

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

**Family Court**  
**(New Candidate)**

Full Name: SAMUEL MCGOWAN PRICE, JR.

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1. Why do you want to serve as a Family Court Judge?

I have practiced law since December of 1974. I have had the experience of representing clients in both an office practice and a trial practice. A Methodist minister once stated, "Preachers and lawyers have the privilege of seeing people in the raw." That statement is so very true. I have developed a knowledge of the law, the ability to read people and the skill to apply the law. These three attributes combine to make me qualified to be a Family Court Judge. I have been married to the same woman for over 45 years and have assisted in rearing three children (all college graduates). I am sensitive to the fact that representing clients is very different than deciding cases. However, my experience gives me the unique ability to rule on issues fairly and equitably. I want to serve as a Family Court Judge in order to use my skills to help resolve family issues.

2. Do you plan to serve your full term if elected?

Yes. However, I will be 72 years of age on November 6, 2021. I will be able to serve until December 31, 2021. I will be eligible to be called after I am 72 if needed by the Court.

3. Do you have any plans to return to private practice one day?

No. I will be 72 years old in six years.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes. I am 66 years of age, born in South Carolina, and have been practicing law for over 40 years in Newberry, South Carolina.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

*Ex parte* communications with an attorney is improper. *Ex parte* communication should be tolerated only when the safety of a child or children is at risk after substantial evidence is presented.

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 have no former associates nor former law partners. The lawyer-legislators issue would be handled on a case by case basis. However, every trial judge is elected by members of the General Assembly. For that reason, I would not and could not routinely recuse myself. I would recuse myself if the member of the General Assembly expected favorable treatment.

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 always consider recusing myself if such motion was made. I see no reason to give a party an argument on appeal that I was prejudice against them. However, if the file demonstrates a routine of frivolous delays or the filing of dilatory motions for purposes of avoiding trial, I would seriously consider not recusing myself.

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 recuse myself to avoid the appearance of impropriety.

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

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?  
I am bound to report such misconduct. However, I would first discuss the issue with the individual and encourage him/her to self-report.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated?  
I am not affiliated with any political parties. I am currently a board member of the Newberry County Election Commission and Registration Board. If elected, I would resign from the Commission.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

I would make good notes as to my ruling, instruct the prevailing party to draw the order, and send a copy to opposing counsel. Upon receipt of the proposed order, I would review my notes with the proposed order to insure the order was consistent with my ruling.

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

I would have a computerized calendar together with a paper calendar, both of which would be reviewed regularly with my assistant.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I would make sure each Guardian Ad Litem sign a certificate that they have read the statute and understand the law and their responsibilities.

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

An old lawyer once told me, "Some time you must say the heck with the law and do what is right." The Family Court is a court of equity. In Family Court, I can follow the law and do what is right. I am a conservative. Legislators should legislate. Judges should decide how the law and the facts fit together.

17. 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 attend seminars, serve on judicial commissions and otherwise make myself available to the court system.

18. 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. My three children are adults. I have been married to a wonderful woman for over 45 years. The stresses of being a sole practitioner have prepared my wife and me for such "pressure of servicing".

19. Would you give any special considerations to a *pro se* litigant in family court?

I would hold them to a lower standard procedurally. I would be courteous to them. I would make an effort to explain things to them because they are at a severe disadvantage. However, I could not be their lawyer.

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

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
No.

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

23. Have you met the mandatory minimum hours requirement for continuing legal education courses?  
I am currently exempt because of my age and years of practice.

24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?

a. Divorce and equitable distribution: 500 plus cases

b. Child custody: 125 plus cases

c. Adoption: 100 plus cases

d. Abuse and neglect: 50 plus cases

e. Juvenile cases: 75 plus cases

These types of cases generate about 6% of my income but require about 40% of my time. It would be difficult to break down percentages of these subtopics. However, I have had contested cases, i.e. trials, in each of these categories. In the categories above, it would be impossible for me to give percentages. I, therefore, list approximate number of cases I have handled over my 40 year career.

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

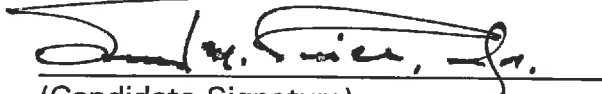
The appropriate demeanor for a judge is as follows: he or she should be in control, concerned, polite, courteous, interested in what the parties, attorneys and witnesses have to say, and knowledge of the law.

26. 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?  
Should apply all the time.

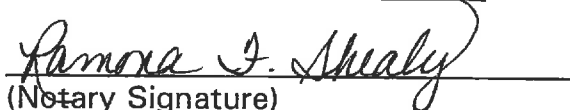
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Never. However, some attorneys and/or pro se litigants may mistake politeness or professionalism as weakness. If so, a display of drama, in chambers and/or in the courtroom, may be warranted to establish and maintain courtroom control.

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)

Ramona F. Shealy  
(Print name)

Notary Public for South Carolina  
My Commission Expires: 3/14/2024