



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

**Administrative Law Court**  
**(New Candidate)**

Full Name: Grady L. Patterson, III

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1. Do you plan to serve your full term if 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?

Ex parte communications should not take place generally. There are very narrow exceptions to this rule such as an emergency request for a temporary restraining order. However, even if an exception were applicable, I would make sure the party requesting the relief had made every effort to contact the other party and notify that party of the request for relief and any hearing set on the request. Following any unavoidable ex parte communication permitted by law I would give the non-participating party an opportunity to respond. Ex parte communications may include scheduling or administrative matters which do not give a party any advantage where the non-participating party has an opportunity to respond. Ex parte communications may also take place with the consent of the parties in an effort to mediate a matter.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

A judge should recuse himself or herself when the judge's impartiality might reasonably be questioned. I would disclose to the parties anything that might give even the appearance of impartiality and give them an opportunity to request recusal.

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?

Unless I thought the motion was unreasonable, I would tend to grant it, however, I would not permit a frivolous motion to impede the progress of a matter or be used as an excuse to avoid having a matter heard.

7. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I would not accept gifts except those from a relative or very close friend for a special occasion upon which gifts are normally given such as a birthday. The gift would have to be commensurate with the occasion and the relationship. Acceptance of ordinary social hospitality is permitted.

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

Actual knowledge of misconduct would require that I report the misconduct to the Commission on Lawyer Conduct or the Commission on Judicial Conduct, as appropriate.

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

No.

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

Yes.

11. How would you handle the drafting of orders?

It would depend on the nature of the matter being ruled on. If the matter were a routine motion that could be handled by a form order, my office or the clerk of court would draft it. If the matter were complex, I would ask the parties to submit proposed orders in word processing formats so that I could change the appropriate proposed order to reflect my decision. In the latter case I would require counsel drafting the proposed orders to exchange the proposed orders at the time of submission.

12. What method would you use to ensure that you and your staff meet deadlines?

I would institute a master task schedule and support it with specific task assignments. All assigned tasks would be given due dates and a tickler system utilized to insure nothing is missed. In addition, I would make sure the office coordinated closely with the clerk of court's office.

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

Judges are to apply the law as it is given to them by the Legislature or other appropriate source of law.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I would speak on our system of justice at events that would give me the opportunity to increase citizens' knowledge of how the system works. I would also support mock trial and mock appellate court activities. I have served as a mock trial team advisor and a judge for mock appellate court presentations.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not feel that the pressure of serving as a judge would strain personal relationships other than I would not be as active socially with friends who are lawyers.

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?

While not required, I would look very carefully at the appearance of impropriety and would recuse myself in a proper case. However, as noted above, I would not permit a frivolous motion to impede the progress of a matter or be used as an excuse to avoid having a matter heard.

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 percentage of your legal experience has dealt with cases that appear before the Administrative Law Court? Please describe to the Commission your experience in these areas.

My practice in the Attorney General's Office and as a military lawyer comprised a high percentage of the type matters that are heard by the Administrative Law Court. In the Attorney General's Office I handled licensing hearings before the Medical Board, Dental Board, and Opticians Board. I also handled matters before the Procurement Review Panel. I wrote and reviewed regulations for state agencies. As a military lawyer I was involved in numerous administrative actions. I reviewed discharge actions and conducted hearings both as the government representative and as the hearing officer.

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

A judge should be patient, dignified, and courteous. A judge should listen to each party's presentation and thoughtfully consider the positions of each party.

22. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

The appropriate demeanor for a judge applies seven days a week, twenty-four hours a day.

23. 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?

Anger is never appropriate. Firmness may be appropriate in certain circumstances.

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

Maddy Patterson, Jr  
(Candidate Signature)

Sworn to before me this 1<sup>st</sup> day of August, 2016.

Carey B. Drafts  
(Notary Signature)  
Carey B. Drafts  
(Print name)

Notary Public for South Carolina

My Commission Expires: 7-25-21