

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

Supreme Court/Court of Appeals
(New Candidate)

Full Name: The Honorable Alison Renee Lee

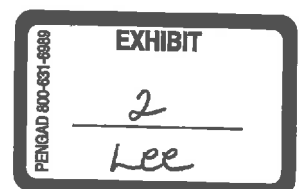
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1. Do you plan to serve your full term if elected?
Yes.
2. If elected, do you have any plans to return to private practice one day?
No.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I do not discuss the merits of any cases that have been assigned, are pending or closed with any of the parties, their attorneys or representatives. If a question arises, my administrative assistant or law clerks requests that the matter be addressed in writing, copies to all parties, or a conference call is scheduled to discuss the matter with all parties or their representatives. *Ex parte* communications are allowed in certain circumstances which include administrative matters in which substantive matters are not discussed, situations in which the other party is not placed at a disadvantage, and matters allowed by the Rules of Civil Procedure (e.g. temporary restraining orders). Simple clerical or scheduling questions are answered by the law clerk, administrative assistant, or referred to the Clerk of Court.

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



Mere affiliation with any of these classes of lawyers would not require recusal. If faced with a situation in which my impartiality could reasonably be questioned, I would recuse myself. Certainly if I thought my friendship with one of these lawyers would interfere with my impartiality or cause me to hesitate because of the friendship, recusal would be appropriate and required.

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?

Under the canons of judicial conduct, a judge should avoid the appearance of impropriety. A judge is required to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The judge should disclose information that the judge believes the parties or their lawyers might consider relevant, even if the judge believes there is no real basis for disqualification. Having determined that it is important to disclose the information, I would give great deference to the parties' requests. The record should contain some evidence to support a party's claim of judicial prejudice or bias. If no evidence is offered to support a claim of partiality, the judge may deny recusal. If the party can demonstrate such evidence, recusal would be required despite the judge's personal belief that he/she could be impartial.

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

I have accepted lodging from lawyer associations (e.g. Association for Justice, Defense Trial Attorneys, S.C. Bar) when invitations to attend meetings have been extended to all judges. My policy is to accept invitations equally from both plaintiff and defense organizations. I have also accepted a meal from an organized group of lawyers (e.g. Richland County Bar) when all judges in the circuit or state have been invited. I do not accept any other offers of gifts or hospitality including food, beverage, lodging, etc. or gifts from lawyers who appear before me. I will accept a meal, transportation, or lodging in connection with an invitation to speak to a group out of town and/or the time of the engagement requires it.

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

The Code of Judicial Conduct provides that if a judge becomes aware of information indicating a "substantial likelihood" that a violation of the code of conduct has occurred, the judge is required to take action. The violation must raise a substantial question of the judge's fitness for office or the lawyer's honesty, trustworthiness, or fitness. The action I would be required to take is to report the information to the appropriate authority. Prior to making any report, I would have a conversation with the person about the information to determine whether a "substantial question" is raised, especially if it is not first-hand

information or personal observation. If the conduct at issue meets the requirement of reporting, I would encourage the person to self-report with the caveat that if it is not reported then I would report it.

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?

I would read the record on appeal, the briefs filed by counsel and the legal authority cited therein, and any pre-conference memoranda. In addition to making notes from the written material, I would prepare a list of any questions for oral argument. During judges' conferences I would take notes on the judges' opinions and questions.

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

Judges should not initiate public policy or engage in activities infringing on the authority of other branches of government. The Supreme Court sets the standard for interpretation of the law. To the extent the courts are required to determine the constitutionality of actions by the executive and legislative branches, there are certain standards that require the courts to give deference in favor of constitutionality. There is no place for judicial activism.

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 speak at CLE's, meetings, conferences on topics relating to the law in areas of which I have knowledge. I also speak to middle school and high school students encouraging them to study, set goals and work hard to achieve them in order to succeed. I have also briefly spoken to student groups (including law school classes) that come to observe court.

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?

No. I have been a judge for over 17 years. My family and friends are aware of the restrictions imposed by the judicial canons of conduct. They

understand if I decline to participate in an activity and I explain if necessary.

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

I am a member of the Board of Directors for the Historic Columbia Foundation and a member of St. Peter's Catholic Church Finance Committee.

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:
 - b) The use and value of an agency's interpretation of the Constitution:
 - c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

In interpreting the Constitution the cardinal rule of construction if the language is clear and unambiguous, you apply the words as written. Only when there is a question as to the meaning or an ambiguity arises will concepts of construction listed above may apply. The fundamental principle of construction is that the Constitution should be construed based upon the intent of the framers. The Constitution should be construed based upon the time when the provision was enacted. Historical evidence is considered to determine the intent of the framers and those who adopted the provisions. The documents produced contemporaneously to the Constitution such as the minutes of the convention would also be paramount in determining the intent of the framers. In interpreting the Constitution is a question of law and the appellate court is free to determine the issue without deference to the lower court. The same applies to an agency's interpretation of the Constitution. However, an agency's interpretation of an applicable statute or its own regulations is given great deference when the statute or regulation is silent or ambiguous with respect to a specific issue. If the statute or regulation is clear then the Court must utilize the clear meaning of the statute or regulation without regard to the agency's interpretation.

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

The power of the General Assembly is plenary in nature. The State Constitution limits the power of the General Assembly. The General Assembly may act through its plenary powers to any extent not expressly or impliedly prohibited by the State Constitution.

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 grants of authority to local government are derived from the state level. The General Assembly provides a statewide framework for local governments but may not enact legislation special to only one or a few. The counties and local governments have power within that framework to enact statutes affecting local government.

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?

A judge should act fairly and impartially and should conduct himself/herself in a manner that bestows confidence in the legal system. Both personally and professionally, the judge should act in a manner that would not violate the law or call into question the judge's ability to act fairly and impartially.

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 Canons on Judicial Conduct apply at all times, seven days a week, twenty four hours a day.

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

Judges should not display emotions that question professionalism. It is inappropriate for judges to display anger to litigants and attorneys. There are

occasions when a judge should be stern and to clearly communicate a position or ruling.

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

Ala Shea Ree
(Candidate Signature)

Sworn to before me this 28th day of July, 2016.

Betty J. Smith
(Notary Signature)

Betty J. Smith
(Print name)

Notary Public for South Carolina
My Commission Expires: 10/20/2018