

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

Administrative Law Court
(New Candidate)

Full Name: B. Keith Griffin

Business Address: 190 E. Canal St., Sumter, S.C.,29151

Business Telephone: (803) 436-2280

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?

As I have been a sitting magistrate judge for over fourteen years, it would have to be a special opportunity for me to return to private practice. I have thoroughly enjoyed my current position and my life has been greatly enriched through public service. As I am still a young man, I would prefer to serve a number of terms on the Administrative Law Court if so elected. I have learned that life will sometimes present a person with circumstances where you have to do what is in the best interests of your family. I would return to private practice only if it was in my family's best interests as I am my family's sole provider.

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 philosophy is not to engage in *ex parte* communications except those communications which are specifically provided for in the (1) Rules of Professional Conduct, (2) Canon 3B(7) of the Canons of Judicial Conduct, and (3) communications expressly authorized by state law or court rules (i.e. signature of a search warrant, issuance of a temporary restraining order, etc.)

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

My philosophy on recusal is to comply with Canon 3(E) and its subsections. In addition, I will always disclose any relationship between myself and a litigant or their attorney in order to avoid any appearance of impropriety, even if I believe there is no real basis for disqualification. It is my goal for all litigants to receive a fair and impartial trial, and for the parties to leave the court feeling that there was no bias or prejudice from the court's ruling. This is my position regardless whether I preside over the trial, recuse myself sua sponte, or grant a motion for recusal. If a lawyer appears before me with whom I formerly practiced, I would recuse myself in accordance with Canon 3(E)(1)(b) if applicable. I always disclose my former work or any relationship to all parties to address any questions regarding impartiality. If I am asked to recuse myself, I will if it is possible. The only time I would not recuse myself if the rule of necessity is applicable. Regarding lawyer legislators, I certainly understand the argument that the judge's impartiality may reasonably be questioned. However, the rule of necessity would likely apply in many of those circumstances. As a judge in South Carolina, it is impossible to avoid hearing every case involving parties that may be represented by a lawyer legislator. If the only basis for recusal is that one party is represented by a lawyer legislator, I will usually hear the matter. If I have another independent basis for recusal as provided in the Canons, I will recuse myself and request another judge hear the case.

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 grant the motion for recusal.

7. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept gifts under any circumstances unless such a gift was authorized by the Rules of Professional Conduct, Canons of Judicial Conduct, or allowed under state law.

Regarding social hospitality, I would only accept an invitation that constituted ordinary social hospitality as provided in Canon 4(D)(5)(c). Even in an instance of social hospitality, I would not accept an invitation

that could possibly cast doubt on my ability to act impartially as an Administrative Law Judge.

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

I would report said party as the Rules of Professional Conduct and Canons of Judicial Conduct require.

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

I currently serve on the Paralegal Advisory Board for Central Carolina Technical College. I am unaware of any conflict of interest between serving on this board and serving as an Administrative Law Judge. However, I would resign from the board to avoid any possible appearance of impropriety.

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

No.

11. How would you handle the drafting of orders? It is my preference to prepare my own orders.

On complicated matters, I may request memoranda of law from counsel to help expedite drafting of the order if a matter is taken under advisement.

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

If elected, I would employ the same methods as used by the other members of the Administrative Law Court, and as otherwise directed by the Chief Judge. I would create a backup system using computerized calendar software to insure deadlines are met and orders issued timely.

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

I have no philosophy as I do not believe in judicial activism. My job is to rule on cases pending before me on existing precedent and be faithful to the law. A judge cannot allow himself or herself to be swayed by "partisan interests, public clamor, or fear or criticism" as provided in Canon 3(B)(2) of the Canons of Judicial Conduct.

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 be willing to speak at CLE seminars or write articles for bar publications regarding changes or modifications to the law or to the Administrative Law Court.

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 believe that the pressure of serving as an Administrative Law Judge will strain personal relationships with friends or relatives. I have not had any significant issues with personal relationships being strained during my service as a magistrate judge. My wife and I have one child, and an election to the bench would not create a conflict.

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?

I am aware that the Canons do not expressly prohibit a judge from hearing a matter as long as such an interest is de minimis. However, I would recuse myself upon motion of counsel to avoid any possible appearance of impropriety unless the rule of necessity prevented me from so doing.

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

None.

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 legal experience before the Administrative Law Court has been minimal because of my continuous service as a magistrate. Occasionally, magistrate judges are required to examine statutes or regulations concerning state agencies in contested cases in Magistrate's Court. Examples would include interpretation of regulations of the South Carolina Forestry Commission and Department of Natural Resources. Occasionally, DUI cases have evidentiary issues concerning administrative law, but these cases are rare. In our civil jurisdiction, magistrate judges occasionally review statutes found in Title 12 of the South Carolina Code regarding the legality of seized video gaming machines by a law enforcement agency. Certain eviction matters involving properties assisted by a local housing authority will require review of specific regulations found in the Code of Federal Regulations.

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

A judge must be patient and courteous to the litigants and their attorneys. It is imperative that a judge be diligent and prepared in all cases regardless of size or complexity. The judge is a public servant and must focus on doing his or her job efficiently without egoism.


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?

My observance of such standards are necessary at all times to uphold the integrity of the judiciary.

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?

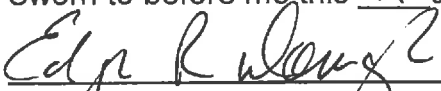
Anger is never appropriate with any litigant, regardless of representation. A judge must be direct with litigants, but anger is never needed. If someone disagrees with your ruling, it is of course subject to appellate review. The only permissible time a judge may act forcefully is to maintain the order and decorum of the courtroom. However, this can also be done without a judge losing his or her composure.

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



(Candidate Signature)

Sworn to before me this 31st day of July, 2016.



(Notary Signature)

Edgar R. Donald, Jr

(Print Name)

Notary Public for South Carolina

My Commission Expires: 3-17-18