

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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8

BEFORE: SENATOR GEORGE E. CAMPSSEN, III, CHAIRMAN

9

REPRESENTATIVE BRUCE W. BANNISTER, VICE-CHAIRMAN

10

SENATOR GERALD MALLOY

11

SENATOR GREG HEMBREE

12

REPRESENTATIVE MURRELL SMITH

13

REPRESENTATIVE J. TODD RUTHERFORD

14

KRISTIAN C. BELL

15

MICHAEL HITCHCOCK

16

JOSHUA HOWARD

17

ANDREW N. SAFRAN

18

ELIZABETH H. BROGDON, CHIEF COUNSEL

19

* * * * *

20

DATE: December 1st, 2016

21

TIME: 9:30 a.m.

22

LOCATION: Gressette Building

23

1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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Court Reporter's Legend:

dashes [--] Intentional or purposeful interruption

... Indicates trail

ing off

[ph] Denotes phonetically written

[sic] Written as said

1 SENATOR CAMPSSEN: Okay. We are reconvening
2 the Thursday, December 1st meeting of the Judicial Merit
3 Selection Commission. And we have a -- we have a motion to
4 go into executive session by Mr. Hitchcock, seconded by
5 Representative Smith.

6 All those in favor, indicate by saying
7 "aye."

8 (At this time the members audibly say "aye.")

9 SENATOR CAMPSSEN: Opposed?

10 (Hearing none.)

11 SENATOR CAMPSSEN: The ayes have it.

12 (Off the record from 10:20 a.m. to 11:27 a.m.)

13 SENATOR CAMPSSEN: We have risen from
14 executive session. No votes were taken and no decisions
15 made. We received legal advice.

16 (Off the record from 11:38 a.m. to 12:40 p.m.)

17 SENATOR CAMPSSEN: Please raise your right
18 hand.

19 WHEREUPON:

20 THE HONORABLE ELIZABETH BIGGERSTAFF YORK,
21 being duly sworn and cautioned to speak the truth, the
22 whole truth and nothing but the truth, testifies as
23 follows:

24 SENATOR CAMPSSEN: Have you had an
25 opportunity to review your personal data questionnaire and

1 sworn statement?

2 JUDGE YORK: Yes, sir.

3 SENATOR CAMPSSEN: Are they correct?

4 JUDGE YORK: There's a typographical error
5 on No. 35, regarding the lawsuit 03-CP-13-137. That case
6 was dismissed in 2004 and not 2014.

7 SENATOR CAMPSSEN: Does anything else need to
8 be changed?

9 JUDGE YORK: No.

10 SENATOR CAMPSSEN: Do you object to our
11 making these documents and any amendments a part of the
12 record of your sworn testimony?

13 JUDGE YORK: No.

14 SENATOR CAMPSSEN: It will be done at this
15 point in the transcript.

16 JUDGE YORK: Okay. Thank you.

17 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION
18 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
19 HONORABLE ELIZABETH BIGGERSTAFF YORK)

20 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION
21 COMMISSION PERSONAL DATA QUESTIONNAIRE AMENDMENT
22 OF THE HONORABLE ELIZABETH BIGGERSTAFF YORK)

23 (EXHIBIT NO. 1 - JUDICIAL MERIT SELECTION
24 COMMISSION SWORN STATEMENT OF THE HONORABLE
25 ELIZABETH BIGGERSTAFF YORK)

1 SENATOR CAMPSSEN: Ms. York, the Judicial
2 Merit Selection Commission has thoroughly investigated your
3 qualifications for the bench. Our inquiry has focused on
4 nine evaluative criteria and has included a ballot box
5 survey, a thorough study of your application materials,
6 verification of your compliance with state ethics laws, a
7 search of newspaper articles in which your name appears, a
8 study of previous screenings, a check for economic
9 conflicts of interest. We have received no affidavits
10 filed in opposition to your election, and no witnesses are
11 present to testify.

12 Do you have a brief opening statement you would
13 like to make at this time?

14 JUDGE YORK: I would just like to say thank
15 you for allowing me to appear today, and thank you for your
16 service to this Committee as well as to your communities.

17 SENATOR CAMPSSEN: Thank you. Please answer
18 Counsel's questions.

19 JUDGE YORK: Thank you.

20 MR. DAVIDSON: Thank you, Mr. Chairman.
21 Good afternoon, Judge York. Could you please state for the
22 record, the city and circuit in which you reside?

23 JUDGE YORK: I reside in Florence, which is
24 in the 12th Judicial Circuit. But I primarily practice in
25 the 4th Judicial Circuit. We're right next door to

1 Darlington County.

2 MR. DAVIDSON: Thank you. I note for the
3 record that based on the testimony contained in the
4 candidate's PDQ, which has been included in the record with
5 the candidate's consent, Judge York meets the
6 constitutional and/or statutory requirements for this
7 position regarding age, residence, and years of practice.

8 EXAMINATION BY MR. DAVIDSON:

9 Q. Judge York, could you please explain to the
10 Commission why you would like to serve as a family court
11 judge, and how do you feel your legal and professional
12 experience thus far will assist you to be an effective
13 judge?

14 A. Certainly. I have been in the family court for
15 over twenty years. I have served as a guardian ad litem,
16 an attorney for parties, and unfortunately a litigant, a
17 mediator. I have represented the state, I have represented
18 defendants being prosecuted by the state.

19 I feel like I have something that I can give to
20 this state, by way of experience and training and
21 knowledge. And I think it's a service that I would enjoy
22 doing.

23 Q. Thank you. Are there any areas of the law for
24 which you would need additional preparation in order to
25 serve as a family court judge? And how would you handle

1 **that additional preparation, if so?**

2 A. I don't believe so. I was in private practice
3 for ten years prior to working for the Department of Social
4 Services, and then went -- and now back in private
5 practice. If asked of what would be my weakest area, I
6 haven't spent as much time in the juvenile area of that --
7 of that court. However, there's a lot of overlap between
8 the Department of Social Services and the Department of
9 Juvenile Justice. Additionally, serving as a municipal
10 judge for the Town of Hartsville, has provided me with
11 experience in the criminal area as well.

12 During my time in private practice, I did
13 represent defendants in juvenile court, but that would --
14 certainly, I would be open to, you know, focusing on
15 education in that area.

16 **Q. What do you perceive as the cause of the backlog**
17 **of cases on the family court docket? And what do you**
18 **believe individual family court judges can do to improve**
19 **the backlog?**

20 A. I think there are -- I do believe in mediation.
21 I think that the utilization of mediation has improved some
22 of the backlog in family court. I also believe that
23 working -- being sure you're there, working until five
24 o'clock or after five o'clock, or whatever is necessary.

25 I do know, in particular, one judge in our

1 circuit, when he would do -- when he would do emergency
2 hearings during chambers week or holiday weeks, he would
3 open those up to the Department of Juvenile Justice, as
4 well as the Department of Social Services, so that we could
5 schedule cases during that time period if they weren't
6 being able to be moved during a regular scheduled agency
7 day.

8 **Q. Please briefly describe your experience in**
9 **handling complex contested family court matters, and**
10 **specifically discuss your experience with the financial**
11 **aspects of family court work, please.**

12 A. I have had experience dealing with cases where
13 there were financial assets. I would not say that, that's
14 the majority of the cases that we handle in the 4th
15 Circuit. Recently, I had -- I had a return client who I
16 represented ten years -- twelve years ago, in a contested
17 matter where he and his spouse both are doctors, and
18 they're going -- they're back to litigate some issues with
19 regards to the children.

20 So I do have experience in that area. Although,
21 during the past -- now, I did leave the department -- and I
22 did primarily work with the Department of Social Services,
23 until recently, for the last ten years.

24 **Q. Thank you. What role can judges play in**
25 **improving outcomes for youth involved in the juvenile**

1 **justice system?**

2 A. I think it's very important that judges listen.
3 Sometimes on agency days you are the -- it's very
4 overwhelming with the number of cases. I think it's very
5 important that judges listen carefully to the cases before
6 them.

7 As I stated before, I also think there's an
8 overlap between the Department of Social Services and the
9 Department of Juvenile Justice. I think making sure that
10 the referrals are made -- questioning counsel to make sure
11 that referrals are made to the other agency can assist.

12 I also think it can assist if -- a lot of times,
13 when there are cases that have both the Department of
14 Social Services and the Department of Juvenile Justice
15 involved, I think the judge can designate one agency to be
16 the lead agency.

17 And a lot of times there's a lot of -- you know,
18 a lot of time is spent arguing between the two agencies
19 and wasting court time.

20 **Q. Thank you, Judge York. The Commission received**
21 **126 ballot box surveys regarding your candidacy, with 20**
22 **additional comments. The ballot box survey, for example,**
23 **contained the following positive comments:**

24 "Judge York has an excellent demeanor and
25 extensive knowledge of family court. I believe her

1 experience with DSS would be an asset in a family court
2 judicial position. She has a great deal of experience in
3 family court matters and would have a great demeanor for
4 the bench, and very intelligent person and highly
5 motivated."

6 Two of the written comments expressed concerns.
7 Two of those comments questioned your demeanor and
8 temperament, using terms such as "rude," "arrogant," and
9 "dismissive." How would you respond to those concerns?

10 A. It's hard to respond when I'm not certain of the
11 motivation behind the comments. I would tell the
12 Commission that I certainly hope that I treat everyone
13 kindly and nicely. That's something that I do try to do.

14 Certainly, this process is an introspective
15 process. When you look at these comments, I mean, I
16 certainly would -- I'm glad there were only two. I
17 certainly -- a lot of times, as I indicated when you were
18 asking me about the Department of Juvenile Justice, court
19 days for the Department of Social Services can be very
20 similar, very busy.

21 Certainly, it's something that after hearing
22 those comments, that I have considered that sometimes when
23 you're in a hurry it can come off as being rude or
24 dismissive. And certainly, that's something that I -- you
25 know, I'm open to criticism and trying to improve.

1 **Q. Thank you. And lastly, one of those two**
2 **comments questioned your work ethic. What response would**
3 **you have to that, Judge York?**

4 A. I had at one time I know I had the highest case
5 load of any Department at Social Services attorney in the
6 state. And I was told that by the Office of General
7 Counsel. I managed that docket. I've worked -- I've been
8 with the Department of Social Services, in some capacity,
9 for over twenty years; ten years as a full-time attorney.

10 I have two children. I am divorced. I
11 primarily raised these children. They're very active. I
12 captain two tennis teams. I'm active in my church. I
13 just don't even know how to respond to that. I feel like
14 I have -- I know that I have a very good work ethic.

15 **Q. Thank you. You disclosed in your PDQ that you**
16 **were named as a defendant in a lawsuit in 2003, you gave**
17 **the citation. Can you please explain the nature and**
18 **disposition of that lawsuit?**

19 A. Prior to being full-time with the Department of
20 Social Services, I was a contract attorney for the
21 Department of Social Services. That lawsuit was as a
22 result of that capacity, serving as a contract attorney
23 for the Department of Social Services. It was a defendant
24 in a case, he had burned his son in the face with an iron,
25 and did not agree with the Department of Social Services

1 removing his child from -- well, law enforcement removing
2 his child from his home, but the Department of Social
3 Services pursuing that action. He sued me personally, he
4 sued the guardian ad litem personally, as well as the
5 department. It was dismissed quickly.

6 **Q. Thank you.**

7 MR. DAVIDSON: At this time, Mr. Chairman,
8 I'd like to request that we go into executive session.

9 SENATOR CAMPSEN: Do I have a motion for
10 executive session?

11 (A motion was made at this time.)

12 SENATOR CAMPSEN: We have a motion. A
13 second?

14 (A second was made at this time.)

15 SENATOR CAMPSEN: We have a second.

16 SENATOR MALLOY: Mr. Chairman, before we go
17 in, I just want to put on the record I know Ms. York.
18 Actually, her brother was my suite mate when we were in
19 college many years ago. And she's practiced law
20 extensively in my area, and we've had cases against each
21 other.

22 (Off-the-record discussion.)

23 SENATOR CAMPSEN: All right. We have a
24 motion. Any discussion?

25 (Hearing none.)

1 SENATOR CAMPSSEN: No discussion.
2 Immediately to a vote. All in favor, indicate by saying
3 "aye."

4 (At this time the members audibly say "aye.")

5 SENATOR CAMPSSEN: Opposed?

6 (Hearing none.)

7 SENATOR CAMPSSEN: The ayes have it.

8 (Off the record from 12:53 p.m. to 1:00 p.m.)

9 SENATOR CAMPSSEN: We'll lift the veil. We
10 are back on the record. No votes were taken and no
11 decisions made. Proceed. Do you have further questions?

12 MR. DAVIDSON: Yes, sir.

13 EXAMINATION RESUMED BY MR. DAVIDSON:

14 **Q. At this time I have a few quick questions that**
15 **we need to run through. Since submitting your letter of**
16 **intent have you sought or received the pledge of any**
17 **legislator, either prior to this day or pending the**
18 **outcome of your screening?**

19 A. No.

20 **Q. Have you asked any third parties to contact**
21 **members of the General Assembly on your behalf, or are you**
22 **aware of anyone attempting to intervene in this process on**
23 **your behalf?**

24 A. No.

25 **Q. Since submitting your letter of intent to run**

1 for this seat, have you contacted any members of this
2 commission about your candidacy?

3 A. No.

4 Q. You understand that you're prohibited from
5 seeking a pledge or commitment, directly or indirectly,
6 until 48 hours after the formal release of the
7 commission's report, and are you aware of the penalties
8 for violating the pledging rules?

9 A. Yes.

10 Q. Thank you.

11 MR. DAVIDSON: I would note that the Pee
12 Dee Citizens Committee found Judge York to be qualified in
13 the evaluative criteria of constitutional qualifications,
14 physical health and mental stability, and well qualified
15 in the remaining evaluative criteria of ethical fitness,
16 character, reputation, judicial temperament, and
17 experience. I would also note that any concerns raised
18 during the investigation regarding Judge York, were
19 incorporated into my questioning today.

20 Mr. Chairman, I have no further questions.

21 SENATOR CAMPSEN: Any questions from
22 members? Comments?

23 (Hearing none.)

24 SENATOR CAMPSEN: Okay. Judge York, thank
25 you for being with us today. That concludes this portion

1 of our screening process. As you know, the record will
2 remain open until the formal release of the report of
3 qualifications, and you may be called back at such time if
4 the need arises.

5 I thank you for offering and for your
6 service to South Carolina.

7 JUDGE YORK: Thank you. Thank you-all.

8 (Candidate excused.)

9 SENATOR CAMPSSEN: All right. Do we have a
10 motion to go into executive session?

11 (A motion and a second were made at this time.)

12 SENATOR CAMPSSEN: We have a motion and a
13 second. All those in favor, indicate by saying "aye."

14 (At this time the members audibly say "aye.")

15 SENATOR CAMPSSEN: Opposed?

16 (Hearing none.)

17 SENATOR CAMPSSEN: The ayes have it.

18 (There being nothing further, the proceedings
19 recessed at 1:06 p.m.)
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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 16 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 11TH DAY OF DECEMBER 2016.

PATRICIA G. BACHAND, COURT REPORTER
MY COMMISSION EXPIRES APRIL 9, 2017

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARING

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8

BEFORE: SENATOR GEORGE E. CAMPSSEN, III, CHAIRMAN

9

SENATOR GERALD MALLOY

10

REP. G. MURRELL SMITH, JR.

11

KRISTIAN C. BELL

12

MICHAEL HITCHCOCK

13

ANDREW N. SAFRAN

14

ELIZABETH H. BROGDON, CHIEF COUNSEL

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16

17

DATE: December 1, 2016

18

TIME: 1:30 p.m.

19

LOCATION: Gressette Building, Room 105

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: LISA F. HUFFMAN, REPORTER

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P R O C E E D I N G S

CHAIRMAN CAMPSSEN: We have risen from executive session. No decisions made and no votes taken. Do I have a motion to vary the agenda where we vote on the Family Court, Seat 8, At-Large until later this afternoon?

REPRESENTATIVE SMITH: Yes, sir. So moved.

SENATOR MALLOY: Second.

CHAIRMAN CAMPSSEN: I have that and a second. All in favor, indicate by saying aye.

BOARD MEMBERS: "Aye."

CHAIRMAN CAMPSSEN: Opposed?

(No response.)

CHAIRMAN CAMPSSEN: They ayes have it. So we'll go to the Administrative Law Court, Seat 2. The first candidate will be Grady Patterson, III. Mr. Patterson, welcome.

MR. PATTERSON: Thank you, Senator.

CHAIRMAN CAMPSSEN: You have anyone here with you you'd like to introduce?

MR. PATTERSON: Yes, sir. I'd be glad to introduce -- pleased to introduce my wife Sally Patterson who's here with me today.

CHAIRMAN CAMPSSEN: Welcome, Ms.

1 Patterson. Mr. Patterson, please raise your
2 right hand.

3 (Candidate is sworn in.)

4 CHAIRMAN CAMPSEN: Have you had an
5 opportunity to review your personal data
6 questionnaire and sworn statement?

7 MR. PATTERSON: Yes, Senator. I reviewed
8 my personal data questionnaire and my sworn
9 statement yesterday and I do have one change
10 to the personal data questionnaire if I may
11 mention that at this point.

12 CHAIRMAN CAMPSEN: Okay.

13 MR. PATTERSON: Question Number 41, which
14 asks "Since filing with the Commission your
15 letter of intent to run for judicial office,
16 have you accepted anything of value from a
17 lobbyist?" I had a birthday two weeks ago.
18 My daughter Sarah Patterson -- our daughter
19 Sarah Patterson is a staff lobbyist with the
20 Realtors Association and she gave me a couple
21 of gifts for my birthday. I realize that's
22 exempt under the statute because she's a
23 family member. However, the way the
24 question's worded, it said "have you received
25 anything" so I mention that to the Commission.

1 CHAIRMAN CAMPSSEN: Thank you.

2 MR. PATTERSON: No other changes.

3 CHAIRMAN CAMPSSEN: Do you object to our
4 making these documents and any amendments
5 a part of the record of your sworn testimony?

6 MR. PATTERSON: I do not.

7 CHAIRMAN CAMPSSEN: That will be done at
8 this time in the transcript.

9 [EXHIBIT 3, JUDICIAL MERIT SELECTION
10 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR
11 GRADY L. PATTERSON, III, ADMITTED.]

12 [EXHIBIT 4, SWORN STATEMENT FOR GRADY
13 L. PATTERSON, III, ADMITTED.]

14 CHAIRMAN CAMPSSEN: Mr. Patterson, the
15 Judicial Merit Selection Commission has
16 thoroughly investigated your qualifications
17 for the bench. Our inquiry has focused on
18 nine evaluative criteria and has included a
19 ballot box survey, thorough study of your
20 application materials, verification of your
21 compliance with state ethics laws, search of
22 newspaper articles in which your name appears,
23 study of previous screenings, check for
24 economic conflicts of interest. We have
25 received no affidavits filed in opposition to

1 your election and no witnesses are present to
2 testify.

3 Do you have a brief opening statement you
4 would like to make at this time?

5 MR. PATTERSON: Just like to say that I
6 appreciate the opportunity to be here and I
7 look forward to answering any questions.

8 CHAIRMAN CAMPSER: Thank you. Counsel
9 has some questions for you at this time.

10 EXAMINATION

11 (By Ms. Brogdon)

12 **Q. Good afternoon, Mr. Patterson. How are you?**

13 A. Fine, thank you.

14 **Q. Mr. Goldin had to be out of town so you're**
15 **stuck with me today so I apologize that he's not**
16 **here.**

17 A. Well, you're a pleasant substitute. No offense to
18 Mr. Goldin.

19 MS. BROGDON: Thank you. I note for the
20 record that based on the testimony contained
21 in the candidate's PDQ, which has been
22 included in the record with his consent, Mr.
23 Patterson meets the constitutional and/or
24 statutory requirements for this position
25 regarding age, residence, and years of

1 practice.

2 **Q. Mr. Patterson, why do you now want to serve as an**
3 **Administrative Law Court Judge and how do you feel**
4 **your legal and professional experience thus far**
5 **will assist you to be an effective judge?**

6 A. I've been very fortunate. I've practiced for a
7 little over 35 years and been very fortunate to
8 have a -- to gain a broad experience during that
9 time. On the administrative side, I started my
10 practice in the Attorney General's Office and
11 represented, of course, a number of state agencies
12 and was involved in enforcement actions for
13 the Dental Board, the Optician's Board,
14 assisted with the Medical Board so I have a good
15 working knowledge of exactly how the Licensing
16 Boards work.

17 I also appeared before the Procurement Review
18 Panel, Secretary of State as a Securities
19 Commissioner, ran hearings for him, workers' comp.
20 I was assigned a district in the state for all
21 workers' comp matters involving the state fund and,
22 of course, I experienced running regulations and
23 helping the agency shepherd them through the
24 legislative process. So with that as a beginning,
25 I have a broad and solid knowledge of how the

1 administrative section of the law works.

2 Since going into private practice, I've
3 been involved with, of course, professional
4 licensing matters -- these are recent matters --
5 DHEC, with, of course, the flood last year,
6 represented an individual whose dam broke and
7 was able to get an exemption from the DHEC license
8 for him. Department of Motor Vehicles hearings,
9 zoning, all those type of things. On the federal
10 side, I've dealt with federal contracts, one of
11 which at Fort Jackson went all the way up to a case
12 in the United States Court for Federal Claims.

13 And then in my military career, of course, had
14 a number of -- great number of Administrative
15 Discharge Boards where I acted as prosecutor in
16 some cases and the hearing officer in other cases.
17 I've handled a case with the Air Force Board of
18 Correction Military Records in Washington. And I'm
19 currently handling a discharge matter for an
20 individual who's been recommended for discharge.
21 So it's a broad -- long time and broad experience
22 in administrative area and in addition to the
23 Circuit Court and trial practice I've had. So I've
24 just been very fortunate. I have a broad range of
25 experience and I think that that broad range of

1 experience will serve the state well if I'm able to
2 serve as an Administrative Law Judge.

3 **Q. Thank you, Mr. Patterson. Are there any areas of**
4 **the law for which you would need additional**
5 **preparation in order to serve as an Administrative**
6 **Law Court Judge and how would you handle that**
7 **additional preparation?**

8 A. I don't think there's any specific area. As
9 you know, the Administrative Law Court covers
10 everything from concealed weapons permits to
11 certificates in need and a lot of DHEC licensing
12 for environmental -- all -- it's a broad,
13 broad range. It's where the government interacts
14 with it's citizens. So no one is going to have an
15 expertise in every one of those areas. So anytime
16 you get a case, it's going to require a little bit
17 of education. I can't point to any particular one
18 because I've had a lot of experience across a lot
19 of areas of the law, but I think any one of them
20 are going to require anyone who does it to focus
21 and learn -- do some additional learning in a
22 lot of those areas.

23 **Q. Thank you. And you've touched on this some, but**
24 **please explain the types of cases that you have**
25 **handled before the Administrative Law Court and**

1 **what experiences specifically qualify you that you**
2 **have not already covered.**

3 A. As you indicate, I've covered most of that, but my
4 early experience was before the Administrative Law
5 Court. So all that was done before the actual
6 individual commissions or boards and appeals then
7 went to the Circuit Court. Since then, I mean, in
8 private practice, more recent cases have involved
9 or been before the commissions or boards as well.
10 So those have not been in the court itself, but
11 been before the commissions or the boards.

12 **Q. Thank you. What is your vision for the**
13 **Administrative Law Court and what changes would you**
14 **advocate and why?**

15 A. A couple of things. The court puts out an
16 annual report which has target dates for finishing
17 cases and the percentage that are meeting those
18 targets. There's a lot of room for improvement
19 there -- a lot of room for improvement. So that's
20 something I'd want to look at. The way the court
21 works, as you well know, is that individual judges
22 are assigned cases and the judge operates almost
23 independently in handling those cases. I would
24 like to see, if I'm involved, more of a uniform way
25 of handling things.

1 In other words, regular meetings that would
2 assist in setting up procedures so that it wouldn't
3 depend so much on the judging guy as to how the
4 case was handled. The other thing, recently the
5 court last -- well, this year has new regulations
6 or new rules that govern the practice and I think
7 those also, as they always do, could use a review,
8 too, for a little more continuity and that type of
9 thing. So there's several areas that -- but a lot
10 of it would be to assist the court in having
11 uniformity.

12 **Q. Thank you. Mr. Patterson, in what instances is**
13 **it appropriate for the judiciary to work in**
14 **cooperation with other branches of government**
15 **and in what areas must the judiciary stand apart**
16 **from other branches?**

17 A. Well, obviously, in judicial review it must stand
18 apart. Now, of course, Administrative Law Court is
19 a little bit different because whether or not a
20 law, for example, is constitutional is a question
21 for the judiciary and it operates independently.
22 That's the whole point of the separation of powers.
23 The Administrative Law Court in part of the
24 executive branch can't actually declare a law
25 facially unconstitutional, but it can determine

1 whether or not a law as applied is applied to an
2 individual, is applied unconstitutionally. So it's
3 a little bit different, but in the judiciary, as
4 you asked, it needs to be independent particularly
5 in reviewing constitutionality of laws.

6 Now, in matters like budgeting, things of that
7 nature, then you've got to work together. You
8 can't just go over there and ask for the sky, you
9 know. Things have to be realistic when you work
10 with the other branches of government so that you
11 get a realistic result. Being a part of the
12 executive branch, obviously, you're going to work
13 with the executive in Administrative Law Court
14 because it's part of that branch.

15 **Q. Thank you. Mr. Patterson, the Commission received**
16 **131 ballot box surveys regarding you with**
17 **11 additional comments. The ballot box survey, for**
18 **example, contained the following positive comments.**
19 **"Mr. Patterson is a distinguished South Carolinian**
20 **who would do an excellent job on the court" and**
21 **that you are "incredibly smart and very well liked**
22 **by the Bar." None of the written comments**
23 **expressed concerns.**

24 I've got just a few housekeeping issues.
25 Since submitting your letter of intent, have you

1 sought or received the pledge of any legislator,
2 either prior to this date or pending the outcome of
3 your screening?

4 A. No, I haven't.

5 Q. Have you asked any third parties to contact members
6 of the General Assembly on your behalf or are you
7 aware of anyone attempting to intervene in the
8 process on your behalf?

9 A. No, ma'am.

10 Q. Since submitting your letter of intent to run for
11 this seat, have you contacted any members of the
12 Commission about your candidacy?

13 A. No, ma'am. I spoke to Senator Malloy and I saw
14 Representative Smith in the hall and I said
15 "hello." That's it.

16 Q. Do you understand that you are prohibited
17 from seeking a pledge or commitment directly or
18 indirectly until 48 hours after the formal release
19 of the Commission's report and are you aware of the
20 penalties for violating the pledging rules?

21 A. I am aware.

22 MS. BROGDON: I would note that the
23 Midlands Citizens Committee found Mr.
24 Patterson to be qualified in the evaluative
25 criteria of constitutional qualifications,

1 physical health, and mental stability. And
2 well qualified in the remaining categories of
3 ethical fitness, professional and
4 academic ability, character, reputation,
5 experience, and judicial temperament. I would
6 note for the record that any concerns raised
7 during the investigation regarding the Mr.
8 Patterson were incorporated into the
9 questioning of him today. I have no further
10 questions, Mr. Chairman.

11 CHAIRMAN CAMPSSEN: Thank you. Do any
12 members have questions for Mr. Patterson?
13 Comments?

14 (No response.)

15 CHAIRMAN CAMPSSEN: There being none, Mr.
16 Patterson, thank you for being with us this
17 afternoon. That concludes this portion of our
18 screening process. As you know, the record
19 will remain open until the formal release of
20 the report of qualifications and you may be
21 called back at any time if the need arises.

22 Thank you for offering and thank you for
23 the many ways you've served South Carolina to
24 this point. I would be remiss if I did not
25 also express how much I appreciate the service

1 your father provided to the state of South
2 Carolina. He was a true statesman and I think
3 we all appreciate his service.

4 MR. PATTERSON: Thank you, Senator. I
5 appreciate those kind comments. Thank you.

6 (Candidate excused.)

7 CHAIRMAN CAMPSSEN: Welcome.

8 JUDGE GRIFFIN: Thank you for letting me
9 be here.

10 CHAIRMAN CAMPSSEN: Please raise your
11 right hand.

12 (The Judge is sworn in.)

13 CHAIRMAN CAMPSSEN: Have you had the
14 opportunity to review your personal
15 data questionnaire and sworn statement?

16 JUDGE GRIFFIN: Yes, sir. I have.

17 CHAIRMAN CAMPSSEN: Are they correct?

18 JUDGE GRIFFIN: They are correct.

19 CHAIRMAN CAMPSSEN: Does anything need
20 to be changed?

21 JUDGE GRIFFIN: Not to my knowledge at
22 this time.

23 CHAIRMAN CAMPSSEN: Do you object to
24 making these documents and any amendments a
25 part of the record of your sworn testimony?

1 JUDGE GRIFFIN: No, sir.

2 CHAIRMAN CAMPSER: It will be done at
3 this point in the transcript.

4 [EXHIBIT 5, JUDICIAL MERIT SELECTION
5 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR THE
6 HONORABLE B. KEITH GRIFFIN, ADMITTED.]

7 [EXHIBIT 6, SWORN STATEMENT FOR THE
8 HONORABLE B. KEITH GRIFFIN, ADMITTED.]

9 CHAIRMAN CAMPSER: The Judicial Merit
10 Selection Commission has thoroughly
11 investigated your qualifications for the
12 bench. Our inquiry is focused on nine
13 evaluative criteria and has included a ballot
14 box survey, thorough study of your application
15 materials, verification of your compliance
16 with state ethics laws, search of newspaper
17 articles in which your name appears, study of
18 previous screenings, a check for an economic
19 conflicts of interest. We received no
20 affidavits filed in opposition to your
21 election and no witnesses are present to
22 testify.

23 Do you have a brief opening statement you
24 would like to make at this time?

25 JUDGE GRIFFIN: Just very brief. I'm

1 glad to be here and glad to be considered for
2 the position. I'm certainly willing to answer
3 any and all questions that the Commission has
4 in relation to experience, why I want the job,
5 any of those things. At this point, as far as
6 an opening statement, been serving as a
7 Magistrate in Sumter County since August 2002
8 and have been very fortunate to serve in that
9 capacity, serving as of this date, and enjoy
10 that job very much. As far as seeking this
11 position, just feel like after 14 years it's
12 time to maybe give something else a try. As
13 far an opening statement, nothing special in
14 particular other than I'm very glad to be here
15 and am willing to answer any questions about
16 qualifications or anything that y'all may need
17 from me.

18 CHAIRMAN CAMPSER: Well, please answer
19 questions from counsel at this time.

20 SENATOR MALLOY: Mr. Chairman, prior to
21 going to counsel, may I?

22 CHAIRMAN CAMPSER: Senator Malloy.

23 SENATOR MALLOY: I do know Judge
24 Griffin and I have a portion of Lee County and
25 he has served as a Magistrate in Lee County at

1 some points in time, too. He mentioned
2 Sumter, but he also does some in Lee. I don't
3 know if I appeared in front of him from time
4 to time. I don't think so, but maybe I will.

5 JUDGE GRIFFIN: Yes, sir. We almost had
6 one hearing, but I am no longer -- per order
7 of Chief Justice, I am out of Lee now.

8 SENATOR MALLOY: I understand that.

9 JUDGE GRIFFIN: Yes, sir.

10 REPRESENTATIVE SMITH: Mr. Chairman.

11 CHAIRMAN CAMPSSEN: Representative Smith.

12 REPRESENTATIVE SMITH: Mr. Chairman, let
13 me just put this. I routinely appear in front
14 of Judge Griffin as a Magistrate in Sumter
15 County. I don't believe it creates any
16 conflict, but I want to disclose that.

17 CHAIRMAN CAMPSSEN: Thank you. Judge
18 Griffin, please answer counsel's questions.

19 JUDGE GRIFFIN: Yes, sir.

20 SENATOR MALLOY: If I'm not mistaken, I
21 believe I can still go to Sumter.

22 JUDGE GRIFFIN: That's right.

23 MR. MALDONADO: Thank you, Mr. Chairman.
24 I note for the record that based on the
25 testimony contained in the candidate's PDQ,

1 which has been included in the record with the
2 candidate's consent, Judge Keith Griffin meets
3 the constitutional and/or statutory
4 requirements for this position regarding age,
5 residence, and years of practice.

EXAMINATION

6
7 (By Mr. Maldonado)

8 **Q. Judge Griffin, why do you want to serve as an**
9 **Administrative Law Court Judge and how do you feel**
10 **your legal and professional experience thus far**
11 **will assist you to be an effective judge?**

12 A. Well, for several reasons. First of all, as I
13 said, I've been serving as a county Magistrate for
14 the last 14 years and it has been a privilege to
15 serve in that capacity and I will continue to serve
16 in that capacity depending on the outcome of these
17 proceedings if I am allowed to by my delegation.
18 In seeking this particular position, it was --
19 after serving as a judge for 14 years, I feel like
20 I've developed the appropriate judicial temperament
21 for the job, have shown that I've been able to
22 complete the job, you know, with efficiency and
23 with a high degree of professionalism. I feel like
24 the Administrative Law Court would be a logical
25 next step for my legal career.

1 So much of what we do as Magistrates is non-
2 jury, of course, everything that's heard at the
3 Administrative Law Court is heard without a jury.
4 I've had hundreds and hundreds of hearings on a
5 non-jury basis. I also, of course, have appellate
6 experience from the Court of Appeals. I'm
7 attracted to the position because of the wide
8 variety of litigation that appears in front of the
9 Administrative Law Court. On one day you may have
10 something that's quite complicated, on another day
11 you may not, but you know, again, I'm kind of ready
12 to spread my legal wings a little bit and take on a
13 new challenge. I feel like it's the right time in
14 my life. I've got a child that's seven years old
15 and the fact that the Administrative Law Court
16 convenes in Columbia would be helpful for family
17 reason, as well. My wife and my son would know
18 where I am at all times. If I were running for the
19 Circuit Court, I may be traveling six months out of
20 the year and certainly that makes a difference.

21 But again, as a Magistrate, I have done a
22 variety of -- or have heard a wide variety of legal
23 matters and because of that, as I said, I think a
24 good logical step would be the Administrative Law
25 Court just because you're exposed to a wide variety

1 of litigation, whether it be on a contested basis,
2 whether it be on an appellate basis. I'm also
3 attracted to the part of the job where you preside
4 over public hearings. I feel like my experience as
5 a judge -- also, I have taught night classes at
6 Central Carolina Technical College and for Troy
7 University for a number of years. I'm accustomed
8 to public speaking and, of course, appearing in
9 front of large numbers of people. So I feel like I
10 could conduct the job professionally and with a
11 proper judicial temperament and also with
12 efficiency.

13 **Q. Thank you. Judge Griffin, are there any areas of**
14 **the law for which you would need additional**
15 **preparation in order to serve as an Administrative**
16 **Law Court Judge and how would you handle the**
17 **additional preparation?**

18 A. If so nominated, I would make -- I haven't done
19 this to this point because I thought it would be
20 quite presumptuous for me to do this, but if I am
21 lucky enough to be nominated, it is my plan to
22 contact the Chief Administrative Judge, go ahead
23 and begin sitting in on the court proceedings of
24 the Administrative Law Court. Of course, I've been
25 digesting the Rules of Procedure and the

1 Administrative Procedures Act. I've already begun
2 my study of those and, of course, we were tested on
3 that, but I would continue to work on those things.
4 The main thing was, just like serving in any other
5 judicial capacity, you have to get in the courtroom
6 with the judges and see how things are done, you
7 know, in that particular system. So I'm willing to
8 immerse myself, you know, attending as many court
9 hearings as necessary, conferring with the
10 current Administrative Law Judges, but other than
11 that, would just be, again, committing myself to
12 the areas of the law that the Administrative Law
13 Court hears contested cases and appeal matters for
14 the decision of the agency. There would be some
15 learning curve there, but I don't -- you know, with
16 any judicial office, there is a learning curve.
17 Before I became a Magistrate, I had no idea what it
18 was like to have to set bond on someone and what
19 you considered in that process. So there would be
20 an -- I candidly admit there would be an adjustment
21 period acclimating myself to a new court, but as
22 far as conducting the job, my prior judicial
23 experience will certainly be beneficial there, but
24 again, it would just -- if I were so nominated, I'd
25 have to begin my studies immediately.

1 **Q. Judge Griffin, please explain the types of cases**
2 **that you've handled before the Administrative Law**
3 **Court and what experiences specifically qualify you**
4 **for the Administrative Law Court.**

5 A. To be very candid, I have not appeared in front
6 of the Administrative Law Court. The one issue
7 about the Administrative Law Court is if you do not
8 work for a state agency, or if you haven't been
9 aggrieved by a state agency, or you do not work for
10 a law firm which specializes in administrative law,
11 you're not going to see the Administrative Law
12 Court. You're not going to have a chance to appear
13 in front the Administrative Law Court. So to be
14 very candid, I have to jump in with both feet. I
15 do believe that regardless of the judicial office
16 that you hold, whether it be a Magistrate, whether
17 it's a Circuit Court Judge, Court of Appeals,
18 and so on and so forth, the rules change. The laws
19 change that you deal with, but at the end of the
20 day, it's a non-jury proceeding and you're dealing
21 with a different set of laws that you have to get
22 accustomed to.

23 So from that standpoint, I place high value on
24 my prior judicial experience. That's why I waited
25 such a long time. I ran back in 2007 or, excuse

1 me, 2009 when I was 35 and a little green and I
2 felt like the additional years on the Magistrate's
3 bench would serve me well. And I do believe they
4 have as far as how I treat litigants, you know,
5 disposing of the matter as efficiently and quickly,
6 but again, you know, I candidly acknowledge that in
7 applying for Administrative Law Court, I would have
8 to jump in on the learning curve with both feet
9 first.

10 **Q. Thank you, Judge. What would be your vision for**
11 **the Administrative Law Court and what changes would**
12 **you advocate and why?**

13 A. Well, my vision for the Administrative Law Court
14 would basically echo what's been happening in the
15 unified judicial system. The public wants
16 transparency. The public wants efficiency in how
17 the cases are heard and disposed of. You know,
18 there's so much pressure on all areas of the
19 judiciary to get cases heard within a certain
20 length of time. The first thing that I would do,
21 of course, -- I reviewed the accountability report
22 of the Administrative Law Court last year and the
23 first thing I would do is sit with the other judges
24 and find out what works and what doesn't work. I
25 would not be so presumptuous or bold to go in there

1 and try to say "well, this is what I think needs to
2 happen." I don't think that would go over very
3 well with the experienced Administrative Law
4 Judges, but my vision for the court would be to
5 continue the technology initiative that Justice
6 Toal and the unified system started so many years
7 ago. So the public is aware of what's going on
8 with their case at all times because that's the
9 modern era that we live in. People want to know
10 what's going on in their case, why is the judge
11 taking this length of time to decide it.

12 So whatever measures are necessary to
13 improve the Administrative Law Court's relationship
14 to the public would be my vision. You know, all
15 judicial offices, you know, need to be held to a
16 high degree of accountability and my vision for
17 the office is doing just that. At the same time,
18 you know, I think electronic filing would also be
19 of some help. You know, we haven't gotten to that
20 in my current court yet. You know, there's one
21 part of that that's coming, but just to improve the
22 overall efficiency of the court after meeting with
23 the other judges.

24 **Q. Judge Griffin, in what instances is it appropriate**
25 **for the judiciary to work in cooperation with other**

1 **branches of government and in what areas must the**
2 **judiciary stand apart from the other branches?**

3 A. Well, the judiciary needs to -- in areas where we
4 work with other departments, you know, we have our
5 role as judges to be fair and impartial. And our
6 authority to work with the other agencies, of
7 course, the Administrative Law Court being a quasi-
8 judicial agency, you know, how we cooperate with
9 the other agencies is what power is delegated to
10 the court by the legislature. I don't believe it's
11 the court's job to do anything other than hear the
12 cases fairly and impartially with the applicable
13 law at hand. Certainly, communications that would
14 improve, you know, -- you know, that would improve
15 the court's performance in working with other state
16 agencies to do that. I certainly think that is
17 important, but I think it's very critical that the
18 judiciary, especially in today's age, keep it's
19 traditional role in the system. You know, for that
20 reason just as, you know, we do have our system of
21 checks and balances, so to speak, but you know, the
22 judge's place in the judiciary is the judge's place
23 in the judiciary. You know, we're not meant to be
24 anything other than fair and impartial arbiters of
25 what comes in front of us. So, you know, other

1 than the necessary measures and I guess most of
2 these would be functions of the Chief
3 Administrative Judge -- as far as, you know,
4 budgeting and things of that nature to help the
5 Administrative Law Court run more efficiently. And
6 other than, you know, our role in conducting public
7 hearings, it would be my policy, for lack of a
8 better way to say it, to stay in my lane. You
9 know, that particular method has served me well for
10 the last 14 years and I don't see a reason to
11 change it.

12 **Q. Judge Griffin, the Commission received 52 ballot**
13 **box surveys regarding you with 8 additional**
14 **comments. The ballot box survey, for example,**
15 **contained the following positive comments. "Top**
16 **choice for the position, would be a giant benefit**
17 **to the ALC." Also, "Judge Griffin has served a**
18 **number of years as the Magistrate for Sumter**
19 **County. He is personally a man of integrity and**
20 **honor. He has proven to be fair, impartial, and a**
21 **discerning judge. He is highly intelligent and**
22 **very knowledgeable and is well-respected in the**
23 **Sumter legal community. Having worked with**
24 **the Administrative Law Court, I can say that Judge**
25 **Griffin would be a very capable ALJ. For these**

1 reasons, I highly recommend him for the election to
2 the Administrative Law Court."

3 One of the written comments expressed concern,
4 stating "Magistrate Judge Griffin does not like to
5 tell anyone no and frequently won't come to a set
6 decision in the courtroom simply because he doesn't
7 want to hurt feelings. He takes everything
8 personally and does not take part in any volunteer
9 or community events." What response would you
10 offer this concern?

11 A. Well, I don't know about the feelings part, but in
12 Sumter County, when I take -- we have two
13 Magistrates in Sumter County, both who are lawyers
14 that hear hundred percent of the non-jury small
15 claims or civil court and the majority of the jury
16 trials. I think what the commenter is referring to
17 is my practice of sometimes taking matters under
18 advisement, which, of course, judges in all areas
19 of the judiciary do. I don't keep them under
20 advisement for long. Sometimes those matters are
21 taken under advisement just to think things
22 through. I'm not a judge that shoots from the hip.
23 You know, even if the matter at hand is not
24 substantial momentarily, it's the most important
25 case to those litigants. So if taking a case under

1 advisement to read a statute over one more time or
2 to, you know, think through my decision, I
3 guess that's sort of a compliment, but at the same
4 time, when I do take matters under advisement, it's
5 just to do the job as accurately as I can and hope
6 that I'm coming up with a well-reasoned decision
7 regardless of what it is.

8 It's very important to me that at any level of
9 the judiciary that people have confidence in the
10 system especially in the Magistrate Court because
11 as a Magistrate, you are the judge that most people
12 of your county see. So from that standpoint, if
13 taking matters under advisement occasionally
14 elicits the comment that I don't want to hurt
15 anyone's feelings, I can live with that, but my
16 main goal is trying to do the best job on
17 every case that I can do and sometimes my methods
18 are to sit on for a day or two. You know, it's
19 summary reports so you don't have sit long, but at
20 the same time, you know, what I'm doing is in the
21 best interest of the litigants; it's not in my best
22 interest. It's in the best interest of the
23 litigants to get a fair and impartial trial and, of
24 course, once I've reached a decision in the case
25 and draft an order that the order makes sense and

1 is in compliance with the applicable law that is
2 applied to those facts.

3 **Q. Judge Griffin, you've been named in a lawsuit in**
4 **2009 filed in the Common Pleas by Didier Blankhart.**
5 **Can you please briefly describe the nature and**
6 **disposition of this lawsuit?**

7 A. Absolutely. I conducted a jury trial between
8 Didier Blankhart and a gentleman by the name of
9 Stephen Myer. Mr. Blankhart appealed the decision
10 made by the jury in that case and named me as a
11 party to the case. I should've been listed, I
12 guess, in the case management system as other party
13 to the case because I was the presiding judge over
14 a jury trial. That matter has been dismissed for
15 quite sometime. It was dismissed -- according to
16 the public records, it was dismissed by Judge James
17 either in 2009 or 2010. I think I was just -- I
18 don't know if it was a typo on Mr. Blankhart's part
19 or just an error, but I was just the presiding
20 judge over a jury trial in which Mr. Blankhart was
21 the party who was not victorious.

22 **Q. Thank you, Judge.**

23 MR. MALDONADO: Mr. Chairman, at this
24 time we'd ask to go into executive session.

25 SENATOR MALLOY: So moved.

1 MR. HITCHCOCK: Second.

2 CHAIRMAN CAMPSSEN: Motion for executive
3 session, second. All in favor, indicate by
4 saying aye.

5 BOARD MEMBERS: "Aye."

6 CHAIRMAN CAMPSSEN: Opposed?

7 (No response.)

8 CHAIRMAN CAMPSSEN: The ayes have it.

9 (Off the record.)

10 (By Mr. Maldonado)

11 **Q. Thank you, Judge Griffin. I'll end with some**
12 **housekeeping questions. Since submitting your**
13 **letter of intent, have you sought or received the**
14 **pledge of any legislator, either prior to this date**
15 **or pending the outcome of your screening?**

16 **A. No, sir.**

17 **Q. Have you asked any third parties to contact members**
18 **of the General Assembly on your behalf or are you**
19 **aware of anyone attempting to intervene in the**
20 **process on your behalf?**

21 **A. No, sir. And I'm not aware of anyone attempting to**
22 **do that.**

23 **Q. Since submitting your letter of intent to run for**
24 **this seat, have you contacted any member of the**
25 **Commission about your candidacy?**

1 A. No, sir.

2 Q. Do you understand that you are prohibited from
3 seeking a pledge or a commitment, directly or
4 indirectly, until 48 hours after the formal release
5 of the Commission's report and are you aware of the
6 penalties for violating the pledging rules?

7 A. Yes, sir.

8 MR. MALDONADO: I would note that the Pee
9 Dee Citizens Committee found Judge Griffin
10 qualified in the evaluative criteria of
11 constitutional qualifications, professional
12 and academic ability, character, reputation,
13 physical health, mental stability, experience,
14 and judicial temperament. The Committee found
15 him well qualified in the evaluative criteria
16 of ethical fitness. The Committee stated, in
17 summary, concerns were voiced over Judge
18 Griffin's lack of experience in the
19 Administrative Law Court. I would just note
20 for the record that any concerns raised during
21 the investigation regarding the candidate were
22 incorporated into the questioning of the
23 candidate today.

24 No further questions, Mr. Chairman.

25 CHAIRMAN CAMPSEN: Thank you. Any

1 members have questions?

2 SENATOR MALLOY: Mr. Chairman.

3 CHAIRMAN CAMPSEN: Senator Malloy.

4 EXAMINATION

5 (By Senator Malloy)

6 **Q. Yes, sir. Judge, I've got all of your information**
7 **here. You were in private practice for a period of**
8 **time?**

9 A. I was employed at the law firm of Robinson,
10 McFadden and Moore in Columbia.

11 **Q. How long were you employed there?**

12 A. I was there approximately a year and a half. I
13 can't give exact dates, but I became a -- I was
14 hired in 2000 and I became a Sumter County
15 Magistrate. I started my duties as a Sumter County
16 Magistrate in August of 2002.

17 **Q. And when you were with the other firm, did you try**
18 **cases then or you were mostly doing support --**

19 A. No, sir. I inherited a collections practice from
20 one of the former partners who was, for lack of a
21 better way to say it, on her way out of the firm.
22 So I assumed a large number of files. Most of my
23 practice was almost exclusively collections,
24 foreclosures, basic collection actions, foreign
25 judgment actions, the occasional mechanics lien,

1 but I was entrusted basically with this partner's
2 entire case file and it was my job to take those
3 matters to conclusion, whether it be through
4 foreclosure, claim and delivery, getting a default
5 judgment, supplementary proceedings, what have you.
6 I would say the majority of my court appearances --
7 I did have some appearances on appointed cases in
8 Family Court. You know, when I was employed with
9 Robinson, McFadden and Moore, most of my
10 appearances as a practicing attorney were either in
11 front of a Circuit Court Judge and actually
12 primarily in front of Masters.

13 **Q. And did I hear you say that you've never done any**
14 **Administrative Law work?**

15 A. No. I've not practiced before the Administrative
16 Law Court. You know, at one point in time I
17 thought about giving up my position as a Magistrate
18 to seek or go back into private practice to try to
19 do that, but I'll be frank, in the best interest of
20 my family I've had a good thing going as a
21 Magistrate and didn't want to mess it up.

22 **Q. Thank you.**

23 CHAIRMAN CAMPSER: Thank you. Any other
24 questions?

25 (No response.)

1 CHAIRMAN CAMPSSEN: Mr. Griffin, thank you
2 for being with us this evening. That
3 concludes this portion of our screening
4 process. As you know, the record will remain
5 open until the formal release of the report
6 of qualifications and you may be called back
7 at any such time if the need arises. I
8 thank you for offering and for your service to
9 South Carolina.

10 JUDGE GRIFFIN: Thank you. Thank you for
11 your time.

12 (Candidate excused.)

13 MR. JEFFRIES: Good evening.

14 CHAIRMAN CAMPSSEN: Good evening. Mr.
15 Jeffries, welcome. You have a guest you'd
16 like to introduce?

17 MR. JEFFRIES: I would. This is my wife
18 and law partner Lakesha Jeffries.

19 MS. JEFFRIES: Hello.

20 CHAIRMAN CAMPSSEN: Hi. Welcome.
21 Mr. Jeffries, please raise your right hand.

22 (The candidate is sworn in.)

23 CHAIRMAN CAMPSSEN: Have you had an
24 opportunity to review your personal data
25 questionnaire and sworn statement?

1 MR. JEFFRIES: I have.

2 CHAIRMAN CAMPSSEN: Are they correct?

3 MR. JEFFRIES: They are.

4 CHAIRMAN CAMPSSEN: Does anything need to
5 be changed?

6 MR. JEFFRIES: No, nothing that I'm aware
7 of.

8 CHAIRMAN CAMPSSEN: Do you object to
9 making these documents and any amendments a
10 part of the record of your sworn testimony?

11 MR. JEFFRIES: No objection.

12 CHAIRMAN CAMPSSEN: It will done at this
13 point in the transcript.

14 [EXHIBIT 7, JUDICIAL MERIT SELECTION
15 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR
16 BRYAN S. JEFFRIES, ADMITTED.]

17 [EXHIBIT 8, SWORN STATEMENT FOR BRYAN
18 S. JEFFRIES, ADMITTED.]

19 CHAIRMAN CAMPSSEN: Mr. Jeffries, the
20 Judicial Merit Selection Commission has
21 thoroughly investigated your qualifications
22 for the bench. Our inquiry has focused on
23 nine evaluative criteria and has included a
24 ballot box survey, thorough study of your
25 application materials, verification of your

1 compliance with state ethics laws, search of
2 newspaper articles in which your name appears,
3 study of previous screenings, and check for
4 economic conflicts of interest. We received
5 no affidavits filed in opposition to your
6 election and no witnesses are present to
7 testify.

8 Do you have a brief opening statement you
9 would like to make at this time?

10 MR. JEFFRIES: Only to thank everyone for
11 their time and nothing further than that.

12 CHAIRMAN CAMPSER: Thank you. Please
13 answer counsel's questions at this time.

14 MS. SIMPSON: I note for the record that
15 based on the testimony contained in the
16 candidate's PDQ, which has been included in
17 the record with the candidate's consent, Bryan
18 Jeffries meets the constitutional and/or
19 statutory requirements for this position
20 regarding age, residence, and years of
21 practice.

22 EXAMINATION

23 (By Ms. Simpson)

24 **Q. Mr. Jeffries, why do you now want to serve as an**
25 **Administrative Law Court judge and how do you feel**

1 **your legal and professional experience thus far**
2 **will assist you to be an effective judge?**

3 A. I'll be brief. As far as why I'm offering for this
4 position -- I guess there's a couple of reasons
5 that I would offer. First one is more or less a
6 selfish reason in that I believe strongly in the
7 rule of law. I'm fascinated with the judge's role
8 within our system as the neutral arbitrator between
9 multiple parties who, in most cases, have very
10 adverse positions on the way a case should be
11 handled and the way -- what the facts are, much
12 less how the law should be applied to those facts.
13 So it would be a career honor for me to sit as that
14 neutral arbitrator in our system. I would also say
15 that I believe strongly in public service and I was
16 raised to believe that if you have something to
17 offer your community, you should do everything you
18 can in order to put yourself in the position to do
19 that.

20 The Administrative Law Court specifically is
21 attractive to me because of the diversity of cases,
22 the different types of cases that come before the
23 court. That's what attracted me specifically to
24 this position. I believe my background has
25 prepared me for the transition into the

1 Administrative Law Court. I believe as an
2 Administrative Law Hearing Officer in an
3 administrative agency, Health and Human Services,
4 I've had the opportunity to sit in a quasi-judicial
5 position and hear administrative matters on the
6 record setting, much like it's done in the
7 Administrative Law Court. In fact, the decisions I
8 make or our office makes -- individuals that
9 disagree with our decisions ultimately will appeal
10 to the Administrative Law Court so we hear the same
11 administrative issues. Of course, it's on a much
12 lower scale -- you know, than what I do at this
13 point. I've also been a prosecutor for my entire
14 legal career, full time for the first five years
15 and part time for the last nine years. I believe
16 the prosecutor position lends itself to a somewhat
17 natural transition into being a judge because
18 a prosecutor, unlike any other attorney position,
19 carries with it a dual role. Every attorney has
20 the primary obligation of zealously representing
21 their client. A prosecutor also has that role.
22 However, our client is usually the community at
23 large or the county for which you are appointed to.

24 We have the additional responsibility of
25 making sure the opposing side, the defendant, --

1 make sure their rights are protected, make sure
2 they are afforded due process of law, and
3 that's unique to a prosecutor position and it's
4 something I've always enjoyed about being a
5 prosecutor. I think it, again, transitions well to
6 the court.

7 **Q. Are there any areas of the law for which you would**
8 **need additional preparation in order to serve as an**
9 **Administrative Law Court Judge and how would you**
10 **handle that additional preparation?**

11 A. Certainly. I mean, I believe a wise man knows he
12 doesn't know everything and I would take
13 several steps further and say I would submit
14 there's a lot about being an Administrative
15 Law Judge that I do not know. I think anytime you
16 change roles in the legal system, there's a certain
17 vocational adjustment that has to take place and I
18 think I have acquired the transferrable skills that
19 will allow me to transition to a judicial position.
20 I think it would incumbent upon me to reach out to
21 more senior, seasoned judges on the court. Of
22 course, there's no substitute for being thrown into
23 the fire. It seems like every legal position I've
24 held in my career up until now, that's how it
25 started. And necessity being the mother of

1 invention you more or less learn how to be
2 effective at your job. I think that would be the
3 case with transitioning into the Administrative Law
4 Court.

5 **Q. Please explain the types of cases that you've**
6 **handled before the Administrative Law Court and**
7 **what experiences specifically qualify you for the**
8 **Administrative Law Court.**

9 A. Certainly. My role as a hearing officer with
10 Health and Human Services I think has given me some
11 valuable experience that transitions into the
12 Administrative Law Court. I hear entirely
13 administrative law cases. And, again, our cases
14 are appealed to the Administrative Law Court. My
15 experience before the Administrative Law Court is
16 in the federal system. My practice for the last
17 nine years as a Social Security Disability
18 attorney representative, I go before Federal
19 Administrative Law Judges eight to ten times a
20 month in South Carolina, North Carolina, and
21 Georgia, primarily.

22 And also, as a prosecutor, as I stated. I
23 think as a prosecutor, I've handled every type of
24 case from cases involving several counts of murder
25 all the way down to shoplifting. And what I've

1 found is that no matter what the case is, the
2 severity of the case, your ability to communicate
3 to a fact finder how the law applies to the
4 facts in any given case is what's going to
5 determine the outcome. And I think my experience
6 as a prosecutor for 14 years will be valuable in
7 the Administrative Law Court as well.

8 **Q. What is your vision for the Administrative Law**
9 **Court and what changes would you advocate and why?**

10 A. I guess my vision would ultimately be to see the
11 court move to be the most, I guess, efficient
12 mechanism it can be for our judicial community and
13 for our community at large. I think that would be
14 done by making sure we're using the most up-to-
15 date, available, affordable technology. And
16 making sure we're using our human talent, being the
17 court itself, the court staff, making sure
18 everybody's pulling in the same direction and make
19 sure the court is moving as efficiently as
20 possible.

21 I think, individually, what I would want to do
22 is make sure that I had an open door policy. I
23 would want to encourage litigants and parties to
24 try to resolve cases if at all possible prior to a
25 hearing. I do that in my role as a hearing officer

1 by requiring pre-hearing conferences. Often times,
2 cases can be resolved more efficiently that way and
3 I would hope the court would move in that direction
4 as well.

5 **Q. In what instances is it appropriate for the**
6 **judiciary to work in cooperation with other**
7 **branches of government and it what areas must the**
8 **judiciary stand apart from other branches?**

9 A. Well, certainly I think there has to be
10 cooperation, but it's a very fine line because it
11 has to be that separation of power in any
12 given circumstance. So I would have to, I guess,
13 be posed a specific scenario, but in general, I
14 would say there is a fine line there. There needs
15 to be cooperation to make sure that all the powers
16 are working as efficiently as possible, but at the
17 same time, you have to make sure that separation
18 exists.

19 **Q. Mr. Jeffries, the Commission received 77 ballot**
20 **box surveys regarding you with eight additional**
21 **comments. The ballot box survey, for example,**
22 **contained the following positive comments. "He**
23 **will make an excellent addition, very personable as**
24 **well as professional in his conduct both inside**
25 **and outside the courtroom, conscientious and**

1 **friendly." "Very well qualified to fulfill this**
2 **position and has the right skills and temperament**
3 **to excel." Zero of the written comments expressed**
4 **concern.**

5 **You have been involved in two lawsuits. The**
6 **first lawsuit was filed against you in 2012 by**
7 **Gonzo Promotions, LLC. Please explain the nature**
8 **and disposition of this lawsuit.**

9 A. Certainly. It was a contract issue. I was named a
10 party, however, the primary party was my campaign.
11 I ran for a House seat and one of the vendors I
12 used was Gonzo. And ultimately, that was resolved.
13 I think it was dismissed, but we settled it,
14 prior to there being any court proceedings, very
15 amicably.

16 **Q. This last lawsuit was filed against you in 2015 by**
17 **SSC Disability Services, LLC. Please explain the**
18 **nature and disposition of this lawsuit.**

19 A. Certainly. That lawsuit was also resolved prior to
20 any court proceedings. I worked as an independent
21 contractor for a company out of Connecticut doing
22 Social Security Disability defense work. And
23 again, it was resolved amicably, basically by
24 allowing my CPA and their accounting department to
25 basically come to an agreement as to where certain

1 fees -- who was responsible for certain fees that
2 were paid to me initially and the tax consequences
3 that go along with those. So basically, once we
4 all sat down and got that resolved, we were able to
5 amicably resolve that case and it was ultimately --
6 not sure it was dismissed. I think ultimately,
7 it was settled and I paid what was owed.

8 **Q. Just a few housekeeping issues. Since submitting**
9 **your letter of intent, have you sought or received**
10 **the pledge of any legislator, either prior to this**
11 **date or pending the outcome of your screening?**

12 A. I have not.

13 **Q. Have you asked any third parties to contact members**
14 **of the General Assembly on your behalf or are you**
15 **aware of anyone attempting to intervene in this**
16 **process on your behalf?**

17 A. I have not and I am not.

18 **Q. Since submitting your letter of intent to run for**
19 **this seat, have you contacted any members of the**
20 **Commission about your candidacy?**

21 A. I have not.

22 **Q. Do you understand that you are prohibited from**
23 **seeking a pledge or a commitment directly or**
24 **indirectly until 48 hours after the formal**
25 **release of the Commission's report and are you**

1 **aware of the penalties for violating the pledging**
2 **rules?**

3 A. Yes, I am.

4 MS. SIMPSON: I would note that the
5 Midlands Citizens Committee found Bryan
6 Jeffries qualified in the evaluative criteria
7 of constitutional qualifications, physical
8 health, and mental stability. The Committee
9 found him well qualified in the evaluative
10 criteria of ethical fitness, professional and
11 academic ability, character, reputation,
12 experience and judicial temperament. The
13 committee stated, in summary, Mr. Jeffries is
14 a well qualified candidate for the Office of
15 Judge of the Administrative Law Court. I
16 would just note for the record that any
17 concerns raised during the investigation
18 regarding the candidate were incorporated into
19 the questioning of the candidate today.

20 Mr. Chairman, I have no further
21 questions.

22 CHAIRMAN CAMPSEN: Thank you. Any
23 questions from Commission members?

24 (No response.)

25 CHAIRMAN CAMPSEN: I have a question that

1 deals with financial matters so I would --

2 SENATOR MALLOY: We need to go into
3 executive session.

4 CHAIRMAN CAMPSSEN: -- executive session.
5 I have a motion, a second. All those in favor
6 indicate by saying aye.

7 BOARD MEMBERS: "Aye."

8 CHAIRMAN CAMPSSEN: Opposed?

9 (No response.)

10 CHAIRMAN CAMPSSEN: The ayes have it.

11 (Off the record.)

12 CHAIRMAN CAMPSSEN: We're back on the
13 record. You can open the door and invite Ms.
14 Jeffries back in and anyone else who wants to
15 come in. No votes taken. No action taken.
16 Any questions from members of the Commission?

17 (No response.)

18 CHAIRMAN CAMPSSEN: There being no further
19 questions, Mr. Jeffries, thank you for being
20 with us tonight. That concludes this portion
21 of our screening process. As you know, the
22 record will remain open until the formal
23 release of the report of qualifications and
24 you may be called back at such time if the
25 need arises. I thank you for your offering

1 and your willingness to serve the state of
2 South Carolina.

3 MR. JEFFRIES: Thank you.

4 CHAIRMAN CAMPSER: Yes, sir.

5 MR. JEFFRIES: Good evening.

6 (Candidate excused.)

7 CHAIRMAN CAMPSER: Mr. Kimpson, welcome.

8 MR. KIMPSON: Thank you, sir.

9 CHAIRMAN CAMPSER: Yes, sir. Please
10 raise your right hand.

11 (The candidate is sworn in.)

12 CHAIRMAN CAMPSER: Have you had an
13 opportunity to review your personal data
14 questionnaire and sworn statement?

15 MR. KIMPSON: Yes, sir. I have.

16 CHAIRMAN CAMPSER: Are they correct?

17 MR. KIMPSON: Yes, sir.

18 CHAIRMAN CAMPSER: Does anything need to
19 be changed?

20 MR. KIMPSON: No, sir. I think -- I see
21 the November 29th letter about an expense that
22 I recently incurred so I think it's accurate.

23 CHAIRMAN CAMPSER: Do you object to our
24 making these documents and any amendments a
25 part of the record of your sworn testimony?

1 MR. KIMPSON: No, your honor.

2 CHAIRMAN CAMPSER: It will be done at
3 this point in the transcript.

4 [EXHIBIT 9, JUDICIAL MERIT SELECTION
5 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR
6 MILTON G. KIMPSON, ADMITTED.]

7 [EXHIBIT 10, SWORN STATEMENT FOR MILTON
8 G. KIMPSON, ADMITTED.]

9 CHAIRMAN CAMPSER: Mr. Kimpson, the
10 Judicial Merit Selection Commission
11 has thoroughly investigated your
12 qualifications for the bench. Our inquiry has
13 focused on nine evaluative criteria and has
14 included a ballot box survey, thorough study
15 of your application materials, verification of
16 your compliance with state ethics laws, search
17 of newspaper articles in which your name
18 appears, study of previous screenings, check
19 for economic conflicts of interest. We have
20 received no affidavits filed in opposition to
21 your election. No witnesses are present to
22 testify.

23 Do you have a brief opening statement you
24 would like to make at this time?

25 MR. KIMPSON: I would just to say

1 thank you for this opportunity. I practice
2 law here in South Carolina in various methods
3 for quite a while and I think that I can add a
4 wealth of experience to the ALC. I practiced
5 before the Administrative Law Court primarily
6 since 2003 since joining the Department of
7 Revenue. I think it's a good court. It does
8 a lot of good work and it touches a lot of the
9 citizens of our state and I think I can add to
10 that court and I'd love the opportunity to
11 serve.

12 CHAIRMAN CAMPSSEN: Thank you. Please
13 answer counsel's questions.

14 MR. KIMPSON: Yes, sir.

15 SENATOR MALLOY: Mr. Chairman.

16 CHAIRMAN CAMPSSEN: Senator Malloy.

17 SENATOR MALLOY: Prior to the counsel
18 starting to speak, I'd like the record to
19 reflect that I know Mr. Kimpson. I've known
20 his family for a while. His brother, of
21 course, is one of our colleagues and we make
22 sure that we place that on the record --
23 senator from Charleston, Senator Marlon
24 Kimpson. We are also fraternity brothers and
25 I just -- we know each other. I don't think

1 that's a conflict. I just wanted to make sure
2 that the record accurately reflects that he's
3 a member of our caucus as well.

4 CHAIRMAN CAMPSSEN: Thank you.

5 MS. DEAN: Thank you. Chairman and
6 Senators, Members. I note for the record that
7 based on the testimony contained in the
8 candidate's PDQ, which has been included in
9 the record with the candidate's consent, Mr.
10 Kimpson meets the constitutional and/or
11 statutory requirements for this position
12 regarding age, residency, and years of
13 practice.

14 EXAMINATION

15 (By Ms. Dean)

16 **Q. Mr. Kimpson, why do you now want to serve as**
17 **an Administrative Law Judge and how do you feel**
18 **your legal and professional experience thus far**
19 **will assist you to be an effective judge?**

20 A. Thank you. I just think I bring a wealth of
21 experience. I've been a trial lawyer primarily for
22 much of my legal career. I, as a trial lawyer,
23 have been able to have grown to appreciate
24 those characteristics of a good judge. And I think
25 I can bring that in terms of temperament, in terms

1 of being fair and unbiased and with an
2 accommodation toward counsel as they present cases.
3 I know what it's like to be before a judge and
4 sometimes get inconsistent rulings. I know
5 what it's like to be before a judge and wait
6 long periods of time to get an order. And as such,
7 I can appreciate those qualities and those things
8 that make good judges and I believe I can do that.
9 I've been in private practice so I'm certainly
10 familiar with the pressures of practicing law.
11 I've even practiced law in the Army. And now, of
12 course, for the last -- since 2003, I've practiced
13 as a member of the legal staff at the Department of
14 Revenue so I'm very familiar with the
15 Administrative Law Court.

16 **Q. Thank you, Mr. Kimpson. Are there any areas of the**
17 **law for which you would need additional preparation**
18 **in order to serve on the ALC and how would**
19 **you handle this additional preparation?**

20 A. Other than some of the subject matter, primarily
21 some of the DHEC cases I've noted just from reading
22 the opinions and things, very complicated issues,
23 but that's just a matter of rolling up your
24 sleeves and learning the law and reading previous
25 decisions. So I feel very comfortable that I'd be

1 able to do that as well as taking advantage of any
2 legal resources that might be out there concerning
3 that particular subject area. And, of course,
4 reading the law as well.

5 **Q. Thank you, sir. Mr. Kimpson, although you've**
6 **already alluded to this, please explain the types**
7 **of cases that you have handled before the ALC and**
8 **what experiences specifically qualify you for the**
9 **Administrative Law Court.**

10 A. I came to the Department of Revenue in 2003
11 primarily as a tax lawyer. I think I've outlined
12 several tax cases that I've handled -- a number of
13 things, Travelscape, Home Meadow, just a number of
14 tax cases that I've tried personally. Shortly
15 after being at the Department of Revenue, we
16 branched. We stopped specializing solely in one
17 area. So I also began to try some of the
18 regulatory cases that come before the Department of
19 Revenue -- excuse me, come before the ALC. So in
20 that respect, I've been before the ALC both in tax
21 issues and regulatory issues, the regulatory issues
22 including permits for alcohol and beer, violations
23 for alcohol and beer regulations. I've even most
24 recently had the pleasure of being before the ALC
25 on a regulation public hearing. No one in the

1 department had done that for many, many years, but
2 we had an eight hour hearing one day in October
3 about a regulation. So I've had varied
4 experiences.

5 **Q. Thank you, sir. What is your vision for the**
6 **Administrative Law Court and what changes would you**
7 **advocate and why?**

8 A. The vision is simply to be -- to continue it's
9 mission. The Administrative Law Court is primarily
10 an entity that hears appeals, of course, from an
11 administrative agent -- from state agencies. The
12 beauty of it is it allows litigants and persons who
13 have some dispute with an agency to get before a
14 decision maker relatively quickly. So my thought
15 would be, as a judge on that court, to just
16 continue to make sure that we're acting
17 efficiently, that we render decisions so that
18 taxpayers, licensees can get their hearing and
19 their day in court quickly. And I think, to a
20 large extent, it does that now, but what we would
21 want to focus on is continuing to make sure we're
22 efficient and fair and to give people their
23 opportunity for a day in court.

24 **Q. Thank you, sir. In what instances is it**
25 **appropriate for the judiciary to work in**

1 **cooperation with other branches of government and**
2 **what areas must the judiciary stand apart from**
3 **other branches?**

4 A. Somebody's got to always resolve disputes so that
5 the separation of powers must be maintained in
6 order to make decisions and to be partial -- excuse
7 me, impartial in making those decisions. So, of
8 course, the separation must continue to be present
9 as someone needs to interpret what the General
10 Assembly does. So we always must maintain that
11 separateness with regard to that. Now, given that,
12 as we work on improvements to the court system,
13 there certainly is nothing wrong with there being
14 some interplay between the judiciary and the
15 legislative branch and the executive branch with
16 regard to that, so.

17 Q. **Thank you, sir. Moving now to the ballot box**
18 **questions, Mr. Kimpson, the Commission received 169**
19 **ballot box surveys regarding you with 32 additional**
20 **comments. The ballot box survey, for example,**
21 **contained the following positive comments: "True**
22 **scholar and gentleman." "Would be an excellent**
23 **jurist and has extensive experience in**
24 **administrative law" and "would be an asset to the**
25 **court." You received no negative comments in the**

1 **ballot box.**

2 Now moving to lawsuits, Mr. Kimpson, you have
3 **been involved in three lawsuits. The first lawsuit**
4 **was Briggs v Kimpson in 1993 and it was filed as a**
5 **result of an automobile accident and the case has**
6 **been settled. Is there anything else you would**
7 **like to add about that case?**

8 A. No. I ran into somebody in the back of a car and
9 fortunately, the insurance company handled the
10 defense.

11 Q. **Thank you, sir. Mr. Kimpson, the second lawsuit**
12 **was filed against you in 2009 by Palmetto Health**
13 **Alliance in Magistrate Court and was settled**
14 **quickly within, I believe, three months. Could you**
15 **briefly explain the nature of that case to the**
16 **Commission?**

17 A. It's a collection action. I had a fairly
18 significant surgery in 2003. Diverticulitis I
19 think is the pronunciation. I had to have two
20 surgeries that year. And so I was just deluged
21 with medical bills. We just didn't keep up with
22 that one. What I remember most about it is being
23 incredibly embarrassed that I had to be sued in
24 Magistrate's Court so we went immediately to pay
25 the outstanding charge.

1 Q. Thank you, Mr. Kimpson. And lastly, Mr. Kimpson,
2 the third lawsuit was Hammond vs Gerald and
3 Kimpson, LLC. It was filed in 2005, I believe.
4 Could you please explain the nature and
5 disposition of this case?

6 A. Yes, certainly. That was a legal malpractice case
7 against me and my former law partner, Gerald and
8 Kimpson, LLC. We had filed suit on behalf of the
9 plaintiff alleging -- and I forget the actual code
10 section now -- but alleging that the State
11 Newspaper had wrongfully published the name of a
12 minor who had been charged with a crime. That
13 lawsuit was dismissed at the trial level
14 primarily because the statute had been repealed.
15 Several years later, the plaintiff, Mr. Hammond
16 found that there was another law that had
17 been enacted similar in scope and sued Mr.
18 Gerald and I, alleging that we should have brought
19 his case under that law. There were two reasons
20 for dismissal. We handled the suit. The suit was
21 dismissed at the trial level primarily because Mr.
22 Hammond had not filed suit within the statute of
23 limitations, but also because the new law -- the
24 reenacted law would not have covered him anyway.
25 On appeal, Mr. Hammond actually appealed

1 the decision in trial court and did a fantastic job
2 arguing his appeal. Nevertheless, the Court
3 of Appeals, in an unpublished decision, upheld the
4 trial court primarily because the enacted law --
5 the new law would not have covered Mr. Hammond and
6 therefore he did not state a cause of action which
7 could've resulted in an actual relief.

8 **Q. Thank you, Mr. Kimpson. Moving now to housekeeping**
9 **issues. Since submitting your letter of intent,**
10 **have you sought or received the pledge of any**
11 **legislator either prior to this date or pending the**
12 **outcome of your screening?**

13 A. No.

14 **Q. Have you asked any third parties to contact members**
15 **of the General Assembly on your behalf or are you**
16 **aware of anyone attempting to intervene in the**
17 **process on your behalf?**

18 A. No. I have had to hold my father back who of
19 course worked in state government. My fear my dad
20 would ask improper things so I specifically asked
21 him not to say anything.

22 **Q. Thank you, Mr. Kimpson. Since submitting your**
23 **letter of intent to run for this seat, have you**
24 **contacted any members of the Commission about your**
25 **candidacy?**

1 A. No, I have not.

2 **Q. Do you understand that you are prohibited**
3 **from seeking a pledge or commitment directly or**
4 **indirectly until 48 hours after the formal release**
5 **of the Commission's report and are you aware of the**
6 **penalties for violating the pledging rules?**

7 A. Yes, I am aware.

8 **Q. Thank you, sir.**

9 MS. DEAN: I would note that the Midlands
10 Citizens Committee found Mr. Kimpson to be
11 qualified in the evaluative criteria of
12 constitutional qualifications, physical
13 health and mental stability. And the
14 Committee found him well qualified in the
15 criteria of ethical fitness, professional and
16 academic ability, character, reputation,
17 experience and judicial temperament. The
18 Committee commented that Mr. Kimpson impressed
19 everyone on our Committee with his knowledge,
20 experience and demeanor. He has varied legal
21 experience in matters that come before the
22 Administrative Law Court. Further the
23 Committee stated, in summary, we believe Mr.
24 Kimpson is an outstanding candidate for the
25 Administrative Law Court. I would note for

1 the record that any concerns raised during the
2 investigation regarding the candidate were
3 incorporated into the questioning of him
4 today.

5 I have no further questions, Mr.
6 Chairman.

7 CHAIRMAN CAMPSSEN: Thank you. Do any
8 members have questions for Mr. Kimpson?

9 SENATOR MALLOY: Mr. Chairman.

10 CHAIRMAN CAMPSSEN: Senator Malloy.

11 SENATOR MALLOY: Thank you, Mr. Chairman.

12 EXAMINATION

13 (By Senator Malloy)

14 **Q. Mr. Kimpson, one of the things that is interesting**
15 **is you bring the experience of having done a lot of**
16 **cases in front of the ALJ.**

17 A. Yes, sir.

18 **Q. And I know you have been representing the**
19 **department for a period of time now, but you did**
20 **some cases privately as well whenever you were in**
21 **general practice, correct?**

22 A. I can recall one and I want to say it was -- and
23 this is -- it was some sort of administrative case
24 that I had before the ALC. I remember in
25 particular it was before Judge Kittrell. So it may

1 have only been one case, one or two cases, yes,
2 sir.

3 **Q. So most of your experience doing those cases was in**
4 **your service with the department --**

5 A. Yes, sir.

6 **Q. And you have been doing that for how long now?**

7 A. Since 2003. So I'm going into my 14th year.

8 **Q. And you appear in front of them regularly?**

9 A. Not so much anymore. In the very beginning as a
10 staff lawyer, I was there a good bit. Then I use
11 to manage what was called the Honors and Litigation
12 Program and not only would I be there for my cases
13 but I would follow the young lawyers around in a
14 mentoring capacity. Now I have a handful of cases
15 that I do appear. When I was there for the
16 regulation hearing in October, it was probably the
17 first time I had been there in several months
18 because right now I manage all the litigation at
19 the department so I am just not in court as much,
20 sir.

21 **Q. Okay. Thank you.**

22 A. Yes, sir.

23 CHAIRMAN CAMPSSEN: Any other questions?

24 MR. SAFRAN: Mr. Chairman. One quick
25 question.

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CHAIRMAN CAMPSSEN: Mr. Safran.

EXAMINATION

(By Mr. Safran)

Q. Good evening, Mr. Kimpson. Let me ask you a couple of quick things. Just to take what Senator Malloy was saying, you were though in private practice for several years at least, correct?

A. Yes, sir.

Q. And I think something I heard previously, again, you can relate to lawyers in terms of the day-to-day obligations, the requirements of meeting a payroll, things of that type?

A. Yes, sir.

Q. And, I guess, even though you've been removed for a while, I'm assuming that those memories are still there?

A. Not only are they still there, but I field calls constantly in the office now from people in private practice and I understand the pressures. I understand all of that very well and would never forget it.

Q. Thank you.

A. Yes, sir.

CHAIRMAN CAMPSSEN: Thank you. Any other questions?

1 (No response.)

2 CHAIRMAN CAMPSEN: Mr. Kimpson, thank you
3 for being with us tonight. That concludes
4 this portion of our screening process. As you
5 know, the record will remain open until the
6 formal release of the report of qualifications
7 and you may be called back at any such time if
8 the need arises. Thank you for offering and
9 thank you for your service to the state of
10 South Carolina.

11 MR. KIMPSON: Thank you, sir.

12 (Candidate excused.)

13 CHAIRMAN CAMPSEN: Ms. Tedeschi, welcome.

14 MS. TEDESCHI: Thank you.

15 CHAIRMAN CAMPSEN: Please raise your
16 right hand.

17 (The candidate is sworn in)

18 CHAIRMAN CAMPSEN: Have you had an
19 opportunity to review your personal data
20 questionnaire and sworn statement?

21 MS. TEDESCHI: Yes. I did last night.

22 CHAIRMAN CAMPSEN: Are they correct?

23 MS. TEDESCHI: Yes, sir.

24 CHAIRMAN CAMPSEN: Does anything need to
25 be changed?

1 MS. TEDESCHI: I had sent in a letter
2 regarding some expenditures I made.

3 CHAIRMAN CAMPSSEN: You have submitted
4 that to staff?

5 MS. TEDESCHI: I have. Other than that,
6 no changes.

7 CHAIRMAN CAMPSSEN: Do you object to
8 making these documents and any amendments a
9 part of the record of your sworn testimony?

10 MS. TEDESCHI: No, sir.

11 CHAIRMAN CAMPSSEN: It will be done at
12 this point in the transcript.

13 [EXHIBIT 11, JUDICIAL MERIT SELECTION
14 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR
15 DEBRA SHERMAN TEDESCHI, ADMITTED.]

16 [EXHIBIT 12, SWORN STATEMENT FOR DEBRA
17 SHERMAN TEDESCHI, ADMITTED.]

18 CHAIRMAN CAMPSSEN: The Judicial Merit
19 Selection Commission has thoroughly
20 investigated your qualifications for the
21 bench. Our inquiry has focused on nine
22 evaluative criteria and has included a ballot
23 box survey, thorough study of your application
24 materials, verification of your compliance
25 with state ethics laws, search of newspaper

1 articles in which your name appears, study of
2 previous screenings, check for economic
3 conflicts of interest. We have received no
4 affidavits filed in opposition to your
5 election. No witnesses are present to
6 testify.

7 Do you have brief opening statement you
8 would like to make at this time?

9 MS. TEDESCHI: Yes. Thank you.

10 CHAIRMAN CAMPSEN: Hold on just a second.
11 Mr. Safran.

12 MR. SAFRAN: Just for the purpose of the
13 record and in keeping with what I've been
14 hearing, just wanted to make it clear I serve
15 with Ms. Tedeschi's husband on a board, it's
16 an active association, but I just wanted to
17 make that clear to everybody.

18 CHAIRMAN CAMPSEN: Thank you. Ms.
19 Tedeschi, proceed.

20 SENATOR MALLOY: I would --

21 CHAIRMAN CAMPSEN: Senator Malloy.

22 SENATOR MALLOY: I would add that I know
23 Ms. Tedeschi and she's a close friend of my
24 brother-in-law. I don't know if that's good
25 or bad, but I know that she worked over at the

1 courts for a period of time. Are you all
2 working together now?

3 MS. TEDESCHI: Yes, sir.

4 SENATOR MALLOY: And is he your direct
5 supervisor.

6 MS. TEDESCHI: No, sir.

7 SENATOR MALLOY: He is not. That's it.

8 CHAIRMAN CAMPSER: Thank you. Ms.
9 Tedeschi, proceed.

10 MS. TEDESCHI: Good evening. My name is
11 Deb Tedeschi and I just really wanted to
12 briefly say thank you for your time and your
13 service and for the thorough screening that
14 you give all the judicial candidates. I don't
15 have anything further.

16 CHAIRMAN CAMPSER: Thank you. Would you
17 please answer the questions of counsel?

18 MR. FRANKLIN: Thank you, Mr. Chairman.
19 I note for the record that based on the
20 testimony contained in the candidate's PDQ,
21 which has been included in the record with the
22 candidate's consent, Debra Tedeschi meets the
23 constitutional and/or statutory requirements
24 for this position regarding age, residence,
25 and years of practice.

EXAMINATION

1
2 (By Mr. Franklin)

3 **Q. Ms. Tedeschi, why do you now want to serve as**
4 **an Administrative Law Court Judge and how do you**
5 **feel your legal and professional experience thus**
6 **far will assist you to be an effective judge?**

7 A. Thank you. I think I'll take the second part first
8 because I think it's actually my 20 years of legal
9 experience that has led me to apply for this
10 position. So in terms of my legal experience, I
11 started my career in Pittsburgh, Pennsylvania, but
12 as a first year associate, moved to Columbia, South
13 Carolina and was in private practice with
14 Nelson Mullins when I started my career here in
15 South Carolina. I've just had a really good career
16 serving, for the most part, the state of South
17 Carolina.

18 I've been -- in addition to my private
19 practice, I've been in the capacities for the South
20 Carolina Supreme Court as a staff attorney and
21 also as a permanent judicial law clerk for Justice
22 Johnny Waller when he was on the bench. That
23 taught me a lot about South Carolina, not just
24 legally, but otherwise as well. It was great to be
25 with the Supreme Court.

1 After about six years, I went then to the
2 Attorney General's Office under General McMaster
3 and I was his first dedicated prosecutor for the
4 Internet Crime Against Children Task Force, which
5 was also a great experience -- a really
6 unanticipated way for me to combine my computer
7 background, which is what I did in my undergraduate
8 work and my first career in -- with my legal acumen
9 and career aspirations and that was some really
10 good work to protect South Carolina and South
11 Carolina's children from internet predators and
12 help the state refine it's prosecution practices
13 and mostly investigative practices in that area.

14 From there, I taught law school and went back
15 to the Supreme Court. And once Justice Waller
16 retired, I hung a shingle and had my own law firm
17 for a couple of years, which was a further legal
18 and professional and personal growing experience
19 for me to be a business owner, to be, I guess the
20 quote unquote real practicing lawyer since I
21 had spent almost ten years with the court. It was
22 great to be out in the Columbia bar and the South
23 Carolina bar and working with colleagues.

24 From there, I got an opportunity to work for
25 the Department of Employment and Work Force and

1 I've been with the department for about five years
2 now really doing a whole bunch of varied work for
3 the department. The department became a cabinet
4 agency in 2010 and I joined the agency in 2011.
5 I really got to know what the meaning of general
6 counsel was because each day could bring new and
7 different tasks. So being in-house counsel for the
8 department in addition to my regular tasks, which
9 I consider my regular tasks being defending
10 the agency's final opinions on unemployment matters
11 to the Administrative Law Court. I also have
12 broadened my negotiation skills and my contract
13 management skills. I have been involved in state
14 grievance matters. I'm the contract manager for
15 a 45 million dollar software project that is a
16 tri-state project for Georgia, North Carolina and
17 South Carolina. It has really been a great
18 learning experience to work for the department.

19 So with all of that said, my variety of
20 experience and my sort of solidification of
21 becoming entrenched in administrative law is really
22 what lead me to consider becoming an Administrative
23 Law Court Judge. And I would be honored to
24 continue to serve the State in that capacity. I
25 feel as if my experience both with the South

1 Carolina Supreme Court and Department of Employment
2 and Workforce, in addition with my other
3 experience, has prepared me for a spot on the
4 Administrative Law Court because it is a very
5 delicate balance that we have in our democracy with
6 the three branches of government. And having
7 worked now for two of the branches and worked with
8 people in the legislature, it is definitely an
9 interesting jurisdiction that the Administrative
10 Law Court has. And I just think I could bring a
11 lot from my 20 years of legal experience to the
12 post of Administrative Law Court. So I would love
13 the opportunity to serve.

14 **Q. Thank you. Ms. Tedeschi, are there any areas of**
15 **the law for which you would need additional**
16 **preparation in order to serve as an Administrative**
17 **Law Court Judge? And how would you handle that**
18 **additional preparation?**

19 A. Well, for the most part I think I have experienced
20 a good bit of the Administrative Law Court's
21 jurisdiction. I am very well-versed in the Rules
22 of Administrative Law Court. I have an active
23 appellate docket. I have also done a contested
24 case before the Administrative Law Court as well as
25 represented the Department of Employment and

1 Workforce in regulatory matters. In fact, I was at
2 the court earlier this week because we are
3 promulgating some new and amended regulations and
4 a public hearing was requested on all three. So I
5 actually spent all Tuesday for the most part
6 litigating the regulatory aspects of those proposed
7 new regulations and amendments. So I actually have
8 a fair bit of experience in the goings on of the
9 Administrative Law Court. I know that there is the
10 so called Al-Shabaab cases where disputes from
11 inmates from the Department of Corrections
12 or Probation and Parole, I had some experience
13 there when I was in the Supreme Court. Al-Shabaab
14 decisions actually ran out just as long as chambers
15 during my tenure at the South Carolina Supreme
16 Court which of course created a new area of
17 jurisdiction for the Administrative Law Court.

18 I would say that if there was one area that I
19 might need some assistance, it would be because I
20 don't have a wealth of experience with the
21 contested cases. I certainly would probably feel
22 most comfortable if I was, I guess, schooled on
23 that a little bit and was able to shadow some
24 experienced Administrative Law Court Judges before
25 jumping into those areas because I know there's

1 quite a bit, but I do have trial experience and so
2 I don't think it would be -- and I'm a quick study
3 so I don't think it would be a big leap, but that
4 might be the only area that I would consider where
5 I would need some assistance.

6 **Q. You've alluded to this a little bit, but please**
7 **explain the types of cases that you have handled**
8 **before the Administrative Law Court and what**
9 **experiences specifically qualify you for that**
10 **court.**

11 A. Sure. I appreciate the opportunity to discuss
12 that. When I -- I did spend, as I said, about ten
13 years at the Supreme Court and so the cases would
14 be of all sorts of areas including administrative
15 law. So I had worked as a judicial law clerk with
16 cases coming out of the ALC really in a lot of
17 ways, when some of the appellate rules were being
18 sort of solidified for that court such as issue
19 preservation. There were some novel issues that
20 were still being litigated that had never
21 been litigated before in the context of the
22 Administrative Law Court. So my Supreme Court
23 experiences there, I think, have informed me well
24 on those. When I was in private practice with my
25 own firm and with the Department of Employment and

1 Workforce, I have litigated numerous appeals to the
2 Administrative Law Court. Those have included
3 putting together records, briefing, motions,
4 positions for re-hearing, different issues on the
5 law, different factual issues, a lot of litigation
6 regarding the substantial evidence standard which
7 is the appellate standard that the Administrative
8 Law Court uses for my department's final decisions.

9 So there's, I think, a fair bit of experience
10 there that I feel has been very good preparation to
11 set me up for being competent and qualified to be
12 on the court. And really just the other part of
13 working for the Department of Employment and
14 Workforce as a cabinet agency, we're tasked with
15 executing the law because we're part of the
16 executive branch. The Administrative Law Court is,
17 likewise, an Executive Branch Court; it's this
18 unusual jurisdiction that it has. I just really
19 found it fascinating to be able to study and learn
20 and grow as an attorney with the balance of the
21 three branches of government where the statutes are
22 first and foremost. And the executive agency has
23 to, obviously, execute those laws consistent with
24 the legislative intent. And then litigating at the
25 Administrative Law Court and then above at the

1 Court of Appeals and Supreme Court levels on some
2 of these administrative law issues, it can be very
3 tricky if you don't understand the delicate balance
4 that the three branches have to -- are meant to
5 sustain. So I have found that when people
6 aren't as enmeshed in those issues on a day-to-day
7 basis, it's harder to keep that all in perspective
8 where the boundaries are for interpreting laws
9 versus making laws versus executing laws. So I
10 hope that addressed your question.

11 **Q. In speaking of this balance between the three**
12 **branches of government, in what instances is it**
13 **appropriate for the judiciary to work in**
14 **cooperation with other branches of government and**
15 **in what areas must the judiciary stand apart from**
16 **other branches?**

17 A. Well, first and foremost, the judiciary should
18 not be making law in the statutory sense. It is
19 primarily for the legislature to make the law and
20 if the courts are called on to interpret the law,
21 that's the primary function of the judiciary. So
22 it's really of a support role for our three
23 branches. Obviously, appellate courts with
24 precedential authority do make case law with the
25 precedents that come out of written opinions,

1 but again, that's all focused on the attempt to
2 interpret the Constitution, interpret the statutory
3 law which comes first in terms of a three branch
4 inquiry.

5 **Q. What is your vision for the Administrative Law
6 Court and what changes would you advocate and why?**

7 A. I'm going to take the second part first, if you
8 don't mind. Obviously, the jurisdiction of the
9 Administrative Law Court is very specialized. I
10 divide it up in my head at least mostly with the
11 appellate nature where they're reviewing final
12 contested cases from agencies, or they're akin to a
13 trial court for those agencies to bring those
14 contested cases, and then the regulatory function.

15 I think that the regulatory oversight is
16 potentially an unused, untapped area of the
17 Administrative Law Court. As I said, I was earlier
18 this week in the Administrative Law Court because
19 of these regulations that the agency that I work
20 for has put forth and there were -- as I said,
21 there was a request for public hearing on them and
22 the agencies talk amongst ourselves and a lot of
23 people had said "well, we don't really do these
24 hearings very often." I think I did one four years
25 ago and they just don't happen very often. And

1 quite frankly, some people were a little bit in a
2 tizzy about going through the process of the public
3 hearing and I took the perspective of, no, this is
4 good, this is the process working. It's way better
5 to have the Administrative Law Court look at the
6 proposed changes or the proposed new regulations,
7 have them vetted by anybody in the public, have
8 concerns raised before they pass to the legislature
9 for approval, before they would be given the force
10 of law. So I think that is probably going to be a
11 so called hot area of administrative law that's
12 going to come in the future and I think that's a
13 good thing.

14 I think that that is the way the process is
15 laid out, it's just underutilized, but -- and so
16 too often, I think a regulation would get
17 promulgated without much delving into it. I mean,
18 obviously, the legislature does their part, but I
19 mean, more from the public and a justification part
20 of it. That would certainly be an area where I
21 see that the Administrative Law Court can grow in
22 proper influence and would strengthen, I think, the
23 regulatory nature of agencies and put it probably a
24 little bit back to the legislature with this
25 informed nature that the Administrative Law Court's

1 role is supposed to have by providing reports on
2 regulations. So that's one area that I see could
3 be an interesting area of growth for the
4 Administrative Law Court. So I would say that
5 would be part of my vision to -- I believe
6 it's always been a part of the Administrative Law
7 Court's jurisdiction and under their purview, but
8 it hasn't always been utilized.

9 As for additional vision, I think -- the only
10 thing I think off of the top of my head is maybe to
11 educate people a little bit more about the role of
12 the Administrative Law Court because it's sort of a
13 -- because it's the unusual judicial area of
14 the executive branch, you know, maybe bringing -- I
15 know at the Supreme Court, there's programs that
16 bring middle and high school children into the
17 court to see what's done, but I think, you know,
18 from a sunshine transparency part of things, I
19 think it would be good to open the public's eyes
20 about the role that the Administrative Law Court
21 plays because given the wide breadth of
22 jurisdiction that it does have and the number of
23 agencies that it hears cases from, it certainly
24 touches a lot of South Carolinian's lives.

25 **Q. Ms. Tedeschi, the Commission received 109 ballot**

1 box surveys regarding you with 33 additional
2 comments. The ballot box survey, for example,
3 contained the following positive comments. You're
4 "an extremely bright and hard-working lawyer with
5 extensive experience in the court." "Deb Tedeschi
6 is great at seeing the implications of judicial
7 decisions and agency policies as well as narrowing
8 the focus to the issue at hand." "A sharp legal
9 mind, an impeccable work ethic and a dedication to
10 finding solutions to problems that are grounded in
11 statute and regulation." And "Mrs. Tedeschi will
12 make an effective jurist, reasonable in her
13 temperament, intellectually curious and an
14 effective communicator."

15 Two of the written comments expressed
16 concerns. One comment indicated that you do not
17 treat those that you think are not as educated or
18 experienced as you with much respect. What
19 response would you offer this concern?

- 20 A. I would say that that is hopefully an aberration in
21 how I'm perceived. I come from rather modest
22 beginnings and -- in terms of education anyway.
23 And I certainly don't -- I think everybody has
24 their strengths and it's not always reflected
25 by the amount of education you have or the area

1 that you're -- of life that you're in. So I'm a
2 little bit saddened to hear that that is something
3 that somebody said about my temperament. I
4 certainly -- you know, nobody's perfect and I'm sad
5 to hear that I may have made somebody to feel that
6 way. Certainly, when you put a robe on and ascend
7 to the bench, you have to be ultra vigilant that
8 you never make somebody feel that way because --
9 especially in your role as a judge. It's almost
10 like a teacher and I've seen the good judges do
11 that. A lot of my colleagues get frustrated when
12 some judges go out of their way to explain things
13 or to pro se litigants. We deal with a lot of pro
14 se litigants and I just say, no, you know, that's
15 part of a judge's job to make somebody feel like
16 they've been heard, to explain things that are
17 complicate in as simple a way as possible, and
18 certainly not to be judgmental about somebody
19 else's level of education.

20 **Q. The second concern indicated that you do not have**
21 **broad enough experience for the Administrative Law**
22 **Court. What response would you offer to this**
23 **concern regarding your experience?**

24 A. Well, I would say that whoever made that comment
25 probably wasn't quite aware of what my experience

1 is. I've got --

2 SENATOR MALLOY: Mr. Chairman, I
3 think we've heard enough about her experience.
4 Thank you.

5 CHAIRMAN CAMPSSEN: You satisfied we've
6 heard it out?

7 MS. TEDESCHI: I could go on all night,
8 but I guess I'm satisfied.

9 CHAIRMAN CAMPSSEN: I don't want to cut
10 you off. You have an opportunity if you want
11 to keep going, but.

12 MS. TEDESCHI: I appreciate that, but.

13 CHAIRMAN CAMPSSEN: Do you have any
14 further questions?

15 MR. FRANKLIN: Just the housekeeping
16 issues.

17 CHAIRMAN CAMPSSEN: Okay. Go ahead.

18 (By Mr. Franklin)

19 **Q. A few housekeeping issues. Since submitting**
20 **your letter of intent, have you sought or received**
21 **the pledge of any legislature, either prior to this**
22 **date or pending the outcome of your screening?**

23 A. No, sir.

24 **Q. Have you asked any third parties to contact members**
25 **of the General Assembly on your behalf or are you**

1 **aware of anyone attempting to intervene in this**
2 **process on your behalf?**

3 A. No.

4 **Q. Since submitting your letter of intent to run for**
5 **this seat, have you contacted any members of the**
6 **Commission about your candidacy?**

7 A. No.

8 **Q. Do you understand that you are prohibited from**
9 **seeking a pledge or commitment, directly or**
10 **indirectly, until 48 hours after the formal release**
11 **of the Commission's report and are you aware of the**
12 **penalties for violating the pledging rules?**

13 A. Yes, sir.

14 MR. FRANKLIN: I would note that the
15 Midlands Citizens Committee found Ms. Tedeschi
16 qualified in the evaluative criteria of
17 constitutional qualifications, physical
18 health, and mental stability. The Committee
19 found her well qualified in the evaluative
20 criteria of ethical fitness, professional and
21 academic ability, character, reputation,
22 experience, and judicial temperament. The
23 Committee stated, in summary, "Ms. Tedeschi
24 has a wealth of experience, especially in
25 the type of matters heard by the

1 Administrative Law Court. She also seems very
2 bright, personable, and energetic. We are
3 very impressed by her in every way." I
4 would just note for the record that any
5 concerns raised during the investigation
6 regarding the candidate were incorporated into
7 the questioning of the candidate today. Mr.
8 Chairman, I have no further questions.

9 CHAIRMAN CAMPSSEN: Thank you. Any
10 questions from members?

11 (No response.)

12 CHAIRMAN CAMPSSEN: Being no questions,
13 thank you for being with us tonight. That
14 concludes this portion of our screening
15 process. As you know, the record will remain
16 open until the formal release of the report of
17 qualifications and you may be called back at
18 such time if the need arises. I thank you for
19 offering and I thank you for your willingness
20 to serve the state of South Carolina.

21 MS. TEDESCHI: Thank you, sir. Good
22 night.

23 (Candidate excused.)

24 SENATOR MALLOY: Mr. Chairman, I move to
25 go into executive session.

1 MR. SAFRAN: Second.

2 CHAIRMAN CAMPSSEN: We have a motion for
3 executive session and a second. All in favor,
4 indicate by saying aye.

5 BOARD MEMBERS: "Aye."

6 CHAIRMAN CAMPSSEN: Opposed?

7 (No response.)

8 CHAIRMAN CAMPSSEN: The ayes have it.
9 Everyone turn off their mikes.

10 (Off the record.)

11 CHAIRMAN CAMPSSEN: We've risen from
12 executive session. No votes were taken. No
13 decisions made. Now we will proceed to
14 casting votes whether individuals are
15 qualified and then whether they're nominated
16 for Family Court, Seat 8, At-Large. The first
17 question is whether the remaining candidates
18 are qualified.

19 SENATOR MALLOY: No, sir. You want us to
20 just -- you want to do each one?

21 CHAIRMAN CAMPSSEN: We'll go one by one
22 then.

23 SENATOR MALLOY: You want to do each one
24 or -- okay, go ahead. I'm sorry.

25 CHAIRMAN CAMPSSEN: I mean, unless we

1 could do them all by acclamation then we vote
2 one on one for qualified. Ms. Brogdon, you'll
3 call the role.

4 MS. BROGDON: If you'll raise your hand
5 if you want to find Martha M. Rivers Davisson
6 qualified.

7 (Board members vote.)

8 CHAIRMAN CAMPSEN: And I have the proxies
9 for Senator Hembree, Representative Smith,
10 Representative Rutherford, Representative
11 Bannister and Mr. Howard voting qualified.

12 MS. BROGDON: So that's ten to find her
13 qualified.

14 The next candidate is the Honorable
15 Rosalyn W. Frierson. Please raise your
16 hand if you want to find her qualified.

17 (Board members vote.)

18 MS. BROGDON: Same proxies?

19 CHAIRMAN CAMPSEN: Yes, my same proxies.

20 MS. BROGDON: That's ten to find her
21 qualified.

22 The next candidate is Laurel Eden Harvey
23 Hendrick. Please raise your hand if you want
24 to find her qualified.

25 (Board members vote.)

1 CHAIRMAN CAMPSSEN: Same proxies.

2 MS. BROGDON: That's ten to find her
3 qualified.

4 CHAIRMAN CAMPSSEN: I hear a motion to
5 recess. We'll just stand at ease.

6 SENATOR MALLOY: So moved.

7 MR. HITCHCOCK: Second.

8 CHAIRMAN CAMPSSEN: All in favor, indicate
9 by saying aye.

10 BOARD MEMBERS: "Aye."

11 CHAIRMAN CAMPSSEN: Opposed?

12 (No response.)

13 CHAIRMAN CAMPSSEN: The ayes have it.

14 (Off the record.)

15 CHAIRMAN CAMPSSEN: We'll go into
16 executive session in a second. All in favor
17 indicate by saying aye.

18 SENATOR MALLOY: Mr. Chairman, before we
19 do that, could I move the agenda and see if
20 the next candidate is qualified?

21 CHAIRMAN CAMPSSEN: Sure.

22 SENATOR MALLOY: I move that we find Ms.
23 York qualified.

24 CHAIRMAN CAMPSSEN: We move by
25 acclamation. Raise your hand if you find Ms.

1 York qualified.

2 (Board members vote.)

3 CHAIRMAN CAMPSEN: Same proxies. Now we
4 have a motion to go into executive session.

5 SENATOR MALLOY: So moved.

6 MR. HITCHCOCK: Second.

7 CHAIRMAN CAMPSEN: All in favor indicate
8 by saying aye.

9 BOARD MEMBERS: "Aye."

10 CHAIRMAN CAMPSEN: Opposed?

11 (No response.)

12 CHAIRMAN CAMPSEN: The ayes have it.

13 (Off-the-record executive session.)

14 CHAIRMAN CAMPSEN: We have risen from
15 executive session. No votes were taken. No
16 decisions made. So we have found all the
17 remaining qualified. And now Ms. Brogdon you
18 can call the roll on casting votes for
19 nomination.

20 MS. BROGDON: Yes, sir. So by a show of
21 hands if you want to vote Martha M. Rivers
22 Davisson nominated, please raise your hands.

23 (Board members vote.)

24 CHAIRMAN CAMPSEN: Proxies -- Hembree is
25 voting for Davisson. Rutherford and Smith and

1 Bannister and Howard.

2 MS. BROGDON: That is nine to find Martha
3 Rivers Davisson nominated. So she will be
4 nominated.

5 The next candidate is the Honorable
6 Rosalyn W. Frierson. Please raise your hands
7 if you want to find her nominated.

8 (Board members vote.)

9 MS. BROGDON: So that is nine votes for
10 the Honorable Rosalyn W. Frierson. So she
11 will be nominated.

12 The next candidate is Laurel Eden Harvey
13 Hendrick. Please raise your hands if you want
14 to find her nominated.

15 (Board members vote.)

16 MS. BROGDON: That is six for Laurel Eden
17 Harvey Hendrick.

18 And the last candidate is the Honorable
19 Elizabeth Biggerstaff York. Please raise your
20 hands if you want to find her nominated.

21 (Board members vote.)

22 MS. BROGDON: That is five votes for the
23 Honorable Elizabeth Biggerstaff York.

24 So to recap Martha M. Rivers Davisson
25 received nine votes. The Honorable Rosalyn W.

1 Frierson received nine votes. And Laurel Eden
2 Harvey Hendrick received six votes. And the
3 Honorable Elizabeth Biggerstaff York received
4 five. So Ms. Davisson, Ms. Frierson and Ms.
5 Hendrick are found qualified and nominated.

6 SENATOR MALLOY: Mr. Chairman, so all
7 votes were cast and Mr. Safran abstained on
8 the last vote; is that right?

9 CHAIRMAN CAMPSEN: That is my
10 understanding.

11 MR. SAFRAN: Either that or I abstained
12 on the first vote. No I did vote, that's
13 fine.

14 SENATOR MALLOY: I just want to make the
15 record clear that we had 30 votes and we had
16 29 cast.

17 MR. SAFRAN: You had 29 cast. I did not
18 cast a vote --

19 SENATOR MALLOY: Because of the proxies.
20 I just want to make sure we up having a clear
21 record as to where the votes are with it being
22 that close. Just need to make sure that we
23 know where the votes were -- were cast,
24 particularly with the proxies. So if we can
25 make certain that the sheets reflect it for

1 the public record.

2 CHAIRMAN CAMPSSEN: I think you got that
3 on the record sufficiently. Stand at ease
4 while we collect these tally sheets.

5 SENATOR MALLOY: So moved.

6 MR. SAFRAN: Second.

7 CHAIRMAN CAMPSSEN: All in favor indicate
8 by saying aye.

9 BOARD MEMBERS: "Aye."

10 CHAIRMAN CAMPSSEN: Opposed?

11 (No response.)

12 CHAIRMAN CAMPSSEN: The ayes have it.

13 (Off the record.)

14 CHAIRMAN CAMPSSEN: We will now go back on
15 the record or we will return from recess. We
16 just receded. We will now cast ballots and
17 determine the qualifications of ALJ
18 candidates. Administrative Law Court
19 candidates. We have a motion that we find all
20 of the ALJ, Administrative Law Court
21 candidates qualified.

22 MR. HITCHCOCK: Mr. Chairman, the five
23 remaining?

24 MR. CHAIRMAN: Five remaining, yes.

25 MR. HITCHCOCK: So moved.

1 MR. SAFRAN: Second.

2 CHAIRMAN CAMPSEN: Any one opposed to
3 that?

4 (No response.)

5 CHAIRMAN CAMPSEN: By unanimous consent
6 we find all of the five candidates qualified.
7 Ms. Brogdon if you would call the roll.

8 MS. BROGDON: Please raise your hand if
9 you want to find the Honorable B. Keith
10 Griffin nominated.

11 (Board members vote.)

12 MS. BROGDON: That is two votes for the
13 Honorable B. Keith Griffin.

14 The next candidate is Bryan S. Jeffries.
15 Please raise your hand if you want to find him
16 nominated.

17 (Board members vote.)

18 MS. BROGDON: That is three votes for
19 Bryan S. Jeffries.

20 The next candidate is Milton G. Kimpson.
21 Please raise your hands if you want to find
22 him nominated.

23 (Board members vote.)

24 MS. BROGDON: That is ten votes for Mr.
25 Kimpson.

1 The next candidate is Grady L.
2 Patterson, III. Please raise your hands if
3 you want to find him nominated.

4 (Board members vote.)

5 MS. BROGDON: That is seven votes for Mr.
6 Patterson.

7 The last candidate is Debra Sherman
8 Tedeschi. Please raise your hands if you
9 want to find her nominated.

10 (Board members vote.)

11 MS. BROGDON: That is eight votes for Ms.
12 Tedeschi. So to recap, those nominated are
13 Milton G. Kimpson with ten votes. Grady L.
14 Patterson, III, with seven votes. And Debra
15 Sherman Tedeschi with eight votes.

16 SENATOR MALLOY: Mr. Chairman, may I
17 suggest that we have these loose documents
18 passed back to staff.

19 CHAIRMAN CAMPSSEN: I will entertain a
20 motion that we stand at ease to the call of
21 chair.

22 SENATOR MALLOY: So moved.

23 MS. BELL: Second.

24 CHAIRMAN CAMPSSEN: Any discussion?

25 (No response.)

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CHAIRMAN CAMPSSEN: No discussion. We will move immediately to a vote. All in favor indicate by saying aye.

BOARD MEMBERS: "Aye."

CHAIRMAN CAMPSSEN: Opposed.

(No response.)

CHAIRMAN CAMPSSEN: The ayes have it.

(There being no further questions, the proceedings recessed at 9:34 p.m.)

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CERTIFICATE OF REPORTER

I, LISA F. HUFFMAN, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT-LARGE, HEREBY CERTIFY THAT I REPORTED THE SAID PROCEEDINGS, ON THE 14TH DAY OF NOVEMBER, 2016, THAT THE CANDIDATES WERE FIRST DULY SWORN AND THAT THE FOREGOING 94 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF SAID PROCEEDINGS TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO, JUDICIAL MERIT SELECTION COMMISSION, 1101 PENDLETON STREET, COLUMBIA, SOUTH CAROLINA 29201, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 6TH DAY OF JANUARY, 2017.

LISA F. HUFFMAN, COURT REPORTER
MY COMMISSION EXPIRES JULY 7, 2025