

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

**Circuit Court**  
**(New Candidate)**

Full Name: Honorable Bentley Douglas Price

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1. Why do you want to serve as a Circuit Court judge?  
I want to serve as a Circuit Court judge because I understand what the litigants are going through. As a former prosecutor and now private attorney that handles both criminal and civil litigation I understand the rigorous schedule that all attorneys juggle. As a current Judge I enjoy assisting the attorneys, clients and defendants in resolving their cases expeditiously and fairly. I want to continue this on the Circuit Court.  
I feel that my demeanor and broad base of practice and experiences would allow me to continue to serve the litigants, court staff and public of this State with great humility and respect.
2. Do you plan to serve your full term if elected? Yes.
3. Do you have any plans to return to private practice one day?  
Not at this time.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
*Ex parte* communication should not be tolerated unless expressly permitted by the Rules or Canons.
6. 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 in strict accordance with the Judicial Canons and in situations where there is even the mere appearance that I could not

be fair and impartial.

7. 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 give great deference to a party that requested my recusal regardless of whether I felt there was any potential for bias or impartiality on my part. I would divulge the concerns to all parties on the record and give them the opportunity to discuss in private with their clients. If they waived disqualification and I agreed to hear the case I would have them sign a remittal agreement and place in the file.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would divulge the financial or social involvement of my wife or close relative to both parties and would recuse myself where there was even a *de minimus* interest by my spouse or relative.

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

I would accept gifts that could not be perceived as intended to influence my performance of judicial duties, gifts from relative and from any party who is not likely to come before me or their interests come before me. If the value exceeds \$150.00, I would report in compliance with the rules.

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

If I were made aware of potential misconduct, I would conduct my own investigation by speaking with the judge or lawyer. If I felt the information I received indicated that there was substantial likelihood that a violation had occurred, I would inform the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.

13. If elected, how would you handle the drafting of orders?

I would ask the prevailing party to draft the order and provide it to opposing counsel. Only when they have agreed on the order would I sign it. If I were to take the matter under advisement, I would ask both parties to

submit proposed orders and I would then utilize the two proposed orders to issue my decision. If it were a complex issue on which I wanted to do independent research and my research yielded new findings, I would draft the order.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

The methods I would employ would include an automated calendaring system that would be accessible to my staff and me. I would continue to utilize my laptop on a daily bases and an iPad when traveling to keep continued access with the court and litigants. Further, I would explore utilizing Skype to cut down on out of town litigants travel time where feasible.

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

Judicial activism should not play a role in a judges' decision. Judges should play no role in establishing public policy. The applicable laws should guide judges in making their rulings.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I thoroughly enjoy speaking to law students and others that seek my perspective on judicial issues ranging from sentencing to court administration. I would continue this practice as often as I was asked to do so for any organization seeking my opinion. I would also like to see the judiciary become more involved in the training of new lawyers, devoting time to give them guidance in and outside of the courtroom.

17. 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 address this?

The demanding travel and time spent away from family is something that my wife, family, and friends have endured throughout my practice. We have discussed the demand on my time that becoming a Circuit Court Judge would create. They are fully aware of what is required of a judge to be efficient and thorough and they support me one hundred percent in pursuit of becoming a Circuit Court Judge.


18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
- a. Repeat offenders: A judge's job at sentencing is to impose a punishment for the crime committed. The punishment must fit the crime but a repeat offender's punishment must reflect the fact that they have already received a prior punishment that was not sufficient to deter them from becoming a recidivist. I would take into consideration their past crimes and the respective sentences imposed and ensure that the sentence is fair but firm in hopes of preventing future criminal behavior.
  - b. Juveniles (that have been waived to the circuit court): A judge must consider the fact that they could have potentially been sentenced in Family Court but for one reason or another the case was waived up to Circuit Court and therefore facing stiffer penalties. The defendant's history is important in juvenile cases as they are young and very impressionable and it needs to be determined whether it is a product of their environment and not just the nature of the child.
  - c. White collar criminals: White collar crimes are often about someone being deceitful and dishonest. A judge must take that type of behavior into consideration when sentencing someone to prison or to probation while balancing their ability to pay restitution.
  - d. Defendants with a socially and/or economically disadvantaged background: Again, I would determine whether their social or economic disadvantage is a product of their environment or whether the crime was a product of their core values. These defendants are inclined to be easily influenced by their environment and their crimes are often a by product of that influence. I would determine if outside influences played a role in their behavior and if so, craft an appropriate sentence in an effort to place them on a more rehabilitative course.
  - e. Elderly defendants or those with some infirmity: Elderly or those with infirmities must be given extra care to assure that the sentence imposed does not have an unintended effect. For example, When sentencing an elderly person to prison their age must be a factor as to not unintentionally sentence the defendant to a life sentence when that was clearly not contemplated by the court. Conversely, a sentence imposed on a person with an infirmity should reflect consideration of the infirmity and impose an alternative sentence where possible to accomplish the same goal, so as to not unduly financially burden the State.
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
I would recuse myself where a family member or close friend had even a *de minimus* interest.
21. Do you belong to any organizations that discriminates based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
23. What do you feel is the appropriate demeanor for a judge?  
A judge should be fair but firm. A judge must be humble and gracious and treat all parties with the same respect the position demands and be courteous to all court staff and peers in the community.
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?  
Judges are more recognizable in their communities and therefore must maintain the demeanor outlined above and sustain the behavior in every situation in which they find themselves.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?  
I do not feel it is ever appropriate to get angry with members of the public or criminal defendants. Anger is never appropriate in dealing with attorneys or pro se litigants. There are obviously going to be times as a judge that certain parties or issues anger you but the position carries with it a certain requirement that you remain fair and impartial and not allow your emotions to affect your decisions or the parties.

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 27<sup>th</sup> day of July, 2016.

  
(Notary Signature)

Robin H McCain  
(Print name)

Notary Public for South Carolina  
My Commission Expires: 3-21-2016  
FormRevisedFall2016