



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

Family Court
(Incumbent)

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1. Why do you want to serve another term as a Family Court Judge?
For the last 17 months, I have had the honor and privilege of serving as a resident Family Court Judge of the Sixteenth Judicial Circuit. I have always been invigorated by facing a good challenge. That said, the last 17 months of my life have been vigorous indeed! I feel as if I have transitioned well from 30 years as a courtroom advocate to the last 17 months as a Family Court Judge. Family Court is a unique arena, not only because it involves the application of law to myriad facts, but because it involves an overarching layer of human emotion in essentially every case. I feel that I have so far helped to resolve difficult issues in a fair, impartial, and reasoned manner. I have been strengthened by facing the day-to-day challenges of Family Court and look forward to continuing growth in my abilities to render justice.
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?
Ex parte communications create the appearance of impropriety. Professional ethics relative to bench and bar require the avoidance of even the appearance of impropriety. Thus, ex parte communications are best avoided altogether. Of course, there may be rare occasions which may require some ex parte communications, such as dealing with matters involving scheduling and other such administrative concerns; however, even in such acceptable occasions, all parties should be apprised of any such communication as soon as possible so as to avoid the appearance of impropriety. Obviously, any ex parte communication regarding any substantive issue in any matter before the Court should always be avoided.
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 recuse myself under any circumstance in which I thought my impartiality would be compromised in any manner, regardless of what title or position the parties or advocates appearing before me may hold. Once again, the avoidance of the appearance of impropriety is the judicial mantra.

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?
Confidence in the justice system must be maintained. In such an event, if I thought that remaining in the case would compromise any party's confidence in the justice system I would grant the motion for recusal.
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 such case.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?
I would never accept gifts from parties or advocates appearing before me. As far as ordinary social hospitality is concerned, I would not necessarily recuse myself simply because individuals with whom I may have had some social, hospitable contact may appear before me; however, my standards would always be governed by the admonition to avoid even the appearance of impropriety.
10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?
The Rules of Professional Conduct and the Code of Judicial Conduct would compel disclosure of such misconduct to the appropriate authority.
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?
Generally, I follow similar procedures under which family court judges operated during the entirety of my practice, i.e. I assign legal counsel for one of the parties (usually the prevailing party) the duty of drafting the order pursuant to my instructions. Any such proposed order is first submitted for review and editing to opposing counsel, with the result being that counsel for the parties would agree to the form and content of the proposed order prior to its submission to me. Once the order is submitted to me, I review and edit as necessary so as to ensure that it accurately reflects my actual ruling in the case. I then sign the order. In actions that involve unique issues, particularly issues that I may deem to be issues of first impression, I will request counsel to submit briefs on the unique issues to supplement my research. In cases such as this, I would likely draft the order myself.
14. What methods do you use to ensure that you and your staff meet deadlines?

My administrative assistant and I consult on an almost daily basis to address any upcoming deadlines so as to ensure that the necessary actions are taken to meet all deadlines. Frequent and effective communication is of paramount importance.

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?

The standard orders that I sign appointing guardians ad litem set forth the statutory guidelines the guardian is to follow, as well as the specific authorized duties. I also review files to make sure the guidelines have been followed (i.e. GAL affidavit, GAL interim reports, etc.) Of course, at any pre-trial conferences, I examine counsel and the GAL as to whether all guidelines have been followed, and do not allow the matter to be set for trial until I am convinced that this critical function has been performed. Issues regarding the best interests of children are not to be taken lightly; accordingly, justice in such cases can only begin to be assured when full compliance with the appropriate statutory guidelines is accomplished.

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

A trial judge’s duty is to apply the law as established by the legislature and interpreted by judicial precedent. Obviously I have found myself in circumstances requiring me to interpret the law and apply it to the facts of the particular case before me. By and large my obligation as a trial judge is to apply the law as I understand it to the facts of the case before me, and not to create new law or pursue or promote 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?

I think in order to improve the legal system, it is important to not only participate in the legal system, but to participate in programs that allow the opportunity to discuss the administration of the legal system with judicial colleagues. I found it invaluable during my legal career to attend continuing legal education programs, not only to remain current of legal issues, but to have the opportunity to discuss those legal issues with colleagues and peers. Invariably during my legal career, such discussions gave me greater insight and provided me with new, effective ideas to strengthen my law practice. Since I have been a judge, I have found attending bench/bar CLEs and the educational opportunities afforded by attendance at the Annual Judicial Conference and the Family Court Judges Conference have proved to be significantly beneficial. I also feel that education for the public is also a valid way to improve the public’s understanding of the system, thereby making the system work more effectively. Therefore, if invited and time allows, I have taken opportunities to speak to appropriate audiences (civic groups, school settings, etc.) regarding the administration of civil and criminal justice in the Family Court.

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?

No. It is essential to mental health, as well as professional and personal effectiveness, to maintain an appropriate balance in life, giving focus to both

professional and personal obligations in due course and time. I have had almost thirty years experience in achieving this balance. Though the pressures of serving as judge to some degree differ from the pressures serving as an advocate, I believe the balancing skills I have developed over the years of my legal practice are transferrable. Clearly, this job can be stressful; however, the life balancing strategies I developed in practicing law for over 30 years have served me well in my time on the bench. Additionally, the strategic scheduling of chambers weeks allows time to catch up with the review of orders and necessary research, which reduces the stress that time constraints bring. Moreover, the leave and holiday time is adequate to foster personal recharging.

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 always be courteous and respectful to all litigants, maintaining his composure at all times. Further, while courtroom proceedings are serious, it never hurts to maintain a sense of humor appropriate to the proceeding. In my opinion, the goal of a judge should be to conduct hearings in such a manner that at the conclusion of the hearing, all parties leave the courtroom knowing full well that a fair and impartial hearing was conducted, regardless of the outcome.
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?
These personal rules apply seven days a week, twenty-four hours a 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?
Stern rebuking may be appropriate in circumstances where a party, attorney, or other participant in the process breaches appropriate courtroom decorum; however, anger is a sign of loss of composure and a judge should always maintain disciplined control.
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?
At present, I have spent no money. The only money I envision spending is the postage for mailing these application materials and the gasoline cost for driving to the various interviews involved with this process.

27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?
My administrative assistant has assisted me by typing these application materials. My correspondence with the JMSC will be on judicial letterhead.
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?
I have not asked any third parties to contact any members of the General Assembly on my behalf before the final and formal screening report has been released. I am not aware of any friends or colleagues contacting members of the General Assembly on my behalf.
31. Have you contacted any members of the Judicial Merit Selection Commission?
I have not.
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?
I am.

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

s/Thomas H. White IV

Sworn to before me this 23rd day of July, 2015.

Jill S. Jeter

Notary Public for South Carolina

My commission expires: 7/1/24