



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

Retired Judge

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1. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?
I have met all requirements for my continuing legal education.

2. Do you have any plans to return to private practice?
I have no plans to return to private practice.

3. Are you engaged in any legal activities other than your service as a retired judge, such as acting as an arbitrator or mediator? I retired on July 1, 2018.
I have not engaged in any legal activities since that date.

4. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? My husband and I both have individual retirement accounts as well as my PEBA retirement. I do have other investments through brokerage firms and banks that generate additional income, but no active investments that would impair my ability to be impartial or create the appearance of impartiality.

5. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. I am not a member of any organization or association that limits its membership based on any of the above criteria. My husband and I do not belong to any social, civic or other organization other than our church.

6. Have you engaged in any partisan political activity since your retirement? Please describe. I retired on July 1, 2018. I have not engaged in any partisan political activity prior to or after July 1, 2018.

7. What do you feel is the appropriate demeanor for a judge? When do these rules apply? In my opinion, the appropriate demeanor for a judge is one of professionalism beyond reproach both on and off the Bench. On the Bench, that demeanor would include patience with all litigants, lawyers and court personnel. It would mean conducting myself with respect for all individuals; including, but not limited to, other judges and their staff; lawyers and their staff; litigants, both self-represented litigants and those represented by counsel; court reporters; Clerk of Court staff; custodians; court security personnel and other law enforcement officers. This includes treating all litigants fairly, explaining, if necessary, the role of a judge, the procedures and the process to self-represented litigants, the requirements of the law and a self-represented litigant's legal rights, without crossing the line and giving those self-represented litigants legal advice or advocating for any party. A judge should act with compassion, mercy and a sense of caring, but cannot allow that compassion to override the law.

I believe a judge should be prompt, starting court on time; consistently and continually monitoring the time allotted for any particular hearing, so that a docket does not lag or get hours behind. A judge should rule on cases in a timely manner. A judge should be knowledgeable about the law and be prepared to hear the case presented to the Court by reviewing the pleadings and listening attentively during the hearing. A judge should participate in continuing legal education programs and review proposed and recently enacted laws. A judge should be articulate, without sounding pompous or demeaning to lawyers, litigants or court personnel. A judge should be able to express herself in a clear, concise manner that is easily understood by those in the Courtroom. A judge should avoid even the appearance of an impropriety, recusing one's self if necessary.

A judge should maintain an appropriate sense of self. The black robe does not make one more important than any other person. The robe, when worn, does require respect from others and it is equally important that a judge respect others, whether that judge is on the bench or not. A judge should maintain a sense of humor. The ability to laugh at one's self and to laugh with others makes the work place more comfortable for everyone. A judge should maintain a high moral character, avoiding anything that would reflect badly on the judge's reputation or character. In social and business settings, a judge should maintain that higher standard of behavior. Conduct at the church business meeting, the high-school soccer game and/or the local hardware store reflects on a judge's reputation and character.

A judge's financial reputation within the community also contributes to the judge's overall reputation. Responsible financial behavior is important. A judge should be accountable for all debts and other obligations. In all business dealings a judge should be honest, dependable and reputable.

The demeanor of a judge is not a characteristic that can be put on and taken off in the same manner as a black robe. Whether on the bench, at a judicial conference, in the grocery store or driving to the beach, a judge's demeanor should always be above reproach. A judge should be and should be perceived as a person of integrity and high moral character.

8. In your position as a retired judge, what methods do you employ to ensure that deadlines for the timely issuance of orders are met? I retired on July 1, 2018. I plan to keep detailed dockets of all matters that come before me as a retired judge. I intend to rely on those dockets to track all cases. I will utilize e-mails addressed to all counsel of record and self represented litigants, if necessary, to issue instructions and request orders. I will have a "calendar tickler" system in place and I intend to make it very clear to all lawyers and litigants that orders must be prepared and forwarded to me in a timely manner. I would prefer to have the orders before the end of a particular term of court. I also intend to rely on the staff at the respective Courthouse to assist me with obtaining orders during the time I am there holding court and after I leave, if necessary. I have always found that other judge's administrative assistants are of great assistance. As a final resort, I will advise the Chief Administrative Judge of that Circuit and request further instruction.
9. 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? Anger is never an appropriate response for a judge. No matter how "trying" or angry a litigant or lawyer becomes, a judge should never respond in anger. A judge should maintain control of the courtroom by reminding attorneys of their oath of civility and by reminding litigants that this proceeding is not courtroom television. Rule 9(b) of the South Carolina Rules of the Family Court states that an attorney shall not attempt to further argue any matter after he has been heard and the ruling of the court has been pronounced. A judge may remind an attorney or self represented litigant of that rule. If an attorney needs to be corrected further or admonished, that is something better done in chambers. If the situation has become more emotional than is appropriate or necessary, a judge may simply declare a short recess, giving everyone including the judge a few minutes to re-compose.
10. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or fellow judge? If I became aware of misconduct or the appearance of infirmity of a lawyer or a fellow judge, I would first determine if the information was trustworthy and true. If personal observation or a conversation with a trusted individual demonstrates that there has been misconduct, I believe I have an ethical duty to report such misconduct to the Office of Disciplinary Counsel. I would not report anything that I did not feel were a violation of the Code of Conduct. I would have to be

absolutely certain that the misconduct had occurred. If there were an appearance of infirmity and I was convinced that the infirmity existed, I would be more likely to discuss this matter with those closest to the person such as a family member, law partner or fellow judge. If my relationship to the person were close enough, I would discuss the matter with the individual. A referral to the South Carolina Bar Lawyers Helping Lawyers program may be appropriate.

11. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law clerks are to appear before you? I do not feel it appropriate to recuse myself every time a lawyer-legislator appears in my courtroom. Obviously it may be information that needs to be put on the record and the parties given an opportunity, outside of my presence, to request that I recuse myself or waive that right on the record. Family Court Judges have never had law clerks so the issue of recusal for that reason has never been raised. As to former associates appearing before me or distant cousins who are attorneys, I usually put those matters on the record if there is any “out-of-town” attorney involved. My home county is such that everyone living and practicing law here would be and was aware of the firm I worked for before becoming a Probate Judge. Because I was a Probate Judge for thirteen (13) years, before becoming a Family Court Judge, many of the normal conflicts that arise from the normal course of practicing law did not occur. I did and do have a standing policy that I recuse myself from any matter involving members of my immediate family, my church, employees in the Barnwell Courthouse and employees in the Aiken or Bamberg Courthouse with whom I have a working relationship. I also do not hear any contest matters involving local law enforcement officers in Barnwell County. My husband owned a business in Barnwell County and was a member of a men’s supper club. I recused myself from any matters involving his employees or their immediate family or any member of that supper club. I am very conscientious and aware of how my relationship with other people is perceived by the public. My home county is a smaller, more rural county with Family Court schedule only once or twice a month for a few days. At times, I have had to hear juvenile matters involving children that attended high school with my children. I would not hear those juvenile matters if that child played on the same soccer team as my child. I have also had to quickly transfer jurisdiction of a matter to another county within the circuit so that an urgent or emergency matter can be heard immediately. I do not allow litigants to “judge shop”. I have very reasonable, consistent and established reasons for recusing myself and I have communicated those to the docketing clerks in my home circuit.

12. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Obviously, *ex parte* communications are forbidden by the Code of Judicial Conduct. I do not allow an attorney or a litigant to

communicate directly with me concerning a pending case or a case that I have recently heard. If I receive written or email communication from a litigant, my administrative assistant had a form response that basically told the litigant that it was improper to communicate directly to the judge and that the judge would not consider nor read the communication. As a retired judge, I will employ the same method and direct that litigant not to communicate directly with me. If the litigant is represented by counsel, I would email all attorneys of record and request that the litigant's attorney advise their client not to communicate directly with the court in any manner. If an attorney emailed me with a question, I would make certain that counsel for the other party received the communication. If I have a question or need information from counsel for any reason, I email all attorneys of record and self represented litigants. I do understand that there are situations that require that an attorney to file an ex parte motion or request some form of ex parte relief. Those instances are protected by the statutes and rules and I will entertain a motion for ex parte relief. However, I do provide for a time certain for the next hearing and an opportunity for the other party to have a de novo hearing. For example, an ex parte order that directs neither party to remove children from the jurisdiction of this court, would also contain, as part of that order, a date certain for an emergency hearing and a finding that this order was entered without prejudice to either party and the parties are entitled to a full, de novo, hearing. Routine orders such as orders appointed a guardian ad litem in a DSS abuse and neglect case or an Order of Transport for an incarcerated litigant, are almost always signed as an ex parte order and are so indicated in the title of the order. I will discuss procedural issues with attorneys. However, as a retired judge, I do not believe I will be called upon to discuss procedural issues. Those types of questions are usually addressed to the Chief Administrative Judge. Also, now that I am retired, I intend to communicate only through email with all counsel and self represented litigants receiving a copy of the email.

13. 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 have always considered motions for recusal on a case-by-case basis. It is difficult to generalize on such a fact driven issue. If a motion to recuse was made on the grounds that I issued the parties marriage license when I was the Probate Judge and therefore should not hear the party's divorce, I would be more likely to deny that motion. I have established consistent and reasonable rules for recusing myself in cases involving family or church members, employees of the local courthouse and similar situations. I certainly would consider any request for my recusal and would probably be likely to grant the motion if the appearance of an actual bias was present. I would not allow a litigant or an attorney to "judge shop" based on a fabricated or imagined ground for recusal. The fact that I adore my labradoodle should not preclude me from hearing juvenile cases of animal cruelty, unless, of course, my dog was the "victim". I should not recuse myself from hearing cases in

which one party is a pharmacist simply because my husband is a pharmacist. If a particular pharmacist worked with my spouse or he with them that would be appropriate grounds for recusal. If a church was vandalized and my in-laws were members of that church, I would disclose that on the record and, if a motion for recusal was made, I probably would grant such a motion. If my daughter or daughter-in-law had clerked for a law firm years before and had had absolutely no involvement in the case in front of me, I would probably be less likely to grant such a motion. If either had been a member of the firm at one time, that may be a different matter.

I probably would be more likely to err on the side of caution and recuse myself if there were any legitimacy to the argument that I was biased or prejudiced for or against a party or an attorney.

14. **What standards have you set for yourself regarding the acceptance of gifts or social hospitality?** I do not accept gifts, including meals or lodging from attorneys, law firms or special interest groups. If I, on occasion dine have a meal with attorneys, I make certain I pay for my meal. I will attend the South Carolina Bar Annual Conference and the Association for Justice Annual Conference. Both of these entities invite all judges to be their guests and cover the cost of the registration for the conference and some night(s) stay at the designated location. As regards social hospitality, both of my parents and my parents-in-law have died during my tenure as a Family Court Judge; both of our children have graduated from high school and college and have gotten married; and, I recently retired. There were a number of charitable donations made in memory of our parents and some graduation and wedding gifts received by the children. The Aiken, Barnwell and Bamberg County Bars held a retirement reception in my honor at the Aiken County Courthouse. A portrait to hang in my Family Court courtroom in Aiken and one to hang in the courtroom in the Barnwell County Courthouse were commissioned. Other than these examples of gifts and social hospitality, I do not accept gifts. Since became a Family Court Judge in 2001, my husband and I have agreed and followed a pattern of limiting our out-side-of-work time to family and church activities. We made a conscious effort at all times to avoid any situation where an inappropriate gift might be considered. I have never accepted any other accommodations from lawyers or litigants not have I accepted personal gifts.

15. **In order that we might advise court administration on steps that need to be taken, are there any limitations on your sight, hearing, or mobility that should be addressed by the court administrator?** At the present time, I am not aware of any limitations of my sight, hearing or mobility that should be addressed by the court administrator.

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

Sworn to before me this ____ day of _____, 2018.

(Signature)

(Print name)
Notary Public for South Carolina
My Commission Expires: _____