



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

Circuit Court
(New Candidate)

Full Name: George Marion McFaddin, Jr.

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1. Why do you want to serve as a Circuit Court judge?

For fourteen years I have dealt with human conflict on a family level. I would like to take that experience to another arena of conflict. One goal would be, as in family court, to encourage resolution as opposed to costly litigation.

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?

No.

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?

I abhor ex parte communications. Yet, while I acknowledge that child-related issues in family law call for ex parte communications and orders, I see little to no need for such communication on the circuit court level. Only when irreversible loss of property (or injury) might occur should ex parte communication be tolerated. Ex parte communication should be the exception, not the rule.

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

Regarding recusal, as to lawyer-legislators, I have dealt with many of them the past fourteen years in family court and no lawyer-legislator has ever pressured me to rule in his or her favor. This has never happened. That a lawyer is a legislator should not, in and of itself, call for recusal. At least lawyer-legislator sees what happens in family court and understands the needs of litigants and judges. However, if a motion were made that I recuse myself simply because a lawyer-legislature appears, I would require more facts to support such a motion before granting the motion.

As to other recusal issues, I routinely recuse myself in cases involving family, friends, and past clients. I see no need to encourage or create the appearance of bias.

That said, a judge must be wary of a recusal motion just to remove a judge from a trial for personal reasons of the litigant ("judge shopping") or for the desire to delay a trial. A recusal motion should be treated seriously and fairly. I want a litigant to feel he or she received a fair trial with an unbiased judge.

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 incorporate here most of my prior answers to #6. If I disclosed something that appeared to show or indicate bias, I would recuse myself. If not, the litigant who requested my recusal will always (if he does not prevail, of course) believe he or she did not have a bias-free judge. Yet, recusal motions should be determined as a case-by-case basis.

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 not get involved in any case where a family member was financially or socially involved in a case.

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

I have accepted none in the past nor will I in the future (except, of course, for family gifts at Christmas, etc).

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

Handling the misconduct of a lawyer or judge is an irksome event. However, the Canons, as I recall, mandate that a judge report the misconduct if subject to reporting.

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 request that a lawyer draft the order with approval of the order by opposing counsel before it is given to me. I would then read the order for accuracy.

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

Computer-based reminders and, of course, the old reliable "writing it on the calendar" method.

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

Regarding judicial activism, it is not the judge's place to engage in such activity. A judge should follow the case law and statutory law.

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?

Perhaps speaking at legal seminars upon request.

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?

No. I have dealt with this possibility since 2002 as a family court judge. I keep my job and my personal family life separate.

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:

I would consider the facts and circumstances of the most recent offense, the number of offenses, the general nature of the offenses and the nature of the offense in terms of injury, death or damages. I would hear from all parties to include victim.

b. Juveniles (that have been waived to the Circuit Court):

I would want to know the nature of the offense, how some of the Kent v. US factors might apply even in general sessions, the injury or harm done by the offense. I would really want to know about the offender's life as a juvenile. I would want to be sure there are no competency issues. I would want to hear from both sides to include victims. Also, I would want to assess the maturity level of the offender mindful that the adolescent brain usually has not fully developed.

c. White collar criminals:

I realize that such crimes seemingly do not grab headlines as do violent crimes. Yet, stealing a person's identity or retirement funds, for example, often affects not only the victim but the victim's family. Again, each offence must be assessed as to severity of harm, nature of the offense and number of offenses.

d. Defendants with a socially and/or economically disadvantaged background:

A judge should not sentence such a defendant based solely on such factors. Not in every case but in lots of them such defendants did not choose their family or the lack thereof. Such defendants are not second-class persons not worthy of fairness and compassion where appropriate.

e. Elderly defendants or those with some infirmity:

These defendants should be treated with the same or similar consideration as the group above and in fact all of the above. I need to be sure such a

defendant is properly represented by a guardian if needed. Patience would be and would be used by the judge....as in all cases.

I want to add that every case is different. No defendants are the same. All persons before the law should be treated equally and with respect. No person is guilty unless found guilty or pleads guilty. Yet, even then, that person remains a human being subject to fair and decent treatment.

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?

No.

21. Do you belong to any organizations that discriminate 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?

Patient, tolerant, kind, with a heavy dose of humility.

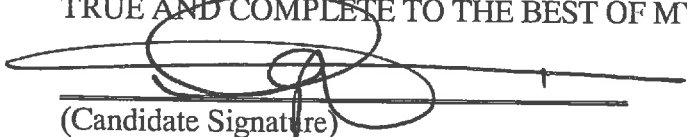
24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

They would apply all the time, at work or away.

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?

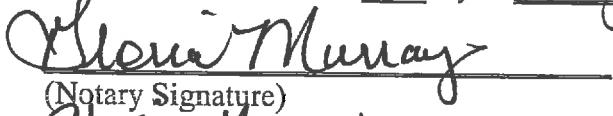
No. Never.

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 1st day of August, 2016.



(Notary Signature)

Gloria Murray

(Print name)

Notary Public for South Carolina

My Commission Expires: 11-14-18