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

Supreme Court/Court of Appeals
(New Candidate)

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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?

   No. It is my intent to complete my legal career in this position.

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?

I believe, as set forth in Canon 3B(7), Rule 501, SCACR, that ex parte communication should be avoided generally. As our Supreme Court has reminded us:

> It is rarely possible to prove to the satisfaction of the party excluded from the communication that nothing prejudicial occurred. The protestations of the participants that the communication was entirely innocent may be true, but they have no way of showing it except by their own self-serving declaration. This is why the prohibition is not against "prejudicial" *ex parte* communications, but against ex parte communications.

Burgess v. Stern, 311 S.C. 326, 330-331, 428 S.E.2d 880, 883 (1993), quoting In re: Wisconsin Steel, 48 B.R. 753 (D. Ill. 1985). See also Matter of Jennings, 321 S.C. 440, 448 n. 4, 468 S.E.2d 869, 874 n. 4 (1996) (the Supreme Court reminded us all that it has cautioned the bench and bar, repeatedly, to strictly observe the Canons governing judicial and attorney conduct with regard to ex

parte contacts as they relate to maintaining the appearance of propriety, and "to comply with both the letter and the spirit of Opinion No. 2-1988 of the Advisory Committee on Standard of Judicial Conduct in Burgess v. Stern").

There are very limited circumstances, however, where ex parte communications are tolerated and permitted. These situations are set forth in Canon 3B(7)(a)-(e). The commentary to Canon 3B provides sufficient guidance, including examples, as to when ex parte communications are approved or even expressly authorized by law. However, even when permitted such contact should be done in a manner that maintains propriety, as well as the appearance of propriety, and assures the integrity of the judiciary and its processes.

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

First and foremost a judge has a duty to hear and decide matters assigned to that judge; that is, a judge has a duty to rule. Canon 3B(1), Rule 501, SCACR. Litigants are entitled to the prompt and fair resolution of their cases and unless disqualification is required by law a judge should not recuse himself or herself in any matter.

Disqualification is generally governed by Canon 3E, Rule 501, SCACR. The standard is whether the judge's impartiality "might reasonably be questioned..." Thus, at the heart of any inquiry regarding recusal is the issue of impartiality, which includes concerns of actual bias as well as the appearance of bias. A recusal inquiry is an objective one, "made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." Microsoft Corp. v. United States, 530 U.S. 1301, 1302 (2000) (Rehnquist, CJ, respecting recusal).

As the Canons note, however, the "rule of necessity" may override the rule of disqualification. Canon 3E(1), Commentary. There are therefore very limited situations where a judge may be otherwise disqualified under the Canons but must rule, such as when the judge is the only judge available in a matter that requires immediate action. Under those circumstances the judge would "disclose on the record the basis for possible disqualification and then use reasonable efforts to transfer the matter to another judge as soon as is practicable." Canon 3E(1), Commentary.

As for situations in which a lawyer-legislator, former associate, or former law partner were to appear before me, I would analyze the case as required by Canon 3E and controlling case law. If I, or any person employed by my law firm, had any involvement with the matter prior to my becoming a judge (that is, during my association with the firm), I would recuse myself to avoid impropriety or the appearance of impropriety. If a lawyer-legislator had some involvement in a case

in which I also had some involvement as a lawyer, I would recuse myself. Lastly, if there were any other external factors that might cause my impartiality to be questioned objectively, I would recuse myself. Otherwise, I would be obligated by Canon 3 to hear the matter and rule accordingly, regardless of the lawyers in the case.

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

Given the question states that the disclosure "had the appearance of bias," and a party requested recusal, Canon 3E would require my recusal even if I thought the matter would not actually prejudice my impartiality. Once the objective appearance of bias exists, I must recuse upon the party's request.

Also, since a party requested recusal, it is unlikely the disqualification could be remitted under Canon 3F, as such remittal requires the agreement of all of the parties on the record without the judge's participation. Had a party not requested recusal, then I would be able to disclose the matter reflecting bias but follow the procedure for seeking remittal. That would not be available, however, under the question as posed.

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

My behavior is governed at a minimum by Canon 4D(5), Rule 501, SCACR, and I would strictly follow those rules. Thus, I would accept no gifts or social hospitality that would violate the language or the policies underlying Canon 4D(5). I would also take steps to inform my family members of the prohibitions covered by Canon 4D(5).

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

My behavior would be governed by Canon 3D, Rule 501, SCACR, and Rule 8.3(b), (c), RPC, Rule 407, SCACR. Canon 3D draws a distinction between whether a judge has information indicating a substantial likelihood that a lawyer has violated the Rules of Professional Conduct or a fellow judge has violated the Code of Judicial Conduct versus "having knowledge" of a violation that reflects the standards of Rule 8.3.

I believe these rules require me to assess whether I have sufficient information rising to the level of a "substantial likelihood" of a violation of the Code or RPC, and if so, then to alert the judge or lawyer of my concerns and

suggest appropriate action, which may include a self-report of the violation to the appropriate authority.

If I am satisfied that I have knowledge of a violation that raises a substantial question of a judge's fitness for office or of a judge or lawyer's honesty, trustworthiness or fitness as a lawyer or a judge in any respect, I would report the misconduct to the appropriate authority. In most cases that would be the disciplinary authority. The misconduct might also require me to take some other appropriate action, such as a confidential referral to an appropriate lawyer or judicial assistance program under Canon 3G.

9. Are you affiliated with any political parties, boards or commissions that need to be evaluated?

I am not affiliated with any political parties, boards or commissions that need to be evaluated. I am a member of the South Carolina Commission on Indigent Defense, the South Carolina Board of Law Examiners, and the South Carolina Resolution of Fee Disputes Board. I also serve on the SC Bar's Professional Responsibility Committee, which often proposes new rules or rule changes to the Supreme Court.

I am currently serving as special counsel to the Ethics Committees for the South Carolina House of Representatives and the South Carolina Senate. This work is non-partisan. I have suspended my work for these committees during my candidacy.

I shall resign all of these positions if I am elected.

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

Yes.

I have donated items for auction for the South Carolina Bar Foundation, Children's Chance, Harmony School, and the Cutler Jewish Day School.

My law firm is often asked to support various charitable organizations or legal organizations, such as South Carolina Appleseed Legal Justice Center, the Junior League of Columbia, AC Flora High School, the SCAJ Judicial Portrait Fund, ABLE-SC, Special Olympics, and the Lexington Medical Center.

I have chaired or served on a committee through the University of South Carolina Athletic Department to raise funds for the American Cancer Society.

I solicited donations for the South Carolina Association for Justice for its capital campaign to retire the debt on its building.

I solicited members of the community to renew or increase their giving to the Richland Library during its fundraising events.

As part of the "Moving up Main" Committee I solicited donations to assist the Nickelodeon Theatre in Columbia, South Carolina, move to its current location.

In the past I and my law firm have co-sponsored fundraisers for various members of the general assembly from both parties, but not since 2014 when I was hired as special counsel to the House Ethics Committee.

If elected, I would strictly follow the mandates of Canon 4C(3)(b), Rule 501, SCACR and the spirit of these rules.

11. How would you prepare for cases that were before you?

Cases arrive at the Supreme Court in different ways:

(a) The case may be a direct appeal in one of those categories set forth in S.C. Code Ann. § 14-8-200(b) and reflected in Rule 203(d)(1)(A), SCACR.
(b) The case may be a direct appeal in any other matter that was certified to the Supreme Court pursuant to Rule 204, SCACR.
(c) The case may be before the Court following the issuance of a writ of certiorari to the Court of Appeals.
(d) The case may be before the Court following the issuance of a writ of certiorari to the circuit court in a PCR matter.
(e) The case may be before the Court following the issuance of a discretionary writ of review, such as in State v. Hill, 314 S.C. 330, 444 S.E.2d 255 (1994) (vacating bail decision in a capital case) or Laffitte v. Bridgestone Corp., 381 S.C. 460, 674 S.E.2d 154 (2009) (evidentiary ruling in a trade secret case; order was not immediately appealable but writ issued due to exceptional circumstances).
(f) The case may be in the Court's original jurisdiction pursuant to Rule 245, SCACR.
(g) The case may be before the Court on a certified question from a federal court or the highest court of another state pursuant to Rule 244, SCACR.
(h) The matter may be before the court on motion or petition, such as a request for the issuance of a writ of certiorari or a writ of supersedeas.
(i) The case may be a disciplinary matter involving a lawyer or a judge.

No matter what kind of case it is or how it is before the Court, I would approach it with the same work ethic, enthusiasm, curiosity, and interest,

and would strive to apply accurately the law to the facts and arguments presented by the parties.

As a staff attorney or a law clerk at the Court of Appeals, I began preparing the assigned case by reading the parties' briefs. I would read all briefs filed before reading the record. Once I had a sense of the issues the parties presented, I would then read the order or orders being challenged. I would then read the pleadings, any testimony, and the exhibits in the record. I would then read the statutes, cases, or other authority the parties cited, and would often read cases cited within those cases. I would also do independent research on those issues. Once I had a grasp on the arguments and record I would prepare a bench memorandum, prehearing report, or draft opinion depending on my role at the time, and always under the direction and supervision of a judge.

As an appellate practitioner, I read the order first and then the pleadings, transcript and exhibits before preparing a brief. As an appellant, I form a strategy for challenging the ruling on appeal, and try to draft my brief in a manner that is helpful to the judges or justices and their staff who will be reviewing the filings. I research applicable law, and advocate reversal based upon what I believe the law requires or allows. I file a reply brief when I believe I need to respond to an argument by a respondent that attacks my case on error preservation grounds or that does not fairly present a complete or representative version of the facts, law or arguments in response to my brief.

As a respondent, I read the order being appealed and then read the appellant's brief. I then review the pleadings, transcript and exhibits. I pull and read nearly every case the appellant cites (I do not read cases cited for black letter propositions if I am familiar with the cases already). I read cases that are cited parenthetically, and read cases that are either cited in those cases or that are subsequent to those cases but cite to them. I then draft my own version of the procedural history and the facts in the case, and provide a counter-statement of the issues. I try to present controlling authority and take pains to distinguish negative authority in meaningful ways. Again, I strive to present a brief that is helpful to the justices or judges and their staff.

As a party in a certified question case or a case in the Court's original jurisdiction, my brief writing is similar to the brief writing in direct appeals or in cases before the court following issuance of a writ. As for supersedeas petitions, I review the ruling I would like the Court to stay (or lift a stay), assemble the required documents, do the appropriate research, and present the package to a judge or justice.

If elected, I would approach cases assigned to me in similar fashion. I would read the briefs and then schedule a conference with the law clerks. I would assign the case to a clerk and give the clerk guidance on the issues and direction on research. I would ask the clerk to review the records and briefs and prepare a bench memorandum. I would then begin my review of the record. I would meet regularly with clerks to assess their progress and to give further guidance toward a final bench memorandum. Prior to oral arguments I would review the briefs, bench memorandum, and record as necessary, and would read any other documents from other members of the Court.

For cases assigned to other members I would read the briefs and memoranda prepared in their chambers and then would read the record. I would ask my own clerk to prepare a pre-hearing outline, and I would prepare my own memorandum on the case.

For oral argument, I would work with my clerks to prepare a separate notebook for each case containing my notes, the bench memorandum, the pre-hearing outline, and cases pulled during independent research. I would add that notebook to the record and briefs the parties filed and would use it to assist in conferencing the case with other members as well as to pursue questions at oral argument.

My goal would be to try to be nearly as prepared on every case as the lawyers who will present argument. I believe the litigants and lawyers would expect that level of preparation, and that my duty as a judge would require the same.

Following argument I would conference the case with the other Court members. On cases assigned to me I would prepare a draft opinion for circulation to other chambers. I would have the clerks "spade" the opinion for factual and legal accuracy, consistency and citation form. I would discuss any suggested amendments with the proposing justice and incorporate them if I agree with the suggestions.

On cases assigned to others, I would read the proposed opinion promptly, and propose any suggested changes to the opinion's author. I would try to find an accord if there is any disagreement in the result. I would debate the ideas in a fashion to try to persuade another justice of my view. I would strive to avoid dissent if at all possible, but would forcefully represent my position if I am convinced I am correct. I would do so without being "disagreeable," however, in respect to the views of the other member of the Court and in honor of civility.

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

It is for the South Carolina General Assembly to say what the law *should* be, while it is for the judiciary to interpret what the General Assembly meant in a particular statute. That is, the General Assembly primarily sets and promotes public policy in general (to some degree policy is promoted by the Governor) while the Courts apply that policy to a controversy or dispute in a particular case. In applying the public policy expressed in the form of legislation, the Courts attempt to understand and enforce the intent of the legislature in adopting a certain policy, and will often apply settled rules of statutory construction where that legislative intent is not express or entirely clear when applied to a particular case.

My understanding of "judicial activism" is this. When a Court renders a decision in which it avoids the plain language of a statute by reading additional language into the statute or ignoring express language that is in the statute, the Court is making law, or engaging in "judicial legislation." Such action is beyond the appropriate role of the judiciary – it is for the legislature to make the law that reflects public policy, not the judiciary.

The Supreme Court does have a role in declaring the common law, but that role is very limited and narrow. And that role should not be used as a means to engage in "judicial activism" or to ignore the expressions of the legislature. When the Court strays beyond the legislature's expressions of policy or decides a case in a manner different from that presented by the parties, the Court has engaged in improper "judicial activism."

The Court also has an independent role to ensure legislative expressions of policy adhere to the mandates of the state and federal Constitutions. All legislative enactments are presumed constitutional and should be upheld if at all possible in each case. But the Court does have a role in declaring the constitutional validity of a statute, even if that statute reflects an expression of public policy.

If elected, I will not engage in "judicial activism" or "judicial legislation."

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?

I would continue to speak at seminars and give presentations on the law, the legal system, and the administration of justice. I would also continue to update publications I have authored, and to assist with the editorial boards of legal publications.

I currently mentor both law students and young lawyers. I would continue these activities within the confines of the Canons. I would also pursue lecturing

opportunities within the community to include public schools, undergraduate colleges and law schools.

I currently serve on the Board of Law Examiners. With the adoption of the Uniform Bar Examination in February 2017, the Board's role will change. If elected I would resign from the Board. While I would no longer be a Board member, I would assist the Board in any way I could within the confines of the Canons and applicable rules and under the direction of the Chief Justice.

I shall also remain active in my community. This includes remaining active with the Riley Institute at Furman University.

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?

I do not feel that serving as a judge would strain personal relationships. My wife and I are best friends and I would not pursue this position without her full support and encouragement. My current law practice is demanding and we make time for each other apart from the day to day routine. I believe that while the pressures of being a judge will be different, those pressures will not be greater than those we currently experience.

My daughter is an adult and has a 5 year old son. She lives in Columbia and we see her frequently. I do not feel that the pressures of serving as a judge would strain either of those relationships.

Most of my friends are lawyers. We have gotten to know each other through cases or other projects. They know me well enough to know that I would decide the issues they present in a case based upon the law applicable to those issues and the record presented to the Court. I would not let any personal relationships dictate that decision.

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

Yes.

(a) South Carolina Commission on Indigent Defense (Commissioner)
(b) The South Carolina Board of Law Examiners (Board Member/Examiner)
(c) The South Carolina Resolution of Fee Disputes Board (Board member)
(d) The SC Bar's Professional Responsibility Committee (member and occasional subcommittee chair)
(e) Coaches v Cancer "B-Ball" Committee (member; past chair)
(f) Columbia Tip-Off Club (Board member/secretary)
(g) Supreme Court's Uniform Bar Exam Task Force (member)

(h) SCAJ Ethics and Professionalism Section (chair)
(i) SCAJ Amicus Committee (co-chair)

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 construe "historical evidence" to mean past practices and legislative interpretations as that phrase was used in Williams v. Morris, 320 S.C. 196, 464 S.E.2d 97 (1995). That is, anything that provides context for the adopted provision.

With regard to the federal constitution, the United States Supreme Court often turns to historical context to explain the meaning of the Constitution's express language. E.g., District of Columbia v. Heller, 554 U.S. 570 (2008) (Scalia, J) (reviewing "founding-era sources" to interpret the "natural meaning" of the Second Amendment to the United States Constitution, and announcing the Court's "interpretation is confirmed by analogous arms-bearing rights in state constitutions that preceded and immediately followed adoption of the Second Amendment.").

At bottom, the text of the South Carolina Constitution will drive my interpretation of its meaning. I would look first to the express language, and then to prior cases interpreting that language to give credence to precedent under stare decisis. If neither the plain text nor controlling precedent resolved the dispute before the Court I would review historical evidence in an attempt to inform the result in the case. I would be extremely cautious in this approach, however, and would never allow such sources to override a clear expression in the text of a constitutional provision.

b) The use and value of an agency's interpretation of the Constitution:

While an agency's interpretation of its own properly enacted regulations would be given some weight, an agency should not interpret the Constitution; that role is solely within the purview of the judiciary. Thus, an agency's interpretation of the Constitution would have no use or value.

This is true even of the Administrative Law Courts. See Great Games, Inc. v. S.C. Dept. of Revenue, 339 S.C. 79, 529 S.E.2d 6 (2000)(the Administrative Law Court has no authority to pass on the constitutionality of a statute); Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000)(when an inmate challenges the constitutionality of a statute, the Department of Corrections and the Administrative Law Court must follow the statute and leave the question of whether it is constitutional to the courts).

c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

The plain text of the provision will drive the final decision in a case. However, documents produced contemporaneously to the creation of the Constitution may be of assistance in determining the intent of the framers. While there is not much legislative history available in South Carolina, there are publications that have collected some of the discussion that went into adoption of particular language. For example, Professor James Underwood and Professor Walter Edgar have both written extensively on the history of the South Carolina Constitution.

Again, the historical record is not complete and is difficult to assemble, so any document, such as the minutes of the convention, must be viewed with caution and skepticism. This is especially true where the final draft contains language that is contrary to those sources. Of course, these sources may be helpful to demonstrate the drafters weighed different options but rejected certain language. In the end the text of the Constitution will control over the minutes or any other document or statements made at the time the Constitution was drafted.

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

That statement is black letter law in South Carolina and has been for a long time. I put forth this very point on behalf of an amicus curiae in Hampton v. Haley, 403 S.C. 395, 403, 743 S.E.2d 258, 262 (2013) ("In our division of powers, the General Assembly has plenary power over all legislative matters unless limited by some constitutional provision."). The General Assembly's power is, indeed, plenary in nature with regard to legislative matters unless that power is somehow limited by a specific Constitutional provision.

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?

The Home Rule Amendments to the Constitution and the Home Rule Act do not confer any inherent or plenary powers upon local governments. Instead, the General Assembly must provide the powers of counties and municipalities by general law. S.C. Const. art. VIII, §§ 7, 9. Thus, other than the three branches of government, any other levels of government derive their grants of authority from the state level in our Constitution and by statute.

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?

I have written several articles and publications that some may view as scholarly. These are:

(a) Trial Handbook for South Carolina Lawyers (Second Ed. through Fifth Ed.), by the Hon. Alexander M. Sanders and John Nichols (Thomson Reuters/West Group 1995-2016) and by the Hon. Alexander M. Sanders, Deborah Neese, and John Nichols (First Ed. Lawyers Co-Op. Pub. Co.1994). Thomson Reuters/West Group publishes a "Trial Handbook" in most states, and this one covers multiple aspects of substantive law and procedure for trial practitioners in South Carolina.

(b) Service of Process in South Carolina (SC Bar 2005; Second Ed. 2009; Third Ed. 2012; Fourth Ed. 2014). This book is a compendium of statutes, rules and case law relevant to service of process in South Carolina.

(c) Masters in Equity and Special Referees in South Carolina (SC Bar 1996, revised 1998; Second Edition 2002; Third Edition 2006, Revised 2009; Fourth Ed. 2012). This book provides a compendium of statutes, rules and case law governing Masters in Equity and Special Referees in South Carolina.

(d) South Carolina Law of Torts (Fourth Ed.)(SC Bar 2011). Annual Update by E. Scott Moïse and John S. Nichols (2012-2015). These are the annual updates for a book published by the SC Bar. The updates cover state and federal cases as well as legislation impacting South Carolina tort law.

(e) Law School for Nonlawyers: Tort Law in South Carolina (2006-2016). These are the materials for the tort law portion of the SC Bar's "Law

School for Nonlawyers" program. They serve as a primer on tort law for the program.

(f) Ethical Issues Involving Non-Lawyer Employees - SC Bar Distance Learning (2000). These are the materials that accompanied a distance learning video CLE for the SC Bar.

(g) South Carolina Jurisprudence (SC Bar), 1994 Pocket Part Supplements (25 volumes) and 1993 Pocket Part Supplements (20 volumes). I updated and edited all articles in existing volumes of SC Jurisprudence for the SC Bar.

(h) Ervin's Jury Charges (SC Bar), 1994-1996 Pocket Part Supplements, 2 volumes. I updated and edited both volumes (criminal and civil) of Ervin's Jury Charges for the SC Bar.

(i) A Trail of Tiers: Limitations on Punitive Damages under South Carolina's 2011 Tort Legislation. This was an article for The Bulletin, the SC Association for Justice Magazine (Fall 2011). It outlined the recently enacted legislation on limitations to punitive damages.

(j) Safeguarding the Truth in Court - The Doctrine of Judicial Estoppel. This was an article for the SC Bar's South Carolina Lawyer Magazine's January-February 2002 issue.

(k) When the Defendant Fails to Forward the Papers - Has Shores v. Weaver Been Statutorily Overruled? This was an article for The Bulletin, the SC Trial Lawyers Magazine (Summer 2001).

(l) Appellate Watch: Preserving Error from the Respondent's Perspective. This was an article for The Bulletin, the SC Trial Lawyers Magazine (Winter 2000).

(m) Where Have You Gone, Atticus Finch? This was an article for The Bulletin, the SC Trial Lawyers Magazine, (Summer 2000).

(n) South Carolina Damages (Second and Third Editions) (SC Bar 2009, 2016). I authored a portion of a chapter on the measure of economic damages in personal injury litigation.

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

A judge should always be respectful of others, including other members of the Court, the lawyers, the litigants, court staff, and members of the general public. Judges represent more than themselves; they are symbols of the judiciary and reflect that institution in everything they do, write or say.

A judge should also show humility. Being allowed to act as a judge is a privilege and an honor, and being humble about the position will keep the judge's focus on the task at hand – doing the best job possible to resolve the case before him or her, and doing so honestly, promptly, and correctly.

A judge must have patience with others, while at the same time being firm and decisive.

And a judge must have a sense of humor, and should not take himself or herself too seriously.

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 rules apply always. A judge does not "take off his or her hat," so to speak. A member of the Supreme Court is usually widely known and recognized generally, and the qualities of patience, humility and respect for others should always guide us. We should be consistent in who we are whether it is behind the bench, behind a closed door, or behind someone in line at a restaurant. Thus, the rules would apply seven days a week, twenty-four hours a day.

25. Would there be a role for sternness or anger in meetings with attorneys?

There would be no role for anger in meetings with attorneys, in meetings with other members of the bench, in meetings with member of the staff, or in meetings with visitors to the Court. That is, there is never a role for anger when dealing with anyone you encounter, particularly if you are a judge. Anger reflects a lack of patience or respect and accomplishes nothing but frustration in the end. It does not contribute in any constructive way, and it reflects poorly on the judge as well as the judiciary as a whole.

There may be a role for "sternness" if this means being firm but respectful. There may be times when a judge must assert control over a situation, such as when a lawyer or litigant shows disrespect for someone in the judge's presence, disregards a rule or an order, or shows disrespect for the proceedings. A judge should not display arrogance, condescension or sarcasm when being stern or firm, but should do so in a respectful manner.

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 31 day of July, 2016.

(Notary Signature)

Margaret Miles Bluestein

(Print name)

Notary Public for South Carolina

My Commission Expires: 6/2/2020