while a judge should not lose his/her temper, he/she should maintain order and proper decorum in his/her court at all times, and should expect and demand that the parties who appear before him/her do the same.

21. 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?

These rules apply twenty-four hours a day. However, as a parent, or a friend, or in some other role outside of that of a judge, I do allow my personal feelings

and/or political views to shape my decision making. However, I never engage in any behavior that would damage my integrity or cast doubt upon my ability to be impartial, or that would demean my judicial office.

22. Do you feel that it is ever appropriate to be angry with a member of the public, appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Anger is not appropriate or productive. However, there are times when a person's behavior dishonors the court or demeans the legal system. In such situations, I respond with firmness and resolution. Occasionally, a member of the public may engage in behavior that is inappropriate or disruptive, and in those situations I find that speaking very clearly and firmly to the individual usually resolves the problem. On a few occasions an attorney or a litigant has engaged in inappropriate behavior. Again, by addressing the matter with a firm, resolute tone and demeanor I find that the inappropriate behavior stops.

23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees?

At this time, I have spent less than \$25 on my campaign, mostly copying expenses.

24. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No

25. Have you sought or received the pledge of any legislator prior to this date?

No.

26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No.

27. 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.

28. Have you contacted any members of the Judicial Merit Selection Commission?

No.

29. 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/Sebastien Phillip Lenski

Sworn to before me this 7<sup>th</sup> day of August, 2015.

E. Harvin Belser Fail

Notary Public for South Carolina

My Commission Expires: 11-26-17