

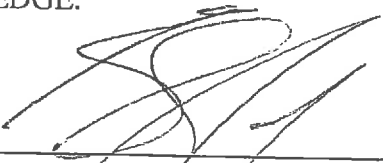
PROPOSED AMENDMENT TO PERSONAL DATA QUESTIONNAIRE
GEORGE C. JAMES, JR.
CANDIDATE, SUPREME COURT, SEAT 5

I, George C. James, Jr., submit the following as an amendment to my answer to Question 20 of the Personal Data Questionnaire submitted in July 2016. The purpose of this amendment is to delete answer (a) to Question 20 and to insert the following in its place. My original answers (b)-(e) shall remain the same.

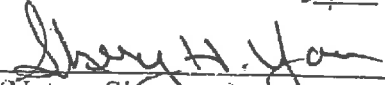
20. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency, prior to your election to the bench. Give citations if the cases were reported and describe why these matters were significant.

(a) South Carolina Farm Bureau v. Rodney Graham (2005-CP-26-00997). I represented Farm Bureau in this action, which arose out of a fire that completely destroyed a home in Santee, S.C. Farm Bureau provided hazard insurance coverage on the home and investigated the fire after the insured owner made a claim for payment under the policy. After the investigation was complete, Farm Bureau commenced this action alleging that the fire was intentionally set by or at the direction of the insured owner and that the insured had made material misrepresentations in the policy application. After a 3-4 day trial, an Horry County jury returned a verdict for Farm Bureau and awarded a money judgment of approximately \$200,000.00, which sum represented the amount paid by Farm Bureau to the insured's mortgagee. This case was significant because of the extensive preparation required to bring the case to trial and because of the fire science issues involved.

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

Signature: 

Sworn to before me this 26 day of Aug., 2016.


(Notary Signature)

Sherry H. Yow
(Notary Printed Name)

Notary Public for South Carolina
My Commission Expires: 10/16/17

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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: George Coggin James, Jr.

Business Address: P.O. Box 1716, Sumter S.C. 29151

Business Telephone: 803-436-2150

1. Do you plan to serve your full term if elected? Yes.
2. If elected, do you have any plans to return to private practice one day?
Not at this time.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
My philosophy is to follow the applicable judicial canons and to use common sense. *Ex parte* communication is permitted in limited circumstances, such as scheduling matters, administrative matters, consideration of temporary restraining orders, emergencies that do not deal with the merits of a case, and considering *ex parte* requests for funding of expenses in criminal cases. In scheduling matters, emergency matters, and administrative matters, I communicate with the other party after speaking with one attorney in order to confirm the communication. I also make sure my clerk and assistant follow these rules.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
I follow the judicial canons. If there is an outright conflict, I recuse with no input from the parties. If there is a situation in which there is not an outright conflict, but my impartiality might reasonably be called into

question, I will recuse myself if, after following the required remittal procedures, a party will not waive disqualification.

In situations in which a lawyer-legislator represents a party, disqualification is not automatic. I have found lawyer-legislators to be very conscientious about not using their positions to gain an advantage over an adverse party. I have not had the occasion to recuse myself either on motion of an adverse party or sua sponte in any case involving a lawyer-legislator. My former law partners appear in front of me on occasion, and I am permitted to preside over these matters provided that the matter involved was not pending in my firm when I departed in 2006. This issue has not arisen much in the past few years, as I have been on the bench for ten years.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

The applicable canon states that we “may” follow the remittal procedure, and I always do so. If a party wants me to recuse in those circumstances, I typically honor that request. If a litigant were to try to create an appearance of bias and I did not think my impartiality might reasonably be called into question, I would not recuse myself, even if the party asked that I do so.

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

Ordinary social hospitality to and from friends is appropriate. As for attorneys, if the attorney is a friend, the same standard applies, as long as the gift or hospitality is not to an extreme. I have never been offered a random gift from an attorney who is not a friend. I accept invitations to bar functions in accordance with judicial canons. The circuit judges are routinely invited to attend yearly meetings of the S.C. Bar Association, the S.C. Association for Justice, and the S.C. Defense Trial Attorneys Association. I report these matters on my yearly Disclosure Statement.

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

If I were to receive information that there was a substantial likelihood that a judge or a lawyer had violated an ethical rule, I would be obligated to directly communicate with the lawyer or judge about the circumstances or

report the violation to the proper authority. If I had knowledge that a judge had violated an ethical canon that raises substantial question as to the judge's fitness for office, I am required to notify the proper authority. If I had knowledge that a lawyer violated an ethical rule that raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer, I am required to report the conduct to the proper authority.

9. Are you affiliated with any political parties, boards or commissions that need to be evaluated? No.
10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.
11. How would you prepare for cases that were before you?

As an appellate judge, I would rely on law clerks and staff attorneys for their input. In all instances, I would read all briefs and pertinent portions of the appellate record and would, along with my clerks, thoroughly research cited authority and other authority not cited. I would also discuss pertinent issues with other judges on the Court and would be open to other points of view. My preparation would be thorough and on point.

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

My philosophy is that I interpret and apply the law, and I do not make law. As a judge, I am to apply the law, including public policy as adopted by the legislature or as found to exist in case law.

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

As I have in the past, I would speak to lawyer groups such as local attorneys (including solicitors and public defenders), S.C. Bar groups, and others on current legal topics and developments in the law. As a Supreme Court Associate Justice, I would be willing to speak to such groups and non-lawyer groups about these same issues. I would also be interested in doing what I could to improve the public's attitude and perceptions about lawyers, judges, and the judicial system. In that regard, I would be willing

to speak to student groups and other non-lawyer groups about our system of justice. I would also be interested in teaching a trial advocacy course at the U.S.C. School of Law.

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

Since I have been on the Circuit Court bench since 2006, I have not encountered any strain in personal relationships in this regard. My friends and family respect what I do and do not ask for favors. I do not believe my being on the Supreme Court would change any of this.

15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?

I am the lay leader at Trinity United Methodist Church in Sumter. That position automatically makes me a member of several church committees. I have just been selected as a member of the Board of Trustees at Wilson Hall School in Sumter. I am the chairman of the Athletic Committee of South Carolina Independent Schools Association.

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:

I believe it is important to consider accurate and reliable historical evidence in instances in which the intent of the framers needs to be ascertained.

- b) The use and value of an agency's interpretation of the Constitution: The interpretation of a Constitutional provision is not to be accorded any deference as binding authority. However, if an agency is a party to a proceeding in which an interpretation of the Constitution is relevant, I would consider the agency's argument just as I would the argument of any other party.

- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention: Such documents are justifiably considered as the best manner of ascertaining the intent of the framers, aside from the text of the Constitution itself. That is an age-old proposition. I give the greatest weight to this area.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?
Yes

18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?

Local governmental entities do not have any power not granted to them by the state legislature. The legislature has constitutional power to make laws for the establishment of the organization, powers, duties, etc., of local governments. In certain legislative enactments, local governments have been given authority to handle local affairs, as long as local enactments do not conflict with state law.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No

20. Do you belong to any organizations that discriminate based on race, religion, or gender?
No


21. Have you met the mandatory minimum hours requirement for continuing legal education courses?
Yes

22. Have you written any scholarly articles?
No

23. What do you feel is the appropriate demeanor for a judge?
As the canons provide, the appropriate demeanor for a judge is to be patient, courteous, and dignified.


24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
These qualities should be displayed at all times.
25. Would there be a role for sternness or anger in meetings with attorneys?
There is a role for sternness but not anger.

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



(Candidate Signature)

Sworn to before me this 22 day of July, 2016.



(Notary Signature)
Debra J. Flinchum

(Print name)

Notary Public for South Carolina
My Commission Expires: 5/26/2019