

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

Supreme Court/Court of Appeals
(New Candidate)

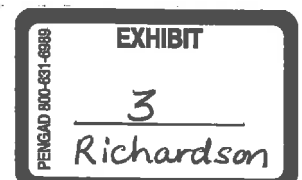
Full Name: Matthew Terry Richardson
Business Address: 801 Gervais Street, Suite B Columbia, SC 29201
Business Telephone: 803-254-6542

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.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Ex parte communications about a case should not occur, except in the very limited circumstances permitted under Canon 3(B)(7), Code of Judicial Conduct. The Court has procedures in place to handle those circumstances, and staff should be trained to screen for attempts of improper *ex parte* communications.

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 would recuse myself when there is a reasonable question about impartiality and in circumstances requiring disqualification under Canon 3(E), Code of Judicial Conduct. I would also maintain a list of standing disqualifications and update the list as needed.



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

I would generally defer, granting the motion if impartiality would reasonably be questioned.

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

I would not accept gifts, except as permitted by Canon 4(D)(5), Code of Judicial Conduct, and I would only accept ordinary social hospitality from family and close friends.

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

If the misconduct violated the Rules of Professional Responsibility or the Canons of Judicial Conduct, then I would take appropriate action under those rules and canons and in accordance with Canon 3(D)(1) & (2), Code of Judicial Conduct. Appropriate action may include communicating with the lawyer or judge or reporting to the appropriate authority governing the conduct of lawyers and judges.

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?

Not since becoming a candidate for judicial office.

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

I will begin preparing for each case with an open mind, endeavoring to analyze fully the legal issues presented to the Court in that appeal. First, my law clerks and I would read the briefs and order or orders being appealed to understand how the lawyers have framed the issues being appealed. Then, we would read and research the legal authorities cited in the briefs and make sure they are accurate and complete. Next, we would use that legal framework, including the scope of review, to read and discuss the record on appeal. At this point, a bench memorandum would be written.

During the initial preparation, questions and any additional legal authorities would be synthesized to ask the attorneys during oral argument to address questions and concerns identified during preparation. The case would also be discussed with the other justices, and additional research or re-reading the record would ensure a complete understanding the law and facts in the case. Finally, if the case is assigned to me, the deliberation would conclude by writing the decision and reasoning in clear and concise language.

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

Judicial activism is not appropriate. Humility and respect for the separation of powers prohibit legislating policy preferences from the bench. The language of the Constitution and statutes should be strictly construed. Judges are also responsible for the path of the common law, which includes stare decisis, the effect those decisions have had on other legal cases, and the public policy of the state as expressed through the Constitution, legislative enactments, and some executive or agency actions. My conservative judicial philosophy includes not reaching decisions that are not properly presented to the court and not making decisions that go beyond the issues presented in the case. As Chief Justice Roberts said, the role of a judge is simply to call balls and strikes based on the 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?

I have worked on improving the law, legal system, and the administration of justice in South Carolina since law school when I served as Editor in Chief of the Law Review. I now continue to do so mentoring to law students and young lawyers, teaching classes at the law schools and in continuing legal education programs, and chairing the Supreme Court's Access to Justice Commission. I would continue those efforts, encourage all lawyers and judges to improve the system, and also focus on writing clear, concise, and well reasoned opinions that individuals as well as lawyers could understand and rely upon.

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. All public servants feel pressure beyond the demands of the service. My family and I understand the additional commitment and sacrifice required of being a judge. I am fortunate to have an amazing and understanding wife, who is an attorney and mother of our three children. We are all blessed with good health, emotional strength, and spiritual support. The support of my family and friends, combined with a strong work ethic, will ensure that neither family nor professional commitments will go lacking.

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

I serve as Chair of the South Carolina Access to Justice Commission, appointed by the Chief Justice of the Supreme Court of South Carolina.

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:

Historical evidence can be helpful in determining the intent of the drafters and thus in the practical application of the Constitution. However, the language in the Constitution itself is always the primary means of interpretation, and historical evidence should be used only when needed to interpret the language of the Constitution.

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

An agency's interpretation of the Constitution guides its executive functions and enforcement actions but is not entitled to deference by the courts.

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

Documents related to the drafting and adoption of the Constitution and also produced contemporaneously with the Constitution are most valuable in determining the intention of the drafters but would only be helpful where the plain meaning of the language adopted in the Constitution is unclear and ambiguous.

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?

All grants of authority to other levels of state and local government flow from the state level in our Constitution and statutes.

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?

(a) SC Damages (SC Bar 3d ed. expected 2017), Contributing Co-Author;

(b) Doing Business in South Carolina (Lex Mundi Guide 2012), Contributing Co-Author;

(c) SC Damages (SC Bar 2d ed. 2009), Contributing Co-Author;

(d) 2005 Legislative Changes to the South Carolina Civil Justice System, SCTLA Bulletin (Summer 2005), Author;

(e) The Tort of Unauthorized Pelvic Exams, Trial (Oct. 2004), Co-Author;

(f) Secret Settlements: Reports of Their Demise Are Premature, 15 SC Law. 29 (May 2004), Co-Author;

(g) SC Damages (SC Bar 2004), Contributing Co-Author.

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

It is important that all litigants receive impartial justice and also that all people in the court system are treated courteously, professionally, and respectfully. I was fortunate to clerk for U.S. District Judge Michael Duffy who treats everyone as the most important person in the room and approaches all matters with no ego or need for credit

in reaching the right decision or resolving the dispute. I will always try to live up to his example and these ideals.

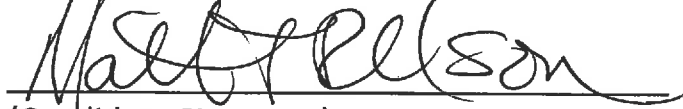
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

The appropriate demeanor for judges applies all the time, to promote "public confidence in the integrity and impartiality of the judiciary." Canon 2(A), Code of Judicial Conduct. As a public servant, a judge's actions and demeanor are reflected in how he treats others no matter the venue or circumstance.

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

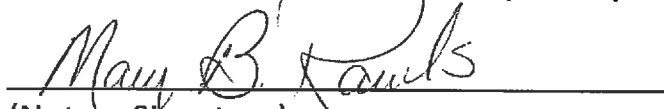
Sternness may become necessary, but anger should not be used. I have been actively practicing law for years and understand the stresses of the profession. I will do my best as a judge to help alleviate those stresses and not add to them.

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 29th day of July, 2016.



(Notary Signature)



(Print name)

Notary Public for South Carolina

My Commission Expires: 11/9/2025