



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

**Master-in-Equity
(Incumbent)**

Full Name: James E. Chellis
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1. Do you plan to serve your full term if re-appointed? 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?

I do not have *ex parte* communications

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
If facts in dispute of a party to litigation arose on or before June 30, 2013 and anyone within my former law firm had advised a client as to the law concerning the stated facts, I recuse myself. An example: If I or a member of my firm closed a real estate mortgage transaction that is the subject of a foreclosure action, I recuse myself. I treat lawyer-legislators the same as I treat lawyer who are not also legislators. I will hear a case in which a former associate or partner is representing a party so long as my former associate or partner of my law firm did not represent the party in the action and the facts of the case in dispute did not arise before I became the Master in Equity. This is to say, if the facts in dispute of a party to litigation arose on or before June 30, 2013, and anyone within my former law firm had advised a client as to the law concerning the stated facts, I recuse myself. A recent case concerning enforcement of restrictive covenants of came before me in which I had drafted the restrictive covenants of a residential subdivision about 27 years ago for the original developer. In that case, I advised the parties that I had a hand in drafting the original restrictions that the Homeowners Association was attempting to enforce. I never represented the Homeowners Association nor any party to the present action. The parties stipulated the covenants were not in dispute only whether the defendant had violated the covenants. Both parties acknowledged I would be fair and impartial, and could apply the law without prejudice to either party.
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 would give considerable deference to the Party seeking recusal. In order to determine whether actual bias, prejudice, or partiality exists, I would require a

hearing to be held so that the party moving for recusal could develop a record to prove my bias, prejudice, or partiality in order to determine the factual basis of my bias, prejudice, or partiality. If a factual basis were established, I would recuse myself.

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

My standards regarding acceptance of gifts is simple: I do not accept them, generally. If confronted with a gift, aside from ordinary social hospitality, I would strictly construe Canon 4 of the Code of Judicial conduct.

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

I report the misconduct of lawyers or judges.

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 generally draft my own Orders. I occasionally ask parties to submit proposed orders. With uncontested matters, I nearly always ask the moving party to draft the Order.

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

I work closely with my staff. We stay in constant communication.

My Administrative Assistant keeps an Order of Reference log, a log of Orders, a Deeds and Post Sales Documents Log, a liabilities ledger; and makes regular deposits with the County Treasurer. The liabilities ledger is viewed daily (or as necessary, but usually every day) to compare funds received and funds disbursed. Several times a month (on the occasion of deposits with the treasurer), we “balance” the funds on hand to the outstanding log of deeds and post sales reports. My goal is to execute deeds within a day of receipt. The occasions where this is not done are usually due to a full hearing schedule. But, we always set time aside to execute deeds, and do this with as much consistency as practicable. Before deeds are returned to the third party bidders, we always check the proposed deed against the foreclosure order, mark the deeds and closing documents log complete, then we return the deed along with other closing documents to the third party bidder’s attorney.

My Court Coordinator communicates with attorneys seeking to have their cases heard. She keeps track of pending matters, schedules cases to be heard, and publishes my roster not later than ten days before a hearing is scheduled. She attends each hearing to control the flow of documents between Foreclosure Counsel and the Court.

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

I do not subscribe to a philosophy of judicial activism. I hear facts, decide on the appropriate law to apply, and apply the facts to the law.

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?
If nominated and approved, I will be in charge of the 2016 Equity Bench & Bar CLE. I am interested in participating in CLE's, as a speaker, provided I have the time to do so. I would happily accept invitations to participate in matters relating to access to justice.
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?
No.
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?
Patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility.
21. Would 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?
I strive to conduct myself at all times with the foregoing characteristics of a judge.
22. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
I avoid anger with members of the public. I do not think anger resolves anything. My approach is to be firm and straight forward. I try very hard to make sure pro se litigants understand the procedural posture of the case when they appear before me. This is not much different from what I did with clients when I practiced law. Teaching comes very naturally to me. So, I explain what is pertinent, and ask if they have questions. I answer follow-up questions until I feel certain the pro se party understands their posture in the matter. I do not however give legal advice.
23. 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.
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/James E. Chellis

Sworn to before me this 10th day of August, 2015.

Meagan J. Kizer

Notary Public for South Carolina

My commission expires:10-07-2023