



1226 Pickens Street
Columbia, South Carolina 29201
info@garberreporting.com
Telephone: (803) 256-4500 | Fax (803) 256-1999

PROCEEDINGS

November 12, 2018

Judicial Merit Selection Commission, 2018

REPORTER: Patricia Bachand

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

3 * * * * *

4 JUDICIAL MERIT SELECTION COMMISSION

5 TRANSCRIPT OF PUBLIC HEARINGS

6 * * * * *

7 BEFORE:

8 SENATOR LUKE A. RANKIN, CHAIRMAN

9 REPRESENTATIVE G. MURRELL SMITH, JR., VICE CHAIRMAN

10 SENATOR RONNIE A. SABB

11 SENATOR TOM YOUNG, JR.

12 ROBERT W. HAYES, JR.

13 REPRESENTATIVE J. TODD RUTHERFORD

14 REPRESENTATIVE CHRIS MURPHY

15 MICHAEL HITCHCOCK

16 LUCY GREY MCIVER

17 ANDREW N. SAFRAN

18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 * * * * *

20 DATE: November 12th, 2018

21 TIME: 9:30 A.M.

22 LOCATION: Gressette Building, Room 105

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

1	INDEX	
2		PAGE:
3	THE HONORABLE JOHN D. GEATHERS.....	15
4	- Examination by Mr. Anzelmo.....	17
5	THE HONORABLE PAULA H. THOMAS.....	22
6	- Examination by Mr. Anzelmo.....	24
7	THE HONORABLE G. THOMAS COOPER JR.....	30
8	- Examination by Ms. Crawford.....	32
9	- Examination by Representative Smith.....	37
10	- Examination by Chairman Rankin.....	40
11	THE HONORABLE AGNES DALE MOORE GABLE.....	44
12	- Examination by Ms. Dean.....	46
13	- Examination by Representative Smith.....	51
14	- Examination by Senator Young.....	54
15	- Examination by Chairman Rankin.....	55
16	THE HONORABLE JAMS F. FRALEY JR.....	57
17	- Examination by Ms. Dean.....	59
18	- Examination by Representative Smith.....	62
19	THE HONORABLE ARTHUR EUGENE (GENE) MOREHEAD III.....	64
20	- Examination by Ms. Dean.....	67
21	- Examination by Mr. Hayes.....	70
22	- Examination by Representative Smith.....	71
23	THE HONORABLE DANA A. MORRIS.....	74
24	- Examination by Ms. Dean.....	77
25	- Examination by Mr. Safran.....	82

1	THE HONORABLE DEANDREA GIST BENJAMIN.....	88
2	- Examination by Ms. Benson.....	90
3	- Comments by Mr. Hitchcock.....	97
4	- Examination by Senator Young.....	98
5	- Comments by Representative Smith.....	100
6	- Comments by Mr. Safran.....	102
7	- Examination by Chairman Rankin.....	103
8	- Comments by Representative Smith.....	106
9	THE HONORABLE JOSEPH DERHAM COLE.....	108
10	- Examination by Ms. Foster.....	110
11	THE HONORABLE RIVERS LAWTON MCINTOSH.....	118
12	- Examination by Ms. Foster.....	120
13	- Comments by Representative Smith.....	126
14	- Examination by Mr. Safran.....	127
15	- Examination by Chairman Rankin.....	130
16	- Comments by Representative Rutherford.....	131
17	THE HONORABLE DEADRA L. JEFFERSON.....	134
18	- Examination by Ms. Riley.....	136
19	THOMAS G. GOLDSTEIN.....	144
20	- Examination by Representative Smith.....	149
21	- Examination by Representative Rutherford.....	160
22	- Examination by Mr. Safran.....	168
23	- Examination by Mr. Hitchcock.....	169
24	- Examination by Representative Murphy.....	181
25	- Examination by Mr. Safran.....	183

1	- Comments by Representative Rutherford.....	187
2	- Examination by Mr. Safran.....	188
3	- Examination by Chairman Rankin.....	190
4	- Examination by Representative Smith.....	196
5	REEXAMINATION OF THE HONORABLE DEADRA L. JEFFERSON.....	202
6	- Examination by Ms. Riley.....	202
7	- Examination by Chairman Rankin.....	204
8	- Examination by Mr. Hitchcock.....	205
9	- Examination by Representative Smith.....	208
10	- Examination by Representative Murphy.....	215
11	- Examination by Representative Rutherford.....	216
12	- Re-examination by Ms. Riley.....	221
13	Certificate of Reporter.....	226
14	Word Index	

* * * * *

REQUESTED INFORMATION INDEX
(No Information Requested.)

* * * * *

EXHIBIT INDEX

20	EXHIBITS:	PAGE:
21	EXHIBIT NO. 1.....	12
22	- CITIZENS COMMITTEE REPORT	
23	EXHIBIT NO. 2.....	12
24	- SOUTH CAROLINA BAR REPORT	

25

1	EXHIBITS (CONTINUED):	PAGE:
2	EXHIBIT NO. 3.....	16
3	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
4	QUESTIONNAIRE OF THE HONORABLE JOHN D. GEATHERS	
5	EXHIBIT NO. 4.....	16
6	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
7	OF THE HONORABLE JOHN D. GEATHERS	
8	EXHIBIT NO. 5.....	23
9	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
10	QUESTIONNAIRE OF THE HONORABLE PAULA H. THOMAS	
11	EXHIBIT NO. 6.....	23
12	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
13	OF THE HONORABLE PAULA H. THOMAS	
14	EXHIBIT NO. 7.....	31
15	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
16	QUESTIONNAIRE OF THE HONORABLE G. THOMAS COOPER, JR.	
17	EXHIBIT NO. 8.....	31
18	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
19	OF THE HONORABLE G. THOMAS COOPER, JR.	
20	EXHIBIT NO. 9.....	45
21	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
22	QUESTIONNAIRE OF THE HONORABLE AGNES DALE MOORE GABLE	
23	EXHIBIT NO. 10.....	45
24	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT OF	
25	THE HONORABLE AGNES DALE MOORE GABLE	

1	EXHIBITS (CONTINUED):	PAGE:
2	EXHIBIT NO. 11.....	58
3	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
4	QUESTIONNAIRE OF THE HONORABLE JAMES F. FRALEY, JR.	
5	EXHIBIT NO. 12.....	58
6	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
7	OF THE HONORABLE JAMES F. FRALEY, JR.	
8	EXHIBIT NO. 13.....	65
9	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
10	QUESTIONNAIRE OF THE HONORABLE ARTHUR EUGENE	
11	MOREHEAD, III	
12	EXHIBIT NO. 14.....	65
13	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
14	OF THE HONORABLE ARTHUR EUGENE MOREHEAD, III	
15	EXHIBIT NO. 15.....	74
16	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
17	QUESTIONNAIRE OF THE HONORABLE DANA A. MORRIS	
18	EXHIBIT NO. 16.....	74
19	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
20	OF THE HONORABLE DANA A. MORRIS	
21	EXHIBIT NO. 17.....	89
22	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
23	QUESTIONNAIRE OF THE HONORABLE DEANDREA GIST BENJAMIN	
24		
25		

1	EXHIBITS (CONTINUED):	PAGE:
2	EXHIBIT NO. 18.....	89
3	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
4	OF THE HONORABLE DEANDREA GIST BENJAMIN	
5	EXHIBIT NO. 19.....	109
6	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
7	QUESTIONNAIRE OF THE HONORABLE JOSEPH DERHAM COLE	
8	EXHIBIT NO. 20.....	109
9	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
10	OF THE HONORABLE JOSEPH DERHAM COLE	
11	EXHIBIT NO. 21.....	119
12	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
13	QUESTIONNAIRE OF THE HONORABLE RIVERS LAWTON MCINTOSH	
14	EXHIBIT NO. 22.....	119
15	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
16	OF THE HONORABLE RIVERS LAWTON MCINTOSH	
17	EXHIBIT NO. 23.....	135
18	- JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA	
19	QUESTIONNAIRE OF THE HONORABLE DEADRA L. JEFFERSON	
20	EXHIBIT NO. 24.....	135
21	- JUDICIAL MERIT SELECTION COMMISSION SWORN STATEMENT	
22	OF THE HONORABLE DEADRA L. JEFFERSON	
23		
24		
25		

1 Court Reporter's Legend:

2 dashes [--] Intentional or purposeful interruption

3 ... Indicates trailing off

4 [sic] Written as said

5

6

7

8

* * * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN RANKIN: So we are excited to be
2 here. Let's see a show of hands of those who really are
3 excited. Anyway, I am glad we're here, and glad we're here
4 on a Monday. Not a day to be meeting, but I think the
5 veterans would prefer that we do this instead of standing
6 in the rain and getting pneumonia, celebrating their day.
7 But anyway we're excited about the Veterans Day events
8 today. If you haven't participated or acknowledged your
9 veterans, somehow, in public or private, I urge you to do
10 that.

11 So we've got a new member, a new player in
12 this gang of misfits. And Lucy Grey McIver?

13 MR. SMITH: McIver.

14 CHAIRMAN RANKIN: McIver. It's a tall "i,"
15 but they a double "e" right beside it. But Ms. McIver. We
16 have McIvers in Conway, McIver Shaw, and they spell theirs
17 with an "e" after the "i." So that's why it became McIver.

18 But welcome. Tell us a little bit about
19 yourself, for those who you do not know. And this is not
20 under oath. And Murrell will not say a word.

21 MS. McIVER: Thanks so much. I'm Lucy Grey
22 McIver, in-house at Blue Cross Blue Shield of South
23 Carolina. Before that I was in private practice. I
24 graduated from USC law school. Before that I went to UNC-
25 Chapel Hill. I worked at -- so I graduated from USC law

1 school.

2 I went to work at Nelson Mullins, was there
3 for a few years, then was in private practice in Sumter,
4 the same firm as Murrell Smith. And then went to Blue
5 Cross, where I've been since then for ten years. I live in
6 Sumter and have three children. And I appreciate the
7 opportunity to be here today and work with all of you.
8 Thank you very much.

9 CHAIRMAN RANKIN: Welcome everybody. And
10 now tell us who's here.

11 MS. CRAWFORD: Okay. Good morning, Mr.
12 Chairman. I just wanted to briefly introduce the attorneys
13 that are here today. I'm going to list of them. And if
14 you're here, stand up and wave. The Senate screening
15 attorneys, Andy Fiffick, Paula Benson, Heather Anderson,
16 Bob Maldonado, Maura Baker, Johanna Valenzuela, Daina
17 Riley. J.J. Gentry is not here this morning.

18 The House screening attorneys, we have Emma
19 Dean, Jimmy Hinson, Michael Anzelmo, Charles Appleby, Haley
20 Mottel, Roland Franklin, Bryan Triplett, Richard Pearce,
21 Dustin Stimson, Carmen Simon, and Julia Foster.

22 I also want to thank Senate staff that's
23 helping with the screening: Maxine Henry, Michelle McGee,
24 Kate Maroney, and Lindy Legare-Putnam, and House staff
25 Linda Anderson.

At this time, Mr. Chairman, I'd like to request a vote on cover page for the draft report. It shows that the report will be delivered on Thursday, January 10th, 2019. The 48-hour period ends at noon on Tuesday, January 15th. And the election is currently scheduled for noon, Wednesday, February 6th. I believe the report cover page is on your notebook on Tab B.

CHAIRMAN RANKIN: All right. Folks, motion -- do I hear a motion for that?

REPRESENTATIVE MURPHY: So move.

CHAIRMAN RANKIN: All right. All in favor, say "aye."

(At this time the members audibly say "aye.")

CHAIRMAN RANKIN: The ayes have it. Okay.

MS. CRAWFORD: Mr. Chairman, do you mind if we distribute the signature page to the commission members for the draft report?

CHAIRMAN RANKIN: Please, do.

MS. CRAWFORD: Lindi will do that. And Mr. Chairman, at this time I'd like to suggest that we move into executive session, to discuss matters related to legal advice.

REPRESENTATIVE MURPHY: So move.

CHAIRMAN RANKIN: All in favor say "aye."

(At this time the members audibly say "aye.")

1 CHAIRMAN RANKIN: The ayes have it.

2 (Off the record)

3 CHAIRMAN RANKIN: Back on the record. For
4 the record, I'd like to state that we have been in
5 executive session and while there, no decisions were made
6 and no votes were taken during that executive session.

7 MS. CRAWFORD: Mr. Chairman, at this time
8 I'd like to present the Commission with the judicial seats
9 that we expect to screen for the 2019 election. It's found
10 in your notebook around Tab D, I believe. It should be a
11 much shorter screening. I'm hopefully optimistic.

12 I'd also like to offer and have made
13 exhibits to the record the following: The 2018 Citizens
14 Committee reports from the Low Country, Midlands, Pee Dee,
15 Piedmont, and Upstate, as well as the 2018 South Carolina
16 Bar's Judicial Qualifications Committee Report.

17 CHAIRMAN RANKIN: Any objections for those?

18 (Hearing none.)

19 CHAIRMAN RANKIN: Hearing none, I ask at
20 this time the 2018 Citizens Committee's report and SC Bar
21 report be marked as exhibits and entered into the public
22 viewing

23 (EXHIBIT NO. 1 - CITIZENS COMMITTEE REPORT)

24 (EXHIBIT NO. 2 - SOUTH CAROLINA BAR REPORT)

25 REPRESENTATIVE SMITH: Mr. Chairman.

1 CHAIRMAN RANKIN: All right.

2 REPRESENTATIVE SMITH: Mr. Chairman, we have
3 on the schedule, the Honorable Fitzlee McEachin who is --
4 who was last year elected as a family court judge, but he's
5 yet to be sworn in. And so the screening -- obviously,
6 he's gone through the screening. And I think it -- I think
7 from what I read on this, everything is similar to what it
8 was a year before where we screened him and found him to be
9 qualified and nominated. And so I would hereby move that
10 we waive the formal hearing and screening process the
11 Honorable Fitzlee McEachin.

12 CHAIRMAN RANKIN: All those in favor say
13 "aye."

14 (At this time the members audibly say "aye.")

15 CHAIRMAN RANKIN: Any opposition?

16 (Hearing none.)

17 CHAIRMAN RANKIN: Then that will be adopted.

18 MS. CRAWFORD: Mr. Chairman, I believe
19 that's all the business we have before the commission. And
20 we can now proceed to the candidate portion.

21 CHAIRMAN RANKIN: Folks, The Judicial Merit
22 Selection Commission is called pursuant to Chapter 19 of
23 Title 2 of the South Carolina Code of Laws requiring the
24 review of candidates for judicial office. The purpose of
25 this commission is not to choose between candidates, but

1 rather to declare whether or not the candidates who offer
2 for the positions on the bench, in our judgement, are
3 qualified to fill the positions they seek.

4 The inquiry we undertake is a thorough one.
5 It is centered around the Commission's nine evaluative
6 criteria and involves a complete personal and professional
7 background check on each candidate. These public hearings
8 are convened for the purposes of screening candidates.

9 Today we'll screen two seats for reelection,
10 and one open seat on the South Carolina Court of Appeals,
11 seven seats for reelection, and two open seats on the
12 Circuit Court, twenty-nine seats for reelection, and five
13 open seats on the Family Court, one seat for reelection on
14 the Administrative Law Court, five seats for reelection for
15 the Master-in-Equity, and two open seats for Master-in-
16 Equity and five retired judges.

17 And, actually, if we did that today we'd all
18 be a lot happier. But it will be today and the next eight
19 to ten weeks or --

20 REPRESENTATIVE SMITH: Days.

21 CHAIRMAN RANKIN: -- that we actually embark
22 on this. And so, Judge Geathers, I think you're the first
23 up. Get ready to come on up. And who will be screening
24 him? All right, sir. Take it away.

25 WHEREUPON,

1 THE HONORABLE JOHN D. GEATHERS, being duly
2 sworn and cautioned to speak the truth, the whole truth and
3 nothing but the truth, testifies as follows:

4 CHAIRMAN RANKIN: You have got your stuff
5 all arrayed there. Let me ask you in terms of the personal
6 data questionnaire and the sworn statement, are they before
7 you and are those the documents that you have submitted to
8 the Commission?

9 JUDGE GEATHERS: Good morning, Mr. Chairman
10 and members of the Commission and staff, first of all.
11 And, yes, these are documents -- appear to be the documents
12 that I submitted.

13 CHAIRMAN RANKIN: And are they both correct?

14 JUDGE GEATHERS: Yes, sir. I assume they're
15 as submitted, so they would be correct.

16 CHAIRMAN RANKIN: Anything that would need
17 to be updated or changed at this time?

18 JUDGE GEATHERS: Not that I'm aware.

19 CHAIRMAN RANKIN: And do you object to us
20 making those documents and amendments, if applicable, a
21 part of your record in your sworn testimony?

22 JUDGE GEATHERS: No objection.

23 CHAIRMAN RANKIN: And that will be done at
24 this point. Madame Court Reporter, the staff will be
25 handing that up to you.

1 (EXHIBIT NO. 3 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
3 HONORABLE JOHN D. GEATHERS)

4 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF THE HONORABLE JOHN
6 D. GEATHERS)

7 CHAIRMAN RANKIN: Judge, the Judicial Merit
8 Selection Commission has thoroughly investigated your
9 qualifications for the bench. Our inquiry has focused
10 again on nine evaluative criteria, and it has included a
11 ballot box -- a ballot box survey, a thorough study of your
12 application materials, verification of your compliance with
13 state ethics laws, a search of newspaper articles in which
14 your name appears, a study of previous screenings, and
15 check for economic conflicts of interest.

16 We've received no affidavits filed in
17 opposition to your election. No witnesses are present to
18 testify. Now, do you a brief opening you'd like to make at
19 this?

20 JUDGE GEATHERS: No opening, Mr. Chairman.
21 Just to say "good morning," again, to the members of the
22 Commission and the staff. And it's amazing how quickly ten
23 years flies by.

24 CHAIRMAN RANKIN: Very good. All right.
25 Now, please answer questions from staff counsel. Thank

1 you.

2 EXAMINATION BY MR. ANZELMO:

3 Q. Good morning, Judge Geathers.

4 A. Morning.

5 Q. Michael Anzelmo. I'll be walking you through
6 this. A couple quick initial questions. Judge Geathers,
7 why do you want to continue to serve as a judge on the
8 Court of Appeals?

9 A. Well, I remember when I was on the Administrative
10 Law Court, and a member of the General Assembly asked me,
11 you know, what my goals were as far as continuing in the --
12 as a judge. And my goal at that time, even though it
13 seemed a little bit, you know, of a reach was to be on the
14 Court of Appeals.

15 And I enjoy the, I guess, intellectual engagement
16 with staff in trying to sort out the law and the facts, the
17 cases, and, you know, reach a just result. I find that to
18 be challenging and interesting. And so I guess that's the
19 reason why.

20 Q. Thank you, Judge. Please explain one or two of
21 your accomplishments that you feel you've completed during
22 your tenure thus far, and perhaps a goal you'd like to
23 accomplish this time.

24 A. I don't know that I've really set any goals.
25 I've just taken advantage of opportunities as they have

1 presented themselves. For instance, I taught an
2 administrative law course at the University of South
3 Carolina School of Law for about five semesters, and one
4 semester at the Charleston school.

5 I had the opportunity to author -- coauthor a
6 treatise, and was a contributing author on an
7 administrative law treatise. So I guess my point is, is
8 that I take advantage of opportunities as they present
9 themselves. I don't -- I don't know that I have any long-
10 term goals as far as the disposition is concerned.

11 Q. Thank you. Judge Geathers, you addressed this in
12 your sworn affidavit, but can you explain to the members of
13 the Commission what you think the appropriate demeanor is
14 for a judge?

15 A. A judge should of course be dignified and
16 courteous, and certainly not discourteous to litigants or
17 to lawyers or to anyone who appears before him or her. And
18 certainly, instill a sense of confidence that the forum is
19 one of impartiality and one of integrity.

20 Q. Thank you. And, Judge, the Commission received
21 513 ballot box surveys regarding your candidacy, and 23
22 provided additional comments, 22 of which were exceedingly
23 positive. For example:

24 "A fantastic judge. Our state is lucky to have
25 him. His input improves other judges opinions even when he

1 is not the author of the opinion. Judge Geathers is a
2 highly ethical person who places the integrity of the law
3 above personal or political gain. And Judge Geathers is an
4 excellent, well tempered judge and a valuable asset to the
5 -- to South Carolina."

6 The other ones are along these lines. This is
7 just a selected sample. Judge, one comment did express
8 some concern about your prior background, performing on the
9 Court of Appeals as not being as well rounded as perhaps
10 some other candidates. Do you have a response to that?

11 A. Yeah, I can't seem to dog that type of a comment.
12 When I was on the Administrative Law Court for 13 years it
13 was, you know, questioned as to whether I would be an
14 appropriate candidate for this court. And this screening
15 commission in 2008 thought that it was a good idea, and was
16 very complimentary of my candidacy in 2008.

17 Because of the testing that was given at that
18 particular time, the commission expressed comments that I
19 exceeded expectations, and was complimentary concerning my
20 -- I hate to say this about myself, but the commission's
21 words were "keen intellect," and that it did not think that
22 I would have any trouble making the transition.

23 And then again in 2013, I came up before this
24 commission. And I think the Commission's comments
25 regarding my candidacy were even more complimentary at that

1 juncture. The Commission expressed the sentiment that at
2 that time, of the scores that were given for all of the
3 individuals seeking judicial candidacies during that
4 particular year, that my score was the highest of all of
5 the candidates.

6 So my point is just merely that I think I've
7 proven myself to be sufficient or adequate or competent to
8 do the job and I've done it for ten years.

9 **Q. Thank you, your Honor.**

10 MR. ANZELMO: I would note that the Midlands
11 Citizen Committee found Judge Geathers to be well qualified
12 in the evaluative criteria of ethical fitness, professional
13 and academic ability, character, reputation, experience,
14 and judicial temperament. And they made the requisite
15 qualified finding in the remaining criteria of
16 constitutional qualifications, physician health and mental
17 stability.

18 The Committee provided an additional comment
19 in the report which states, "Judge Geathers is well-
20 qualified in all aspects and very pleasant."

21 BY MR. ANZELMO:

22 **Q. A couple housekeeping issues. Judge, since**
23 **submitting your letter of intent to run for this seat, have**
24 **you contacted any members of this Commission about your**
25 **candidacy?**

1 A. No, sir.

2 Q. Are you familiar with Section 2-19-70 including
3 the limitations on contacting members of General Assembly
4 regarding your screening?

5 A. Yes.

6 Q. Since submitting your letter of intent, have you
7 sought or received the pledge of any legislator, either
8 prior to this date or pending the outcome of your
9 screening?

10 A. I have not.

11 Q. Have you asked any third parties to contact
12 members of the General Assembly on your behalf, or are you
13 aware of anyone attempting to intervene in this process on
14 your behalf?

15 A. I have not and am not aware of anyone contacting
16 anyone on my behalf.

17 MR. ANZELMO: I further note for the record
18 that any concerns raised during the investigation regarding
19 the candidate were incorporated in the questioning of the
20 candidate today. Mr. Chairman, I have no further
21 questions.

22 CHAIRMAN RANKIN: Thank you. Thank you.
23 Questions?

24 (Hearing none.)

25 CHAIRMAN RANKIN: Judge Geathers, thank you

1 so much. And this concludes this portion of our screening
2 process. I want to thank you for this -- again, the time
3 that you have devoted to this. And I again to remind you
4 that pursuant to the Commission's evaluative criteria, we
5 expect candidates to follow the spirit as well as the
6 letter of the ethics law. And we will view violations or
7 the appearance of impropriety as serious, and potentially
8 deserving of heavy weight and screening deliberations.

9 On that note, and as you know, the record
10 will remain open until the formal release of the report of
11 qualifications. And you may be called back at such time if
12 the need arises. Again, thank you for offering for
13 reelection and your service to the state of South Carolina.

14 JUDGE GEATHERS: Thank you. Thank you for
15 your time.

16 (Candidate excused.)

17 CHAIRMAN RANKIN: Judge, please raise your
18 right hand.

19 WHEREUPON,

20 THE HONORABLE PAULA H. THOMAS, being duly
21 sworn and cautioned to speak the truth, the whole truth and
22 nothing but the truth, testifies as follows:

23 CHAIRMAN RANKIN: Are the personal data
24 questionnaire and the sworn statement before you, documents
25 that you submitted to the Commission?

1 JUDGE THOMAS: Yes.

2 CHAIRMAN RANKIN: Are they both correct?

3 JUDGE THOMAS: Yes.

4 CHAIRMAN RANKIN: Does anything need to be
5 changed or updated at this time?

6 JUDGE THOMAS: We updated just recently, the
7 update is here. Is that correct? Okay. And it was just
8 an update of I purchased a car.

9 CHAIRMAN RANKIN: Do you object to our
10 making these documents, and any amendments if applicable, a
11 part of the record to your sworn testimony?

12 JUDGE GEATHERS: No objection.

13 CHAIRMAN RANKIN: And that will be done at
14 this point. If you could hand it over to Madame Court
15 Reporter.

16 (EXHIBIT NO. 5 - JUDICIAL MERIT SELECTION
17 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
18 HONORABLE PAULA H. THOMAS)

19 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION
20 COMMISSION SWORN STATEMENT OF THE HONORABLE PAULA
21 H. THOMAS)

22 CHAIRMAN RANKIN: Judge, the Judicial Merit
23 Selection Commission has thoroughly investigated your
24 qualifications for the bench. And our inquiry is focused
25 on nine evaluative criteria, and has included a ballot box

1 survey, a thorough study of your application materials,
2 verification of your compliance with state ethics laws, a
3 search of newspaper articles in which your name appears, a
4 study of previous screenings, and check for economic
5 conflicts of interest.

6 We've received one affidavit by Charles
7 Grant, filed in opposition to your election. However, the
8 Commission has dismissed this complaint. No witnesses are
9 present to testify. And at this time I'd offer you the
10 opportunity, if you would like, to make a brief opening
11 statement if you'd like to.

12 JUDGE THOMAS: I just will thank each of you
13 for your service here. I have served in this capacity, as
14 well as being on this end of it. And I know the time and
15 effort you put into it. So thank you so much for that and
16 your service.

17 CHAIRMAN RANKIN: Which side do you prefer?

18 JUDGE THOMAS: Actually, that side. Right
19 now at this very moment.

20 CHAIRMAN RANKIN: Please answer the very
21 light questions that our counsel will have, perhaps. If
22 they're harsh, then you may --

23 EXAMINATION BY MR. ANZELMO:

24 Q. Thank you, Judge Thomas. A few things.
25 Initially, why would you like to continue serving as a

1 **judge at the Court of Appeals?**

2 A. Oh, it's been -- it's been a honor of my life.
3 Besides being a mother, it has been just an honor to serve
4 in this capacity. And I can't imagine anything else I'd
5 rather do.

6 **Q. Thank you. Please explain one or two brief**
7 **accomplishments that you feel you've completed during your**
8 **term, and perhaps a goal you'd like to accomplish in the**
9 **upcoming term.**

10 A. Let's see. Well, one of the things that I had
11 stated I wanted to do when I was running for the Chief of
12 the Court of Appeals, but we -- we are a group that works
13 so coherent, and we work so well together, that this can be
14 done, I think -- at least I can raise this to all of you --
15 it was actually two things.

16 And that is not dealing just with the law, but
17 dealing with the facility that we use. We could use
18 another courtroom, because we have three panels of three
19 and we have two courtrooms, so that's something that the
20 future could bring.

21 Also in regard to how we elect our chiefs, the
22 majority of us have indicated a desire at some point for
23 the Legislature to consider appointing our chiefs from
24 within. We've had nothing but great chiefs, so you all
25 have done a wonderful job. And we're real happy with the

1 way work, but that was just a possibility.

2 And as far as accomplishments as far as the law I
3 realize, and this has just been brought to my attention
4 very recently, that one of my cases is actually being used
5 in many law schools. And it is a very simple case that
6 deals with an engagement ring. But law schools all around
7 the nation are raising that case, the Robinson-Campbell
8 case that dealt with what happens to an engagement ring.

9 Q. Thank you. And, Judge Thomas, you addressed this
10 in your sworn affidavit, but could you please explain to
11 the members of the Commission what you think the
12 appropriate demeanor is for a judge?

13 A. I think what I've always wanted when I stood
14 before a judge is someone who would listen intently to me,
15 and not show favoritism to either side and not prejudge,
16 but to listen to the arguments. So that's what I try to do
17 is listen to each side, and give the just consideration to
18 each side before deliberation.

19 Q. Thank you. Judge Thomas, the Commission received
20 737 ballot box surveys regarding you, with an additional 30
21 comments. The vast majority of which were very positive.

22 A sample of the positive comments are:

23 "This is a talented jurist that is a true asset
24 to the South Carolina Court of Appeals. She's tremendously
25 experienced, intelligent and dedicated to doing quality

1 work. And Judge Thomas has demonstrated over the years a
2 commitment to quality work in all of her opinions. She
3 treats lawyers and witnesses and everyone she encounters
4 with courtesy and professionalism."

5 Judge Thomas, there was a comment about -- that
6 states, "That on occasion the judge might not permit the
7 idea that she may be wrong about an issue."

8 Would you like to respond to that?

9 A. Maybe I wasn't wrong. No, I would imagine that,
10 that's dealing somehow with temperament. And in that
11 regard I need to say this: I think the legal profession is
12 difficult enough as it is, it can be a stressful
13 profession. A judge is not there to make it any more
14 difficult. In fact, the judge is there to facilitate. And
15 if in any way I have failed to do so, then I certainly want
16 to work on that.

17 **Q. Thank you, Judge.**

18 MR. ANZELMO: I would note that the Citizens
19 Committee reported that Judge Thomas is well qualified in
20 the evaluative criteria of ethical fitness, professional
21 and academic ability, character, reputation, experience,
22 and judicial temperament. The Committee also found the
23 Judge qualified in the remaining evaluative criteria of
24 constitutional qualifications, physical health and mental
25 stability.

1 BY MR. ANZELMO:

2 Q. A couple housekeeping questions.

3 A. Yes.

4 Q. Since submitting your letter of intent to run for
5 this seat, have you contacted any members of the Commission
6 about your candidacy?

7 A. I have not.

8 Q. Are you familiar with Section 2-19-70, including
9 the limitation on contacting members of General Assembly
10 regarding your screening?

11 A. Yes, I am.

12 Q. Since submitting your letter of intent, have you
13 sought or received the pledge of any legislator, either
14 prior to this date or pending the outcome of your
15 screening?

16 A. I have not.

17 Q. Have you asked any third parties to contact
18 members of the General Assembly on your behalf, or are you
19 aware of anyone attempting to intervene in this process on
20 your behalf?

21 A. I haven't asked. And, no, I am not aware.

22 Q. Thank you.

23 MR. ANZELMO: I would just note for the
24 record that any concerns raised during the investigation
25 regarding this candidate were incorporated into the

1 questioning today. Mr. Chairman, I have no further
2 questions.

3 CHAIRMAN RANKIN: Thank you. Any questions
4 or comments from the Commission members?

5 (Hearing none.)

6 CHAIRMAN RANKIN: You have intimated this
7 crowd into total silence. Total submission.

8 JUDGE THOMAS: That's wonderful. So may I
9 leave now?

10 CHAIRMAN RANKIN: And you're not alone,
11 Judge Geathers did the same. So thank you so much. And
12 now this concludes this portion of our screening process,
13 unless there any questions or comments from the other
14 members.

15 I want to take this opportunity to remind
16 you that pursuant to our evaluative criteria, the
17 Commission expects candidates to follow the spirit as well
18 as the letter of the law ethics. And we will view
19 violations or the appearance of impropriety as serious and
20 potentially deserving of heavy weight in the screening
21 deliberations.

22 On that note, and as you know the record
23 will remain open until the formal release of the report of
24 qualifications. And you may be called back at such time if
25 the need arises. Again, thank you for offering for

1 reelection and for your service to South Carolina. I hope
2 you have a great Veterans Day.

3 JUDGE THOMAS: Thank you. The same to you.
4 Thank you all for your work. And also thank you for giving
5 me such wonderful judges to work with. I appreciate that.

6 (Candidate excused.)

7 CHAIRMAN RANKIN: Judge Cooper. If you
8 will, please, sir, raise your right hand.

9 WHEREUPON,

10 THE HONORABLE G. THOMAS COOPER JR., being
11 duly sworn and cautioned to speak the truth, the whole
12 truth and nothing but the truth, testifies as follows:

13 CHAIRMAN RANKIN: You have before you, or
14 should, your PDQ personal data questionnaire and sworn
15 statement.

16 JUDGE COOPER: I do.

17 CHAIRMAN RANKIN: And are they both correct?

18 JUDGE COOPER: I made no changes to them
19 since I filed them.

20 CHAIRMAN RANKIN: And no updates needed at
21 this time?

22 JUDGE COOPER: No.

23 CHAIRMAN RANKIN: Okay. Do you object to
24 our making these documents and any amendments part of the
25 record?

1 JUDGE COOPER: No.

2 CHAIRMAN RANKIN: It will be done at this
3 time. Thank you.

4 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION
5 COMMISSION PERSONAL DATA QUESTIONNAIRE OF G.
6 THOMAS COOPER JR.)

7 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION
8 COMMISSION SWORN STATEMENT OF G. THOMAS COOPER
9 JR.)

10 CHAIRMAN RANKIN: As you know and -- you've
11 been here and done this before, I believe, right?

12 JUDGE COOPER: A few times.

13 CHAIRMAN RANKIN: How many times, actually?

14 JUDGE COOPER: Around 2000. And I think
15 that was a full term. And I've done the retired-active
16 once, I believe.

17 CHAIRMAN RANKIN: Screening?

18 JUDGE COOPER: Maybe twice. Screening,
19 yeah.

20 CHAIRMAN RANKIN: All right. As you know,
21 we have thoroughly investigated your qualifications, or
22 attempted to do that. I believe we have. Our inquiry is
23 focused on nine evaluative criteria which includes the
24 ballot box survey, a thorough study of your application
25 materials, verification of your compliance with the state

1 ethics laws, a search of newspaper articles in which your
2 name appears, a study of previous screenings, and a check
3 for economic conflicts of interest.

4 We've received no affidavits filed in
5 opposition to your election, and no witnesses are present
6 to testify. You've been there and done this before as
7 well. But you have the opportunity, if you'd like, to make
8 a brief opening statement. If not, we'll proceed right to
9 Counsel's questions.

10 JUDGE COOPER: I had not planned to make an
11 opening statement, so I don't believe I will.

12 CHAIRMAN RANKIN: Very good.

13 JUDGE COOPER: Unless you request it.

14 CHAIRMAN RANKIN: None requested.

15 EXAMINATION BY MS. CRAWFORD:

16 **Q. Thank you, Judge. And thank you for getting here**
17 **a little bit early. I appreciate that. Judge Cooper,**
18 **you're being screened for continued service as a retired**
19 **judge on the Circuit Court bench. Why do you want to**
20 **continue serving?**

21 **A. Well, I enjoy serving. I requested this early on**
22 **from Judge Toal, and then again from Judge Beatty. And**
23 **even when the -- how shall I say it, this spring when Judge**
24 **Beatty found it necessary to take retired-active judges off**
25 **the regular calendar, I went to him and told him that I had**

1 a number of pending cases, that I wanted to continue to
2 serve. And he graciously allowed me to do that.

3 Even though I've retired, I've found that
4 retirement's not all it's cracked up to be. And I guess
5 one of the significant reasons is because my wife likes me
6 being an active-active retired judge. So I enjoyed it.
7 I've always enjoyed it.

8 I ran first in 2000, and I've never had a more
9 fulfilling time of life than since I took the bench. And I
10 hope my service has been admirable, perhaps, but at least
11 adequate. And I'd like to continue.

12 **Q. Judge, how often or how much time do you spend**
13 **per month now in your capacity --**

14 A. As a retired-active?

15 **Q. -- as a retired judge. Yes, sir.**

16 A. Well, that's hard to say. Because I'm doing
17 fill-in work.

18 **Q. Yes, sir.**

19 A. Last month I spent a week in Greenville. This
20 month I'll be -- I'm filling in for -- that was for Judge
21 Stilwell, when he got called up on active duty for the
22 hurricane. I'm filling in for Judge Newman next week, he's
23 going to a conference. I'm filling in a week in December
24 for Judge Goldsmith, who is taking a vacation. So I'm
25 getting -- Tiffany sends out calls whenever they need

1 somebody to fill in.

2 So I'm not answering your question directly. But
3 I also have probably a dozen or more pending cases that
4 Judge Beatty told me to continue to work on. And some of
5 them are -- have different -- they all have different
6 schedules. They don't require a lot of -- most of them
7 have good lawyers, and they're working on the cases. Not a
8 lot of time that requires -- requires my time.

9 But I've set schedules for trials in 2019, and
10 have wound up a number of cases since the new schedule. So
11 I don't know that I can accurately answer that. It's just
12 catch-as-catch-can at this point.

13 **Q. Yes, sir.**

14 A. If Tiffany needs a fill-in, she sends out a
15 bulletin. And those of us who want to do it, can do it.

16 **Q. Yes, sir. Judge Cooper, what do you think your**
17 **reputation is among attorneys that practice before you?**

18 A. I think it's reasonably good. I have read
19 evaluations in the past. I haven't read anything this
20 term, because I'm not sure you don't evaluate your retired
21 actives. But I've always been prompt. I turn caseloads
22 around pretty -- I think reasonably fast, as perhaps as
23 compared some of my contemporaries. And I won't say
24 anything about that. But I believe that I turn -- keep
25 cases moving.

1 I mean, that's -- you know, it's one of our --
2 one of our jobs is to -- with the vast amount of criminal
3 and civil cases, to at least keep them moving. And I don't
4 -- I don't spend a lot of time -- I don't have anything on
5 a -- what's called a MUA list, or matters under advisement.
6 I keep those up-to-date.

7 So I think that bodes well for your reputation.
8 I've never had any complaints about my demeanor, that I
9 know of.

10 **Q. Yes, sir.**

11 A. I only know one. But I won't even get into that.

12 **Q. Well, that's a good --**

13 A. She's not here today.

14 **Q. That is a good segue. What do you feel is the**
15 **appropriate demeanor for a judge on the bench?**

16 A. I'm respectful of the lawyers. I'm respectful of
17 their time. The difficulty for all of us are the pro se
18 situations. I try to -- try to help a pro se client
19 through the process without giving legal advice, but I try
20 to point them in the right direction. Because so many
21 times they're misinformed about what they can and cannot
22 do.

23 Prisoner cases are especially difficult, because
24 they're all pro se, and they need something and then they
25 file something. But I think I'm -- I believe I am

1 sympathetic with those who need sympathy, and don't try to
2 lord myself over any litigant, criminal or civil. And I've
3 tried a lot of fairly high profile criminal cases.

4 Q. Yes, sir. Judge Cooper, the Commission received
5 738 ballot box surveys regarding you, with 69 additional
6 comments. The ballot box contained positive comments,
7 including the following:

8 "A true gentleman. Patient and fair. And a
9 tough judge but very good."

10 Seven of the written comments did express concern
11 questioning your temperament, and indicated that perhaps
12 you may be disinterested, and maybe you give the impression
13 that you don't want to be the courtroom. What response
14 would you offer to that concern?

15 A. Well, it's easy to say I was having a bad day.
16 But I don't know. I've not heard those complaints before.
17 I've tried to be attentive to litigants -- lawyers and
18 litigants. There are times -- there are just times when
19 your patience is tested.

20 I've got a sign on my bench that says, "Patience
21 Patience Patience." And I try to adhere to that. People
22 ask me how -- what the status of my tongue is when I have
23 to bite it so often. But I don't -- in don't think I react
24 in a negative way when those things occur. And I guess on
25 the other hand, you can't win them all.

1 **Q. Yes, sir.**

2 MS. CRAWFORD: Mr. Chairman, I note for the
3 record that the Midlands Citizens Committee found Judge
4 Cooper to be well qualified in the evaluative criteria of
5 ethical fitness, professional and academic ability,
6 character, reputation, experience and judicial temperament,
7 and qualified in the remaining evaluative criteria of
8 constitutional qualifications, physical health and mental
9 stability.

10 Finally, the Committee noted, "Retired but
11 still wants to be active. An asset. Well qualified."

12 I would note for the record that any
13 concerns raised during the investigation regarding this
14 candidate were incorporated in the questioning of this
15 candidate today. Mr. Chairman, I have no further
16 questions.

17 CHAIRMAN RANKIN: Any questions?
18 Representative Smith.

19 REPRESENTATIVE SMITH: Thank you, Mr.
20 Chairman.

21 EXAMINATION BY REPRESENTATIVE SMITH:

22 **Q. Judge, good afternoon. How are you doing?**

23 **A. Good afternoon, Mr. Smith.**

24 **Q. Judge, what are you -- as a retired-active, you**
25 **know, I guess we see judges who do general sessions mainly,**

1 and do common pleas. Are you gravitating towards one of
2 those? Or are you generally doing both of those?

3 A. I'm doing both when called upon.

4 Q. Do you have to -- are you doing more general
5 sessions than common pleas, or vice versa?

6 A. Well, I'm doing a PCR, so that's a civil term, in
7 the first week in December. And next week I'm doing
8 probably a plea court in Richland County.

9 Q. And as you -- as you -- I think I heard you
10 mention you have some cases that you're continuing to
11 preside over. I presume some complex cases; is that
12 correct?

13 A. I just finished a death penalty PCR. I just
14 finished and got settled a multiparty construction case
15 litigation. I have several Aiken v. Byars re-sentencing
16 cases pending. I'm trying to think of the other ones.

17 Q. Are you still on the Richland Penny Sales Tax
18 case?

19 A. Guilty. I've still got the penny tax -- the
20 penny tax case. I've got two penny tax cases, one
21 involving the Public Interest Foundation and the other
22 involving the county.

23 Q. And you being in the 5th Circuit, you all have a
24 business court here.

25 A. Yeah.

1 Q. Are you handling any business court? Or is that
2 all --

3 A. The last I heard that was either -- that was
4 Judge Newman handling all business court. Whether he's
5 still doing it or not, I'm not sure.

6 Q. And I noticed when I was going through your
7 ballot box questions, it says, "Sumter County is always
8 thrilled to have Judge Cooper assigned to hold court."

9 Have you been to Sumter County lately? Or you
10 think they got you mixed up with the Manning Tommy Cooper?

11 A. The last case I had was the City of Sumter versus
12 the -- it was a textile plant over there, which I actually
13 -- actually, I mediated that case. But I have -- no, I
14 think you're right, I probably have not been to Sumter
15 recently. I'm fond of Sumter. As you know, we're
16 neighboring counties.

17 Q. Thank you. You're our -- you're our neighbor
18 over here --

19 A. Yes.

20 Q. -- in Sumter County. Judge, I guess I ask this
21 to most people as you -- as you -- as you're in the retired
22 stage of it is -- you know, as you go, do you have a future
23 or a prediction of how long you want to continue to serve
24 in this active retired status?

25 A. Well, a lot of that may depend on the good Lord

1 and my health. But my health is good. I do what I have to
2 do, annually, to make sure of that. Well, as you know, I
3 mean from my -- looking at my CV, that I just turned 78. I
4 feel as good as I did when I was 55. I work out at a gym.

5 Of course the Big 80 is looming. And, you know,
6 if you wanted to set a deadline, I might look at that. But
7 other than that I -- as long as I'm healthy and my mind is
8 as it -- as I think it is now, I'd like to continue.

9 I just -- I enjoy the work. I enjoy -- I never
10 would have been -- I never would have spent a week in
11 McCormick County if I hadn't had this opportunity.

12 **Q. And I guess my last question is: Are you finding**
13 **-- you know, from what I heard you testify to earlier, it**
14 **seems to me that you're probably rotating throughout the**
15 **state and not being concentrated in the 5th Circuit.**

16 **A.** I did a week in Greenville. I'm doing a week in
17 Charleston, so -- and a week -- a three-day week in
18 Richland. So I was in Dillion last Monday, so you do get
19 around.

20 **Q. Well, thank you, Judge. I appreciate your**
21 **service.**

22 **A.** Mr. Smith, thank you.

23 EXAMINATION BY CHAIRMAN RANKIN:

24 **Q. Judge, I do want to ask with reference to the**
25 **ballot box survey, and a couple of comments you -- and**

1 perhaps that sign "Patience Patience Patience" might have
2 been directed in the wrong side of the courtroom. Where is
3 that sign directed in your -- on your bench?

4 A. I don't -- I don't understand the question.

5 Q. You've got a sign, you said earlier --

6 A. Oh, it's directed to me.

7 Q. Perhaps the person who commented in a negative
8 light --

9 A. I should have turned it around?

10 Q. -- should have had it directed at them. And
11 perhaps it was a bad day. But to the degree that you don't
12 win them all, and there's a negative comment about either
13 temperament or respect shown to attorneys, how would you
14 want to be judged by your peers -- and not us, but by your
15 peers on the bench. How would you want to be judged and
16 known by them?

17 A. Well, coming from a thirty-year law practice into
18 the judiciary, it takes a while before you -- I felt that I
19 was, quote, accepted and respected by my peers.
20 Particularly the older, more experienced judges.

21 And I think over the years, that they have come -
22 - and it's -- that's a hard question to answer, what other
23 people think of you. But I've come to have -- I have come
24 to feel an ease and a collegiality and a respect that I
25 didn't feel for, say, four or five years.

1 And that may be similar to what somebody walking
2 into the Legislature feels like, they're somewhat
3 overwhelmed by the process. And until you get your feet on
4 the ground, it's a learning experience. But I think I have
5 overcome that, and feel that my contemporaries don't
6 necessarily -- they don't necessarily come to me for advice
7 or anything like that, but I do think they respect what I
8 do.

9 **Q. And then not the judges, your contemporaries, but**
10 **those who appear before you, your reputation with them,**
11 **should that be -- would you have it be the same as you said**
12 **that the judges would -- you believe their respect for you**
13 **is or regard for you is?**

14 A. Well, I guess the proof's in the pudding. And if
15 you've taken a survey, you've had at least some feedback on
16 that issue. But I -- well, they still invite me to their
17 parties, you know. And we were in Greenville, Saturday
18 night, with ABOTA group, and had a very pleasant time. And
19 I think the lawyer -- I don't think lawyers are afraid to
20 bring a case in front of me.

21 Now, sometimes judges get the reputation of being
22 a hard sentencer -- sentencing judges or lenient sentencing
23 judges. And people still judge-shop. It's been going on
24 since I started practicing law. But I don't think that
25 people -- that lawyers try to avoid me. I don't think so.

1 Of course, then again I might never know.

2 Q. Judicial temperament. Do you think that is an
3 important --

4 A. Absolutely.

5 Q. -- criteria for the young lawyer? Or the more
6 seasoned, experienced lawyer should -- should any lawyer,
7 every lawyer, every litigant get the same treatment?

8 A. Well, certainly. If they appear in my courtroom,
9 they're going to get the same treatment. I don't -- I
10 don't believe I ever played favorites. There are some
11 lawyers that are more familiar to me than others,
12 obviously. But I try not to be perceived as being partial
13 to one side or the other.

14 CHAIRMAN RANKIN: All right. Any other
15 questions anyone?

16 (Hearing none.)

17 CHAIRMAN RANKIN: All right. Judge Cooper,
18 thank you so much again for participating and your
19 willingness to serve. This concludes this portion of your
20 screening process. And again thank you for being here, and
21 being here a little early.

22 JUDGE COOPER: I appreciate the
23 consideration of the committee.

24 CHAIRMAN RANKIN: November 2nd, I saw that.
25 November 2nd, so --

1 JUDGE COOPER: That means something to you?

2 CHAIRMAN RANKIN: Well, it does -- and maybe
3 you too. I mean, you commented -- I was going to comment
4 if you didn't. So happy 78th birthday.

5 JUDGE COOPER: Thank you.

6 CHAIRMAN RANKIN: Ten days later.

7 JUDGE COOPER: Thank you very much.

8 CHAIRMAN RANKIN: Godspeed, sir.

9 JUDGE COOPER: Good afternoon.

10 (Candidate excused.)

11 CHAIRMAN RANKIN: Judge Gable. Welcome.

12 JUDGE GABLE: Thank you.

13 CHAIRMAN RANKIN: If you will raise your
14 right hand.

15 WHEREUPON,

16 THE HONORABLE AGNES DALE MOORE GABLE, being
17 duly sworn and cautioned to speak the truth, the whole
18 truth and nothing but the truth, testifies as follows:

19 CHAIRMAN RANKIN: You have before you, your
20 PDQ personal data questionnaire and the sworn statement; is
21 that correct?

22 JUDGE GABLE: Yes.

23 CHAIRMAN RANKIN: Are they both correct? Or
24 do either need to be changed or amended?

25 JUDGE GABLE: Not to my knowledge.

1 CHAIRMAN RANKIN: Do you object to our
2 making those documents a part of the record of your sworn
3 testimony?

4 JUDGE GABLE: No, I do not.

5 CHAIRMAN RANKIN: All right. And that will
6 be done. If you'll hand them over to Lindi there.

7 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION
8 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
9 HONORABLE AGNES DALE MOORE GABLE)

10 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION
11 COMMISSION SWORN STATEMENT OF THE HONORABLE AGNES
12 DALE MOORE GABLE)

13 CHAIRMAN RANKIN: The Judicial Merit
14 Selection Commission has thoroughly investigated your
15 qualifications for the bench. Our inquiry is focused on
16 nine evaluative criteria which is included the ballot box
17 survey, a thorough study of your application materials,
18 verification of your compliance with state ethics laws, a
19 search of the newspaper -- any articles which may appear
20 with your name, a study of previous screenings, and a check
21 for economic conflicts of interest.

22 We've received no affidavits filed in
23 opposition to your election, and no witnesses are present
24 to testify. I would invite you now, if you would like, but
25 you do not have to avail yourself of it, an opportunity to

1 make a brief opening statement before we direct Counsel to
2 ask you questions.

3 JUDGE GABLE: I haven't done this in
4 seventeen years. The last screening I had was when I first
5 came on as a family court judge. So I appreciate your
6 service. I appreciate the job that you all do. I
7 appreciate very much, the fact that I was waived the last
8 two or three times.

9 I love my job. I have worked with a number
10 of wonderful, wonderful attorneys, clerks of court, law
11 enforcement officials, bailiffs. It's like giving a
12 retirement speech over again. I hope that I will be able
13 to continue to work as a retired judge. I hope I'll be
14 able to serve the state for a little while longer, anyway.
15 But I am very happy to have this job. And again,
16 hopefully, will be able to continue it.

17 CHAIRMAN RANKIN: All right. Thank you.
18 EXAMINATION BY MS. DEAN:

19 Q. Thank you, Mr. Chairman. Judge Gable, you are
20 being screened for appointment as a retired judge on the
21 family court bench. Why do you want to continue serving as
22 a retired family court judge? I know you started to say
23 that, but if I you could elaborate a little bit.

24 A. Family court is very unique. We deal with so
25 many social issues that crowd our dockets, of abused and

1 neglected children, juveniles. And then we also have to
2 have time for domestic issues.

3 Every litigant that comes into my courtroom --
4 it's like when we go to a doctor, that's that doctor's job.
5 But to me going to my doctor is critical to me. Every time
6 a litigant comes into my courtroom, it's critical to that
7 litigant, whether they're self-represented litigants or
8 litigants with attorneys.

9 I feel like that I do a good job. I am chatty.
10 I talk with my hands. I tend to make people feel
11 comfortable in my courtroom. I don't want to cross that
12 line and give them legal advice when I should not. But if
13 two self-represented litigants come in my courtroom, I want
14 them to be comfortable in my courtroom.

15 The same is true with attorneys, whether they're
16 brand new or have been on the -- you know, been part of the
17 bar for longer than I have. I've done this now seventeen
18 years as a family court judge, thirteen or so years as a
19 probate judge. And it's all I know to do. And I would --
20 I really do want to continue to do it. And I hope that I
21 have that opportunity.

22 **Q. Thank you, Judge. Judge, how much time do you**
23 **spend per month in your capacity as a retired judge? Do**
24 **you wish to alter this workload if you're reappointed as a**
25 **retired judge?**

1 A. I've only been retired since July. It's hard for
2 me to gauge right now. I understand that because of the
3 situation with court reporters in the court administration,
4 that we may not be assigned to work as much as we would
5 like to work.

6 I had initially indicated, and willing to do
7 that, that for the first ten months of any calendar year,
8 I'll worked one week a month. I don't like working around
9 the holidays. I have a large family and we do a lot of
10 things together, and I want to be off in November and
11 December.

12 They had contacted me already, about working the
13 week after Thanksgiving for a judge who's going to be
14 having surgery, I believe. And I agreed to do that in
15 Chesterfield, which is a hike from Barnwell County. So I
16 would prefer to stay a little closer to home. But if the
17 need arises, I'll certainly go and do that.

18 **Q. Thank you, Judge. Judge Gable, what do you think**
19 **your reputation is among the attorneys that you practice**
20 **before?**

21 A. As a judge, I hope that my reputation is to be
22 fair. The word that has been used sometime to describe my
23 decisions is "deliberate." I think that's a polite way of
24 saying I take a little too much time every now and then to
25 issue written instructions on a decision.

1 I think I am fairly patient. When my children
2 were living at home, and I would not have quite so much
3 patience when I got home, one or the other of them would
4 ask me if I did juveniles that day. Because that uses a
5 lot of your patience.

6 I try to keep up with the law. I try to keep up
7 with the case law, with the advance sheets. I think I'm
8 fairly knowledgeable. As I said I'm very chatty. I tend
9 to speak to the attorneys that I know, and those that I
10 don't, and ask about their children and things that go on
11 in their lives.

12 I'm a Carolina fan. It leads me to be teased a
13 little, or a lot. And the Clemson folks on the Bar and the
14 bench seem to enjoy that a great deal. So I think I am a
15 respected judge.

16 Q. Thank you, Judge. Judge, the Commission received
17 195 ballot box surveys regarding you with 23 additional
18 comments. The ballot box survey for example contained the
19 following very positive comments:

20 "Excellent judicial temperament and fair judge,
21 and has a great deal of wisdom."

22 Two of the written comments expressed concerns
23 regarding perceived bias towards some attorneys. What
24 response would you offer to that concern?

25 A. I don't believe I am biased. I know in different

1 meetings with the family court, we have talked about the
2 actual procedure of coming into the courtroom. When I am
3 in court, I generally stay at the bench. Especially now, I
4 don't have an office that I'm assigned to. So I stay at
5 the bench. And if a lawyer comes in and has two cases
6 back-to-back, I sometimes don't say to that lawyer, "How
7 about step outside and come back in?"

8 So I suppose if someone were waiting for the
9 second case, and I am chatting, for lack of a better word,
10 with the attorney, that, that may be perceived as a bias.
11 But I don't think I am biased. You know, there are
12 attorneys who are more challenging to deal with than
13 others, but even they deserve a fair opportunity in court.

14 **Q. Thank you, Judge. And Judge, during your -- you**
15 **ruled a case, Green Tree Servicing v. Karen Spivey et al,**
16 **including Agnes Gable. And it is my understanding that,**
17 **that is not you --**

18 A. I don't think so.

19 **Q. -- to the best of your knowledge.**

20 A. I have checked -- was able to check that Friday
21 evening. And thank goodness, Richland County puts
22 everything online. That defendant was served in Winston-
23 Salem, North Carolina, I think, in 2009. I don't think
24 I've ever visited Winston-Salem. And I'm sure I wasn't
25 there in 2009. So I don't think that's me.

1 **Q. Great. Thank you, Judge.**

2 MS. DEAN: I will note that the Midlands
3 Citizens Committee found Judge Gable qualified in the
4 evaluative criteria of constitutional qualifications,
5 physical health and mental stability. The Committee found
6 her well qualified in the criteria of ethical fitness,
7 professional and academic ability, character, reputation,
8 experience and judicial temperament.

9 I would just note for the record that any
10 concerns raised during the investigation regarding this
11 candidate were incorporated into today's questioning. Mr.
12 Chairman, I have no further questions.

13 CHAIRMAN RANKIN: Any questions from any
14 commission members?

15 REPRESENTATIVE SMITH: Mr. Chairman.

16 CHAIRMAN RANKIN: Yes, sir. Representative
17 Smith.

18 REPRESENTATIVE SMITH: Thank you.

19 EXAMINATION BY REPRESENTATIVE SMITH:

20 **Q. Judge, good afternoon. How are you doing?**

21 A. Good afternoon. I'm fine, thank you.

22 **Q. Let me just ask you a couple questions I've --**

23 A. Sure.

24 **Q. -- asked of the active retired judges is, I think**
25 **told -- you stated you're serving here and there. Is there**

1 -- are you routinely getting assigned? Or are you just
2 filling in when the need arises?

3 A. When I retired, I understood that we had an
4 option: we could indicate we would serve two weeks every
5 six months and be preassigned. We could also indicate that
6 we would be like the emergency judge for a particular two
7 weeks.

8 I'm not sure how well either one of those are
9 working. I think because of the limited number of court
10 reporters to assign to active retired judges, even to
11 active regular judges, that it's more of a fill-in when
12 someone needs you. That's what -- that's what I found out.
13 I've worked one week since July of this year, that was
14 preassigned. I've worked four or five days that I just
15 volunteered to fill in when they needed me in the 2nd
16 Circuit. And I am volunteering to fill in, the week after
17 Thanksgiving.

18 Q. So Judge, you know we're only as good a
19 legislators as our staff, so they just advised me that you
20 retired in July of 2018. So I guess that question probably
21 is -- I should rephrase it as to what do you -- what would
22 you like to do. And I think you answered that. So I
23 apologize, you see I don't --

24 A. That's okay.

25 Q. I don't serve -- I don't do much in the family

1 court. In your role as an active retired judge, which you
2 just started in July of this year, do you anticipate -- do
3 you have a time frame already set of how long you would
4 like to serve? Or are you just going to serve as long as
5 you feel you're capable of serving?

6 A. I would like to go through this election and get
7 this four years and see. I'm 63. I would like to continue
8 to work as long as I am physically and mentally and
9 emotionally able to do that. But I don't -- I can't tell
10 you right now that I would run again. I can't tell you
11 that I'll complete the full-term. I probably would
12 complete the full term if everyone is healthy, if my
13 husband and I are healthy, and, you know, that works out.

14 Q. Let me ask you this question, just for my own
15 information. Have we screened -- have we elected your
16 replacement already?

17 A. Yes. Judge Abstance is from Barnwell. And she
18 actually --

19 Q. She's actually on this screening schedule, I saw
20 --

21 A. She is.

22 Q. -- and we're getting ready for her.

23 A. Because, see, my term it was not actually up
24 until July 1 of 2019. I left a year early. And bless her
25 heart, she had to run back-to-back. There are several

1 family court that --

2 Q. And so she -- so she's just assumed the --

3 A. She did.

4 Q. -- judgeship in --

5 A. She did.

6 Q. -- July of this year?

7 A. She did. Doing a wonderful job.

8 Q. So the first five months or --

9 A. Right.

10 Q. I guess, yeah. Four months are coming back to
11 the screening committee.

12 A. Yes. She's doing a great job, I might say.

13 Q. Thank you so much. Thank you for your service.

14 A. Thank you.

15 CHAIRMAN RANKIN: Anything else? Senator
16 Young.

17 SENATOR YOUNG: Thank you, Mr. Chairman.

18 EXAMINATION BY SENATOR YOUNG:

19 Q. Judge Gable, I practice in the 2nd Circuit. And
20 you have an excellent reputation.

21 A. Thank you.

22 Q. And there are a lot of people in the 2nd Circuit
23 that are glad that you are not completely retiring and --

24 A. Well, thank you.

25 Q. -- will continue to serve. And from looking at

1 the comments that were obtained from the Bar, it certainly
2 appears that there are a lot of people outside of the 2nd
3 Circuit who have the same high opinion of you. And I want
4 to applaud you for that.

5 A. Well, thank you very much.

6 CHAIRMAN RANKIN: All right. Anyone else?

7 EXAMINATION BY CHAIRMAN RANKIN:

8 Q. Judge Gable, I'm curious to know your thought of
9 the similarity of a probate judgeship and a family court
10 judgeship. And that's not a loaded question.

11 A. That's all right. It's okay. I guess there's
12 not a right or wrong answer. Being the probate judge in a
13 small rural county, I was a probate judge in Barnwell
14 County, is a wonderful job. You have people come to you
15 when someone has died, or someone's having mental health
16 issues, and you have an opportunity to help them.

17 The policy was, and I believe it still is, that a
18 number of probate forms and things would be done outside
19 the office, brought to the judge and reviewed. Our office
20 was small enough, when people sat down they talked to me.
21 As long as there was nothing adversarial going on in the
22 estate, they talked to me.

23 So when they started this process, they were
24 intimidated, they were emotionally kind of teetering a
25 little. And by the time they finished the probate process,

1 their confidence level, their ability to think through
2 things, they really and truly came a long way.

3 I can remember widows who had never written a
4 check. Now, bear in mind this is some time ago. This is
5 thirty-or-so years ago. I had widowers who didn't have a
6 clue where things were and how to do things. And it was a
7 great, great job to be able to help people. I derived a
8 lot of satisfaction from that job.

9 The family court is not a one-on-one helping
10 people. Everything -- almost everything is so adversarial
11 that you can't cross that line, you can't give legal
12 advice. Again, I try to be fair. In the last seventeen
13 years, I think I've received two -- outside of adoptions,
14 two maybe "thank you" notes from folks, individuals saying,
15 "Thank you so much for hearing my son or daughter's
16 juvenile case. Thank you so much for allowing us to work
17 this out, and we were able to resolve our issues before we
18 got into the courtroom because you gave us time."

19 As a probate judge you got those kind of letters
20 a lot. A lot. And I think it's just the nature of the two
21 different courts. I loved being a probate judge. I know
22 what the best job in the world is. And I now have the
23 second best job in the world, but I know what the best job
24 in the world is. The best job is being a probate judge in
25 a small county. It was wonderful.

1 **Q. Very good. Very good.**

2 CHAIRMAN RANKIN: Anything else?

3 (Hearing none.)

4 CHAIRMAN RANKIN: Judge, thank you again so
5 much for your being here and being a part of this.

6 JUDGE GABLE: Thank you.

7 CHAIRMAN RANKIN: And this concludes this
8 portion of the proceedings. And we wish you a Happy
9 Veterans Day.

10 JUDGE GABLE: Thank you.

11 CHAIRMAN RANKIN: And godspeed in your
12 continued service.

13 JUDGE GABLE: Thank you all. And thank you
14 for your service. Thank you.

15 (Candidate excused.)

16 CHAIRMAN RANKIN: You've got before you,
17 some documents that you generated. I'm going to swear you
18 in, in just a second. But you've got your PDQ and your
19 sworn statement.

20 JUDGE FRALEY: Yes, sir.

21 CHAIRMAN RANKIN: Well, go ahead and raise
22 your right hand, if you will.

23 WHEREUPON,

24 THE HONORABLE JAMES F. FRALEY JR, being duly
25 sworn and cautioned to speak the truth, the whole truth and

1 nothing but the truth, testifies as follows:

2 CHAIRMAN RANKIN: You've got your personal
3 data questionnaire and sworn statement before you; is that
4 correct?

5 JUDGE FRALEY: I've got the personal -- the
6 PDQ and the retired judge statement.

7 CHAIRMAN RANKIN: Is there any change to
8 either of those that you would like to make? or are they
9 correct? Otherwise, are they correct?

10 JUDGE FRALEY: I reviewed these things last
11 night. And I think they are still correct, yes, sir.

12 CHAIRMAN RANKIN: You don't have any
13 objection to us making those documents a part of your sworn
14 testimony here?

15 JUDGE FRALEY: No, sir, I do not.

16 CHAIRMAN RANKIN: If you will hand those to
17 the young lady to your left, and they'll be made a part of
18 the record.

19 (EXHIBIT NO. 11 - JUDICIAL MERIT SELECTION
20 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
21 HONORABLE JAMES F. FRALEY JR)

22 (EXHIBIT NO. 12 - JUDICIAL MERIT SELECTION
23 COMMISSION SWORN STATEMENT OF THE HONORABLE JAMES
24 F. FRALEY JR)

25 CHAIRMAN RANKIN: Judge, the Judicial Merit

1 Selection Commission has thoroughly investigated your
2 qualifications for the bench and your continued service on
3 the bench. Our inquiry is focused on nine evaluative
4 criteria which has included a ballot box survey, a thorough
5 study of your application materials, verification of your
6 compliance with state ethics laws, a search of newspaper
7 articles in which your name appears, a study of previous
8 screenings and a check for economic conflicts of interest.

9 We have no -- received no affidavits in
10 opposition to your election, and no witnesses are here to
11 testify, except you. And I would offer you the floor to
12 make a brief opening statement, if you would like, though
13 it is not required.

14 JUDGE FRALEY: I don't have any statement,
15 Senator.

16 CHAIRMAN RANKIN: Very good. All right.
17 Answer questions Emma has for you, please, sir.

18 JUDGE FRALEY: All right.

19 MS. DEAN: Thank you, Mr. Chairman.

20 EXAMINATION BY MS. DEAN:

21 **Q. Judge Fraley, you are being screened for**
22 **appointment as a retired judge on the family court bench.**
23 **Why do you want to continue serving as a retired family**
24 **court judge?**

25 **A. Well, the state has been good to me. I received**

1 a good education in South Carolina. I went to Carolina
2 undergraduate law school. And I've had the honor of
3 serving as family court judge for twenty years. I've
4 always admired the military people. I never served in the
5 military. I just feel like -- like them, I need to give
6 something back. And so I think I'm in good health and I've
7 got a lot of experience. So hopefully, if I can help, I'm
8 willing to do it.

9 Q. Thank you, Judge. And how much time do you
10 anticipate spending per month in your capacity as a retired
11 judge?

12 A. Well, I don't know. Because I think the -- I
13 think the chief justice is trying to -- has decided not to
14 use retired judges as often as in the past. So I don't
15 know how much I'll be needed, but I'm willing to do
16 whatever they ask me to do.

17 Q. Thank you, Judge. And what do you think your
18 reputation is among the attorneys that practice before you?

19 A. I think it's -- I think I have a good reputation.

20 Q. Thank you, Judge. The Commission received 240
21 ballot box surveys regarding you, with 22 additional
22 comments. The ballot box survey, for example, contained
23 the following positive comments:

24 "A wealth of experience and respectful of
25 litigants. An excellent, thoughtful judge. Temperament is

1 **excellent."**

2 **There was one written comment that expressed some**
3 **concerns regarding your temperament. What response would**
4 **you offer to this concern?**

5 A. Well, that's disappointing that someone would
6 think that. I certainly hope that it's not so. When I
7 became a judge -- I've been before judges with poor
8 temperament, as a lawyer, and I was before judges with an
9 excellent temperament.

10 And when I decided to start practicing, I picked
11 out the two judges who I thought had the best temperament,
12 and I tried to model myself after that.

13 It's really hard to answer that question, because
14 I don't know who it is or what the circumstances were, or
15 if that's someone who appeared before me one time or many
16 times. But I work hard at trying to have the -- have
17 excellent temperament. Some days it might not be as good
18 as other days, but I don't think I've been rude to
19 attorneys.

20 **Q. Thank you, Judge.**

21 MS. DEAN: I will note that the Upstate
22 Citizens Committee found Judge Fraley qualified in the
23 evaluative criteria of constitutional qualifications,
24 physical health and mental stability.

25 The Committee found him well qualified in

1 the criteria of ethical fitness, professional and academic
2 ability, character, reputation, experience and judicial
3 temperament.

4 I would just note for the record that any
5 concerns raised during the investigation regarding this
6 candidate were incorporated into today's questioning. Mr.
7 Chairman, I have no further questions.

8 CHAIRMAN RANKIN: Ladies and gentleman, any
9 questions?

10 REPRESENTATIVE SMITH: Mr. Chairman.

11 CHAIRMAN RANKIN: Representative Smith.

12 EXAMINATION BY REPRESENTATIVE SMITH:

13 Q. Judge, how are you doing today?

14 A. Fine, Mr. Smith.

15 Q. Judge, just a couple questions I've been asking
16 everyone. And they tell me you just retired, so I think
17 you answered the question about availability. You're
18 willing to serve, if you are but --

19 A. Actually, I will be retiring on June the 30th of
20 next year.

21 Q. Oh, okay. Well, then that takes care of a lot of
22 those questions I would ask of you. Let me just say this,
23 Judge, as I look in -- when I'm looking over the ballot box
24 surveys expressing concern about your temperament, it's
25 just one that I see on here. And I'll say this is: All of

1 us have probably practiced law for some period of time
2 around this -- around this table here, and I recall -- I
3 think you were assigned to Sumter when I first --

4 A. I recall that too.

5 Q. And I find that comment about your temperament a
6 little surprising. 'Cause I thought when you first came
7 and you served in Sumter. I appeared in front of you on a
8 number of occasions, you were very kind and gracious, and
9 accommodating the lawyers. And I didn't -- I never saw any
10 temperament problem. And I wasn't in the Legislature that
11 time, nor anyone else, but you developed a very good
12 reputation in Sumter County when you served.

13 And it looks like from the ballot box surveys, I
14 followed you around for those years. So I want to
15 compliment you on that.

16 A. Thank you. I'm very flattered.

17 CHAIRMAN RANKIN: Judge, I want to kind of
18 follow that up, and lest you think that there's a -- that
19 the one out of 22 -- out of 240, actually, it's A -- if
20 anything, I've quipped with Representative Smith that this
21 person has a sharp pen, but is totally an island.

22 And the overwhelming comments, and I'll read
23 one in particular, "So sad Judge Fraley is retiring. He is
24 a wonderful family court judge. He is respectful to
25 counsel and pro se litigants and is very knowledgeable.

1 Excellent temperament for family court. Very ethical."

2 That's hitting all spots right there. So in
3 your retirement, when you get there, keep that up. In the
4 meantime until you retire, keep that up. And unless there
5 any other questions of anybody?

6 (Hearing none.)

7 CHAIRMAN RANKIN: That will conclude this
8 portion of our screening. And I thank you again for
9 continuing to serve, and your service to South Carolina.

10 JUDGE FRALEY: Thank you for all you do.
11 All of you, thank you very much.

12 CHAIRMAN RANKIN : Take care.

13 JUDGE FRALEY: Thank you.

14 (Candidate excused.)

15 CHAIRMAN RANKIN: Judge Morehead, welcome.

16 JUDGE MOREHEAD: Nice to be here.

17 CHAIRMAN RANKIN: If you will raise your
18 right hand, please, sir.

19 WHEREUPON,

20 THE HONORABLE ARTHUR EUGENE MOREHEAD, being
21 duly sworn and cautioned to speak the truth, the whole
22 truth and nothing but the truth, testifies as follows:

23 CHAIRMAN RANKIN: You've got before you,
24 your -- what we call the PDQ personal data questionnaire
25 and a sworn statement; is that correct?

1 JUDGE MOREHEAD: Yes, sir.

2 CHAIRMAN RANKIN: Any changes that need to
3 made to those, or are they correct?

4 JUDGE MOREHEAD: Everything's correct. Yes,
5 sir.

6 CHAIRMAN RANKIN: Do you have any objection
7 to us making those documents a part of the record?

8 JUDGE MOREHEAD: No, sir.

9 CHAIRMAN RANKIN: If you'll hand those to
10 the young lady to your left.

11 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION
12 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
13 HONORABLE ARTHUR EUGENE MOREHEAD)

14 (EXHIBIT NO. 14 - JUDICIAL MERIT SELECTION
15 COMMISSION SWORN STATEMENT OF THE HONORABLE
16 ARTHUR EUGENE MOREHEAD)

17 CHAIRMAN RANKIN: You've been here and done
18 this a number of times. How many times?

19 JUDGE MOREHEAD: For when I was first
20 elected, it was a four year-term. And I -- then when I
21 came up for reelection, the statute had been changed to a
22 six-year term. So I'm going into my thirty-fourth year.
23 So I'm not good at division, but --

24 CHAIRMAN RANKIN: Well, you've been here and
25 done this.

1 JUDGE MOREHEAD: Yes.

2 CHAIRMAN RANKIN: And my point is, you're
3 familiar with this. But our Judicial Merit Selection
4 Commission has investigated your qualifications and your
5 continued service. And we've focused on nine particular
6 evaluative criteria which includes a ballot box survey, a
7 thorough study of your application materials, verification
8 of your compliance with the state ethics laws, a search of
9 newspaper articles in which your name appears, a study of
10 previous screenings and a check for economic conflicts of
11 interest.

12 We have received no affidavits in opposition
13 to your election, and no witnesses are present to testify.
14 Unless you'd like for us to try to find some --

15 JUDGE MOREHEAD: No.

16 CHAIRMAN RANKIN: -- it will be just you.
17 At this point, Judge, do you have a brief opening statement
18 you'd like to make to us? You're not required to, but
19 you're welcome to.

20 JUDGE MOREHEAD: Well, as you know I move --
21 at the end of this year, I will be retiring. And I've
22 really enjoyed the thirty-three years on the bench. And
23 I'm in good health. And I hope the Chief Justice down the
24 road will allow me to continue to hold some court, every
25 now and then when needed.

1 CHAIRMAN RANKIN: Very good. All right. If
2 you'll answer questions we have of the staff attorney.

3 MS. DEAN: Thank you, Mr. Chairman.

4 EXAMINATION BY MS. DEAN:

5 **Q. Judge Morehead, you are being screened for**
6 **appointment as a retired judge on the family court bench.**
7 **Why do you want to continue serving in this capacity?**

8 A. Well, as I said, I've thoroughly enjoyed the
9 opportunity to work as a family court judge. During those
10 thirty-three years, I had an opportunity to sit on the
11 Court of Appeals for a number of months, and also have had
12 the privilege of sitting on the Supreme Court.

13 I'm in good health. My wife has let it be known
14 that she doesn't want me at home all the time, so I'm
15 looking forward, and hopefully can continue to serve.

16 **Q. Thank you, Judge. How much time do you**
17 **anticipate spending per month in your capacity as a retired**
18 **judge?**

19 A. Well, of course that depends on the Chief
20 Justice. They've switched the assignments to send them out
21 three months at a time, and right now they -- the judges
22 have gotten their January-through-March schedule, and I'm
23 not on there.

24 So I figure in that three-month period, at least
25 by the end of March, that will be a sufficient amount of

1 time for my wife to start calling court administration and
2 asking to please let me go somewhere and get me out of the
3 house. But I think a week every two months or so would be
4 sufficient.

5 Q. Thank you, Judge. And what do you think your
6 reputation is with the litigants that appear before you and
7 the attorneys that appear before you?

8 A. Well, I gave a talk at the Hot Tips a few months
9 ago, and I talked about two different legacies. And I'm
10 sure I come down on both sides of those. I hope most
11 people will think that I have been a fair judge, and have
12 listened to their cases very attentively. And I believe
13 that I have a -- that type reputation with the South
14 Carolina Bar.

15 Q. Thank you, Judge. The Commission received 336
16 ballot box surveys regarding you, with 39 additional
17 comments. The ballot box survey, for example, contained
18 the following very positive comments:

19 "Has great insight and his temperament on the
20 bench is excellent. A great judge. Courtroom temperament
21 is always kind and courteous to the litigants and the
22 attorneys."

23 Three of the written comments expressed some
24 concerns, two of which related to temperament. What
25 response would you offer to these concerns?

1 A. Well, I'm sure in the thirty-three years that I
2 was on the bench, just like all of us in this room,
3 sometimes things sneak out of your mouth that you wish you
4 could just bring them right back in.

5 I, over those years, have tried very hard to have
6 the appropriate temperament. I've had the privilege of
7 teaching at the new family court judge's school, and
8 coordinating that for, I think, about the past twelve or
9 fourteen years. And we've really emphasized when you feel
10 that you're losing it, you need to take that break and just
11 ask for a five-minute recess. And there's nothing wrong
12 with that.

13 And I honestly believe that would be in the
14 minority as far as temperament is concerned. But I --
15 surely, when you're dealing with family court issues you're
16 going to have a situation where litigants get upset with
17 your rulings and things of that nature.

18 **Q. Thank you, Judge.**

19 MS. DEAN: I would note that the Pee Dee
20 Citizens Committee found Judge Morehead qualified in the
21 criteria of constitutional qualifications, physical health
22 and mental stability.

23 The Committee found him well qualified in
24 the criteria of ethical fitness, professional and academic
25 ability, character, reputation, experience and judicial

1 temperament.

2 I would just note for the record that any
3 concerns raised during the investigation regarding this
4 candidate were incorporated into today's questioning. Mr.
5 Chairman, I have no further questions.

6 CHAIRMAN RANKIN: Thank you. Questions,
7 anyone from the commission? Senator Hayes.

8 MR. HAYES: Thank you.

9 EXAMINATION BY MR. HAYES:

10 Q. I've been looking forward -- I saw your name on
11 the list coming up, and I think you and I got started about
12 the same time. What year were you elected?

13 A. In 1985.

14 Q. That's when I started in the House. So you're
15 one of my first ones. So I'm very proud of your service.
16 Thank you for your many years of service.

17 A. Well, thank you very much.

18 CHAIRMAN RANKIN: Judge, I want to comment
19 briefly on what one of the folks commented in the ballot
20 box survey. And that my witnessing what this gentleman --
21 or person writes about, and that would be your involvement
22 with Boys State. My son was fortunate enough, years ago to
23 -- well, not that many, I guess. He's a junior at Carolina
24 now. But at their either closing ceremony at -- I guess it
25 would have been the first year he was involved, the second

1 year as a counselor, I think, but who but you were standing
2 in that great ending ceremony that was my first, and you
3 apparently had long been associated with that, and
4 continued to help and serve with Boys State. Is that
5 correct?

6 JUDGE MOREHEAD: This past year was my
7 fifty-fifth year with the program. I am not -- I was the
8 director for about seventeen years. But I serve as the
9 state coordinator, the state chairman of the Boys State
10 committee. In fact, I remember the Lieutenant Governor
11 over here to my right, and when he was at Boys State. But
12 I've thoroughly enjoyed it.

13 CHAIRMAN RANKIN: Judge, do you remember
14 what his campaign slogan was, by chance?

15 JUDGE MOREHEAD: No. No. But I know -- I
16 know it helped him. He ended up going to West Point.

17 CHAIRMAN RANKIN: Very good. All right.
18 Well, thank you. Unless there are other questions. Again,
19 we appreciate your service. Representative Smith.

20 EXAMINATION BY REPRESENTATIVE SMITH:

21 Q. Judge Morehead, let me just thank you for your
22 years of service. I've appeared in front of you on a few
23 occasions, and you always were a gentleman. And you've
24 served the state honorably, and I appreciate your service.
25 Probably the longest tenured judge on the bench right now,

1 aren't you?

2 A. I am.

3 Q. Congratulations.

4 A. Thank you.

5 Q. It was a pleasure working with you over those
6 years. And, hopefully, I look forward to you continuing to
7 serve the state. And thank you for what you do for Boys
8 State too. I hear a number of people that come back and
9 compliment your leadership in that regard, and have worked
10 with you over the years. And I think you should be
11 commended for that.

12 A. Thank you very much.

13 CHAIRMAN RANKIN: Very good. That concludes
14 this portion of your screening. And again we thank you for
15 your continued service.

16 JUDGE MOREHEAD: I thank all of you.

17 CHAIRMAN RANKIN: Your upcoming retirement
18 and your service hereafter because --

19 JUDGE MOREHEAD: Thank you very much.

20 CHAIRMAN RANKIN: This is what they call the
21 -- when you're between heaven and hell, what do they call
22 that?

23 REPRESENTATIVE SMITH: Purgatory.

24 JUDGE MOREHEAD: That's right.

25 CHAIRMAN RANKIN: You were going with me

1 there, right?

2 JUDGE MOREHEAD: That's right.

3 REPRESENTATIVE SMITH: Let me ask you this.
4 How old were you when you were elected?

5 JUDGE MOREHEAD: How old?

6 REPRESENTATIVE SMITH: Yes, sir. The first
7 election.

8 JUDGE MOREHEAD: Thirty-seven or 38 years of
9 age.

10 REPRESENTATIVE SMITH: Your replacement is
11 around that same age too.

12 JUDGE MOREHEAD: The same age. And the
13 interesting thing is that I succeeded his grandfather.

14 REPRESENTATIVE SMITH: That's what I was
15 about to say.

16 JUDGE MOREHEAD: So that's going to be neat
17 experience. And, see, you all elected him last year to
18 fill my six-month term, 'cause my term does not expire till
19 June. But I reached 72 this year, so I did tell him -- I
20 think nobody filed against him. But since he's running
21 again, I was glad to see that he wasn't going to be
22 unseated before he got seated. Thank you all very much.

23 CHAIRMAN RANKIN: Take care. Thank you
24 again.

25 (Candidate excused.)

1 CHAIRMAN RANKIN: Welcome Judge Morris.

2 JUDGE MORRIS: Thank you.

3 CHAIRMAN RANKIN: Will you raise your right
4 hand, please, sir.

5 WHEREUPON,

6 THE HONORABLE DANA A. MORRIS, being duly
7 sworn and cautioned to speak the truth, the whole truth and
8 nothing but the truth, testifies as follows:

9 CHAIRMAN RANKIN: You have two documents
10 before you there, the personal data questionnaire and the
11 sworn statement. I ask you if those are correct as is? Or
12 do they need to be edited, changed, or updated in any way?

13 JUDGE MORRIS: No, they're correct.

14 CHAIRMAN RANKIN: All right. You don't
15 have any objection to us making that a part of the record
16 of your sworn testimony today?

17 JUDGE MORRIS: No, I do not.

18 CHAIRMAN RANKIN: And if you'll hand those
19 to the young lady to your left.

20 JUDGE MORRIS: Thank you.

21 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
23 HONORABLE DANA A. MORRIS)

24 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION
25 COMMISSION SWORN STATEMENT OF THE HONORABLE DANA

1 A. MORRIS)

2 CHAIRMAN RANKIN: Judge, this Judicial Merit
3 Selection Commission has thoroughly investigated your
4 qualifications for the bench and continued service. Our
5 inquiry is focused on nine evaluative criteria which
6 includes the ballot box survey, a study of your application
7 materials, verification of your compliance with state
8 ethics laws, a search of newspaper articles in which your
9 name appears, a study of previous screenings and a check
10 for economic conflicts of interest.

11 We have received no affidavits filed in
12 opposition to your continued service and your election, and
13 no witnesses are present to testify against you. You have
14 an opportunity, if you'd like, to make a brief opening
15 statement. It's not required. But I offer that to you, if
16 you'd like.

17 JUDGE MORRIS: Thank you. First of all, I'd
18 like both the people of South Carolina and the Legislature
19 for the opportunity that I've had for the last eleven -- or
20 ten and a half years now to serve as a judge. I think I
21 formed the idea that I'd like to be a judge, probably even
22 before I went to law school. It's kind of rare that people
23 actually get to do something that they thought as a goal,
24 thirty years later.

25 And when you get here, sometimes it's nice

1 to actually find that the job is more than what you thought
2 it was, and it was more rewarding and more challenging than
3 you thought it was. And so, you know, it's a -- I realized
4 how fortunate I was to be able to do this. And I certainly
5 very much appreciate the opportunity.

6 This is not something you do retiring -- you
7 don't do that without some reflection. And, you know, I'm
8 61 years old and sort of had a couple health challenges
9 this past year, which I've recovered from. But it's kind
10 of pointed out to me that I'll probably not live to be a
11 hundred. And so while I'm still pretty healthy, I want to
12 do some things that -- some things with my kids and some
13 other thing -- some other trips and things like that.

14 But I still want to serve, you know. And I
15 still more than willing to be -- willing to be available
16 when the Chief Justice needs me. I'll probably will be
17 mediating some after I retire, and that's sort of my long-
18 term goal. But basically that's kind of what -- I did want
19 to thank you all for the opportunity to do what I've been
20 able to do for the last decade.

21 CHAIRMAN RANKIN: It wasn't your 99-year-old
22 doctor that told you, you might not make it to a hundred,
23 was it?

24 JUDGE MORRIS: No. He's the one that -- my
25 doctor told me I could have a glass of wine every night.

1 Which everybody I've told that to, they want to have --
2 they want to know the name of my doctor.

3 CHAIRMAN RANKIN: Are you sure they don't
4 want a second opinion so that you can get two glasses of
5 wine a night?

6 JUDGE MORRIS: No, my doctor said one is
7 medicinal; after that it's recreational.

8 CHAIRMAN RANKIN: All right, Judge. Thank
9 you. And answer any questions that we might have for you.

10 MS. DEAN: Thank you, Mr. Chairman.

11 EXAMINATION BY MS. DEAN:

12 Q. Judge Morris, as we discussed you're being
13 screened for appointment as a retired judge on the family
14 court bench. You already began to answer this, but could
15 you elaborate a little bit about why you'd like to continue
16 serving as a retired family court judge?

17 A. Well, I'm not done yet, you know. I enjoy this
18 job. I had promised myself the first week that I was on
19 the bench, that I wanted to be just as enthusiastic, just
20 as interested, and just as curious on the last week that I
21 was on the bench.

22 And I don't -- I haven't reached that point where
23 I've lost that interest or that enthusiasm. But, you know,
24 the structure of the schedule is pretty -- you know, we're
25 pretty rigid. And so I still want to continue to work. I

1 just would like a little bit more control over my own time.

2 Q. Thank you, Judge. And speaking of the schedule,
3 how much time do you anticipate spending per month in your
4 capacity as a retired judge?

5 A. I'm not sure how much they're going to need us,
6 but I could certainly be available one to two weeks a
7 month.

8 Q. Thank you, Judge. What do you think your
9 reputation is among attorneys that appear before you?

10 A. Probably as a pretty fair judge. You know, I try
11 to be -- I try to work hard to be available. You know,
12 when I -- when I came on the bench, I told people at my
13 investiture, that it was my intention to be of service to
14 both the litigants and the lawyers. And it was pretty much
15 the way I have run the last decade.

16 You know, I look at -- one of the complaints I
17 was a -- a little unusual, I was in private practice for
18 twenty-five years before I came on the bench. And so I had
19 some concerns about I didn't think cases moved as fast as
20 they should have through the family court system.

21 Today, with the addition of seventy judges over
22 the last few years, and there's also more focus on it, you
23 know, you can't substitute fairness for efficiency.
24 Fairness is obviously the most important thing. But I try
25 to be available and approachable, and to try to help a

1 litigant -- the lawyers get their cases moved through the
2 system.

3 You know, family court can be expensive. It can
4 emotionally draining. We don't want litigants to stay
5 there any longer than they have to absolutely be. And so I
6 think I'm probably a fairly tough judge, but probably
7 pretty fair and pretty -- and pretty evenhanded.

8 **Q. Thank you, Judge. The Commission received 263**
9 **ballot box surveys regarding you, with 22 additional**
10 **comments. The ballot box survey, for example, contained**
11 **the following positive comments:**

12 **"Outstanding judge. Excellent problem solver."**

13 **Two of the written comments expressed concerns**
14 **regarding your open-mindedness when making decisions. What**
15 **response would you offer for this concern?**

16 A. What I would say -- without being able to respond
17 to the specific cases that they raised, I'd have to give
18 some general comments. But generally what I would say
19 along these lines is this: The odds are pretty good if they
20 came in with an idea -- we both -- we have to follow the
21 law, but we also have to issue practical orders that are --
22 that are -- that are workable and that people can actually
23 live by.

24 And my guess is that -- I would not be surprised
25 if with those specific cases, if I went back and looked at

1 my notes, I probably could tell you exactly what I was
2 thinking and why I did it. And most likely, as I didn't
3 think the solution that they were offering was very
4 practical or workable, and that's why I didn't go that way.

5 Secondly, one of things when I was in practice
6 that always sort of bothered me is judges sometimes -- some
7 of the judges I appeared in front of weren't always
8 consistent with the same sets of facts. You could -- in
9 January, you could give them the same set of facts, and
10 then in March give them the same set of facts, and in July
11 and get different outcomes.

12 And I think it was important from the judiciary,
13 or at least from my perspective as a judge, to be fairly
14 consistent. And if you give me the same sets of facts,
15 that I would generally be pretty consistent about what I'm
16 going to do. That doesn't mean I didn't change, you know.
17 But if I made a change after I sort of looked at it and
18 thought about it, then everything after that was the same
19 way, you know.

20 Like, for instance we tried -- there was a big
21 push to try these multi-day schedules of visitation, which
22 was called a 322 visitation. And after I tried it a few
23 times I realized that it really wasn't that workable, and
24 most people wanted a different schedule.

25 And so that's -- you know, so it's not that I'm

1 not open to change and not willing to try some of that, but
2 I think consistency is also important as well.

3 Q. Thank you, Judge. Judge, during the -- through
4 the SLED check it revealed a case called Pearle Ray Key v.
5 Dana Morris, this was a lis pendens. And you explained
6 that this was a family estate matter; is that correct?

7 A. Actually, the caption was incorrect. It should
8 be in the Estate of Pearle Ray Key Morris, my mother. It's
9 me as the plaintiff against my sister. But it was a lis
10 pendens, what we were doing is this was selling the estate,
11 my mother's house.

12 If you read what's also in there, is my sister
13 accepted service, consented to the sale of the house. It
14 was just the process we had to go through in order to sell
15 my mother's house after she passed away.

16 Q. Thank you, Judge. Additionally, there was a
17 lawsuit listed, that was just filed this year, Smith v.
18 Domestic Relations of Charleston County and Dana Morris.
19 And you have not been served in this case yet.

20 A. I have not been served in this case. There was a
21 -- Mr. Smith appeared in front of me, back in August, and I
22 ruled against him. And I was not aware that he had done
23 anything. I knew he said he was going to go to federal
24 court. I didn't know he was going to take me with him.

25 And so I've got to get a copy of the pleadings to

1 find out what it is he's filed, and then figure out what we
2 need to do from there.

3 CHAIRMAN RANKIN: You haven't gotten --

4 JUDGE MORRIS: I haven't been served with
5 anything.

6 MS. DEAN: Thank you, Judge. I would note
7 that the Midlands Citizens Committee found Judge Morris
8 qualified in the evaluative criteria of constitutional
9 qualifications, physical health and mental stability.

10 The Committee found him well qualified in
11 the criteria of ethical fitness, professional and academic
12 ability, character, reputation, experience and judicial
13 temperament.

14 The Committee stated, "An experienced judge
15 that will missed on the bench, and well qualified."

16 I would just note for the record that any
17 concerns raised during the investigation regarding this
18 candidate were incorporated into today's questioning.
19 Thank you, Mr. Chairman. I have no further questions.

20 CHAIRMAN RANKIN: All right. Mr. Safran.

21 EXAMINATION BY MR. SAFRAN:

22 Q. First of all, I want to congratulation you on an
23 outstanding career.

24 A. Thank you.

25 Q. Mr. Morris and I along with Senator Hayes were

1 classmates. I can't believe it's been this long. We're
2 all --

3 A. I can't either.

4 Q. Yeah, we're all a lot grayer than I remember.
5 What impressed me, obviously, is somebody actually in these
6 ballot box surveys referred to you as courageous, which is
7 not something you hear very often when talking about some
8 judges.

9 Also, I think you hit it on the head as far as
10 what litigants want is consistency. You have to predict
11 somewhat where things may go. It helps us to resolve
12 cases, and unfortunately we run into inconsistency far too
13 often. I'm just hopeful that you're going to be available
14 --

15 A. I intend to.

16 Q. -- so you can do what you have been doing.
17 Because what's telling to me is even the person who had the
18 negative comment had to finish up by saying, "Oh, by the
19 way he's really a good judge, though." So, you know, even
20 when you have them talking out of both sides of their
21 mouth, I think in that context it's a good thing. So
22 again, we certainly appreciate the time you've given, and
23 hope that it will not be the end.

24 A. I don't plan for it to be.

25 CHAIRMAN RANKIN: Senator Hayes, you've got

1 the "atta boy."

2 MR. HAYES: I'm just going to add I was a
3 little bit older than my classmates in law school, 'cause I
4 had five in the Army, but I do remember and I think you've
5 done well. I'm proud of you.

6 JUDGE MORRIS: Thank you. I appreciate it.

7 MR. HAYES: Thank you for your service.

8 JUDGE MORRIS: Thank you. Thank you, sir.

9 CHAIRMAN RANKIN: You are sixty-one?

10 JUDGE MORRIS: Sixty-one. Yeah.

11 CHAIRMAN RANKIN: Okay. One particular
12 comment, and again take it for what it's worth, but it's a
13 good one, so don't brace yourself for the negative.

14 JUDGE MORRIS: You know, one of things you
15 get -- you learn, both as being a school board chairman as
16 well as a judge, is you better have a thick skin.

17 CHAIRMAN RANKIN: Don't let praise go to
18 your head or criticisms go to your heart --

19 JUDGE MORRIS: Right.

20 CHAIRMAN RANKIN: -- for today. "A
21 courageous judge who will rule based on the law and facts.
22 In a case before him in Richland County, he vacated an
23 arbitration award on the grounds that the family court had
24 exclusive jurisdiction over childrens issues, which was
25 well supported by Mosley v. Mosier, and the parties

1 resolved the case by agreement which he approved, and
2 became the order of the court. Other judges when presented
3 this issue appeared to cave under the arguments of
4 prominent matrimonial attorneys, that we have approved
5 arbitration of childrens issues for years with no regard to
6 the authority above. The landmark case is present in the
7 Court of Appeals."

8 Anyway, "a courageous judge." That's good.

9 JUDGE MORRIS: Thank you.

10 CHAIRMAN RANKIN: Anyway, thank you for your
11 service. This concludes, unless there are other questions,
12 this portion of our screening. And we wish you godspeed in
13 your continued service.

14 JUDGE MORRIS: Plan to still be around.

15 CHAIRMAN RANKIN: Well, as mediation. Which
16 you can do --

17 JUDGE MORRIS: Yes, sir.

18 CHAIRMAN RANKIN: -- correct?

19 JUDGE MORRIS: Yes, sir, as I understand.

20 CHAIRMAN RANKIN: Very good. And you're not
21 paying that mediating fee to the state; that goes to you?
22 Or does that go to the state?

23 JUDGE MORRIS: No, it goes to -- we're
24 private mediators.

25 CHAIRMAN RANKIN: Right.

1 JUDGE MORRIS: You know, that's the way it
2 works the --

3 CHAIRMAN RANKIN: Are you going to change
4 that and give any of that to the state? Don't answer that.

5 JUDGE MORRIS: If y'all give us a raise.

6 CHAIRMAN RANKIN: Great answer.

7 REPRESENTATIVE SMITH: Talk to the Senate
8 about that.

9 JUDGE MORRIS: All right. All right.

10 CHAIRMAN RANKIN: You're leaving on a high
11 note.

12 JUDGE MORRIS: All right. Thank you, sir.
13 Appreciate it. Thank you all. Thank you.

14 (Candidate excused.)

15 REPRESENTATIVE SMITH: Mr. Chairman, I move
16 to go into executive session.

17 CHAIRMAN RANKIN: All right. Any in
18 opposition?

19 (Hearing none.)

20 (Off the record from 1:47 p.m. to 1:54 p.m.)

21 CHAIRMAN RANKIN: Ladies and gentleman,
22 thank you all. We are back on the record. And I would
23 like to state that we have been in executive session.
24 However, while in executive session, no decisions were made
25 and no votes were taken during that break.

1 And now we're going to hold a vote on the
2 morning's and early afternoon slate of all candidates: the
3 two Court of Appeals, Judge Geathers and Judge Thomas,
4 Retired Judges Cooper, Gable, Fraley, Morehead, and Morris.
5 And do I have a motion for qualified --

6 REPRESENTATIVE SMITH: Mr. Chairman, I would
7 then move that we find Judge Geathers and Judge Thomas as
8 qualified and nominated.

9 CHAIRMAN RANKIN: A second to that?

10 SENATOR SABB: Second.

11 CHAIRMAN RANKIN: All in favor say "aye."

12 (At this time the members audibly say "aye.")

13 CHAIRMAN RANKIN: Any opposition?

14 (Hearing none.)

15 CHAIRMAN RANKIN: The ayes have it. Now as
16 to the next slate.

17 MR. HITCHCOCK: Mr. Chairman, I would move
18 that we find all of the retired judges we've heard from
19 today qualified.

20 CHAIRMAN RANKIN: Second?

21 REPRESENTATIVE SMITH: Second.

22 CHAIRMAN RANKIN: All in favor say "aye."

23 (At this time the members audibly say "aye.")

24 CHAIRMAN RANKIN: Any opposition?

25 (Hearing none.)

1 CHAIRMAN RANKIN: There is none. And they
2 will be recorded as qualified. All right. Next, we move
3 to Judge Benjamin.

4 Welcome, Judge. How are you?

5 JUDGE BENJAMIN: Good. Good afternoon.

6 CHAIRMAN RANKIN: How's the weather outside?

7 JUDGE BENJAMIN: It's rainy and cold.

8 CHAIRMAN RANKIN: A good day to be inside.

9 JUDGE BENJAMIN: Yes.

10 CHAIRMAN RANKIN: If you will raise your
11 right hand.

12 WHEREUPON,

13 THE HONORABLE DEANDREA GIST BENJAMIN, being
14 duly sworn and cautioned to speak the truth, the whole
15 truth and nothing but the truth, testifies as follows:

16 CHAIRMAN RANKIN: You have before you two
17 documents, a PDQ personal data questionnaire and a sworn
18 statement; is that correct?

19 JUDGE BENJAMIN: That is correct. Exhibit
20 15 and 16.

21 CHAIRMAN RANKIN: And do either of those
22 need to be changed or edited, updated in any way?

23 JUDGE BENJAMIN: No, sir, not that one. No,
24 sir.

25 CHAIRMAN RANKIN: You don't object to those

1 being made a part of the record of your sworn testimony, do
2 you?

3 JUDGE BENJAMIN: No, I do not.

4 CHAIRMAN RANKIN: If you'll hand those to
5 Lindi, to your left.

6 (EXHIBIT NO. 17 - JUDICIAL MERIT SELECTION
7 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
8 HONORABLE DEANDREA GIST BENJAMIN)

9 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION
10 COMMISSION SWORN STATEMENT OF THE HONORABLE
11 DEANDREA GIST BENJAMIN)

12 CHAIRMAN RANKIN: And before we get started,
13 you've done this before. How many times?

14 JUDGE BENJAMIN: Three other times.

15 CHAIRMAN RANKIN: So you're familiar -- well
16 familiar with this process and what we are looking at as
17 the Judicial Merit Selection Commission.

18 JUDGE BENJAMIN: Yes.

19 CHAIRMAN RANKIN: That includes nine
20 evaluative criteria, as we have investigated your
21 reelection to serve in this capacity, which includes the
22 ballot box -- a ballot box survey, a study of your
23 application materials, verification of your compliance with
24 state ethics laws, a search of newspaper articles in which
25 your name appears, a study of previous screenings, and a

1 check for economic conflicts of interest.

2 We have received no affidavits in opposition
3 to your election, and no witnesses are present to testify,
4 unless we were to call your husband to testify. Who we'll
5 invite you to introduce, if you'd like. If you don't, I
6 will.

7 JUDGE BENJAMIN: I'll gladly introduce him.
8 Steve Benjamin is my husband of sixteen years?

9 CHAIRMAN RANKIN: Mayor, if you'll stay
10 standing and will you raise your right hand, please. Do
11 you swear or --

12 MAYOR BENJAMIN: I do. Sixteen years ago.

13 CHAIRMAN RANKIN: Very good. All right.
14 Judge, you have the opportunity to make a brief opening
15 statement. You're not required to, but if you'd like to
16 sing the praises of your husband, or whatever else on the
17 record, you're welcome to do that. Or we can talk later.

18 JUDGE BENJAMIN: Well, thank you for having
19 me here today. I have enjoyed being on the bench for the
20 last seven and a half years. And I look forward to serving
21 the citizens of this state in the future.

22 CHAIRMAN RANKIN: Very well. All right.
23 Answer any questions Ms. Benson has for you.

24 EXAMINATION BY MS. BENSON:

25 Q. Judge Benjamin, after serving six and a half

1 years on the circuit court, why do you want to continue
2 serving as a circuit court judge?

3 A. Well, I enjoy my job. But I have in the
4 opportunity to meet attorneys and litigants, and I feel
5 like I have an impact on my community and the legal
6 profession.

7 Q. Judge, please explain one or two brief
8 accomplishments that you feel that you have completed
9 during your tenure, and then a goal that you would like to
10 accomplish if reelected.

11 A. Accomplishments? I have -- when I -- I guess
12 after a year of being on the bench I was, I guess,
13 appointed -- or appointed to be Chief Admin Judge for
14 criminal. Which I did, I think, for eighteen months. And
15 we had a backlog, and I was successful in getting those
16 numbers down, and also the numbers we -- our numbers down,
17 and maintaining the numbers at our detention center.

18 On the civil side we -- we're in the process of
19 electronic filing. I was Chief Judge right before that
20 happened, and we had quite a few files that -- I think it
21 was a technical -- more of a technical issue we discovered.
22 And we were able to clean up some of those cases in
23 Richland County also.

24 Q. And is there a goal that you have for the future?

25 A. Well, I have -- in January, I'll be Chief Judge

1 of criminal -- I guess in the immediate future, I've been
2 assigned by the Chief Justice to be Chief Judge of criminal
3 again in Richland County. And our numbers are a little up,
4 so I guess my immediate goal is to work on decreasing those
5 numbers and moving cases and our caseload along.

6 **Q. Thank you, Judge. Judge, what do you think your**
7 **reputation is among the attorneys who practice before you?**

8 A. My reputation is being fair. I am respectful to
9 attorneys. I give them ample time to make their arguments.
10 I protect the record. I have always been told that I have
11 a great judicial temperament.

12 **Q. And how about your reputation with your court**
13 **personnel with whom you serve?**

14 A. I work well with them. The bailiffs complain a
15 little bit because I work late sometimes. But it's
16 necessary to move cases along and keep things on schedule.
17 But other than that, the joke around the courthouse is that
18 Judge Benjamin might keep you a little bit later than five
19 o'clock, so...

20 **Q. Thank you, Judge. Judge, the Commission received**
21 **around 502 ballot box surveys regarding you, and of those**
22 **ballot box surveys 34 gave additional comments. Some of**
23 **the very positive comments included:**

24 "Excellent judge. Fairminded, thoughtful and
25 well reasoned in her decisions. Exhibits a graceful

1 judicial manner and treats all in her courtroom with
2 respect."

3 Seven expressed some concerns. And the first
4 concern was about your understanding of the issues that
5 come up before you, that you need some additional
6 assistance to understand the arguments, and that perhaps
7 you do not take the time to learn the law involved, and are
8 perhaps not paying attention. Judge, how would you respond
9 to that negative comment?

10 A. Well, as you all know we -- sometimes people are
11 happy and sometimes they are not, based on our rulings.
12 But I pay attention to all of the cases that are before me.
13 If I cannot rule from the bench, I usually take those
14 matters under advisement, and research, write my own orders
15 and -- not all the time. Sometimes it just we -- in
16 Richland County, we have such a huge caseload, I mean, it
17 would be impossible for me to write orders in every case.

18 But I am pretty thorough in reading the law, if I
19 don't know it. I won't stand here and tell you all that I
20 know everything. If I don't know it, I do research and do
21 my best in issuing an opinion.

22 Q. Thank you, Judge. The second concern was about
23 your timeliness in rendering decisions, that sometimes
24 matters have not been decided for a number of months
25 without a reason for the delay. Judge, how would you

1 **respond to that negative concern?**

2 A. That happens. We keep up with our -- I keep a
3 list of cases that I have under advisement. But once again
4 in this county, in Richland County we hear quite a few. We
5 hear non-jury cases -- well, I've been assigned once -- one
6 week a month -- for the first six months of the year you
7 may have anywhere from thirty to thirty-five cases a day.

8 Sometimes I cannot -- I don't -- if I don't know
9 the law, I'm not going to rule from the bench. I'd rather
10 have the opportunity to review the law and issue an
11 opinion. And sometimes that does take -- that does take
12 some time. But I will make a note of that.

13 Q. Thank you, Judge. Judge, in our research -- and
14 you and I spoke about this during our meeting -- we found
15 that since 2014 to the present, you've been reversed or
16 vacated and remanded about nine times; four times in the
17 Court of Appeals and five times by the Supreme Court. You
18 were very kind and gracious in talking with me about those
19 cases.

20 Two of those cases on that were unreported, four
21 were criminal in nature, and one of those criminal ones
22 involved a precedent where the Supreme Court actually
23 reversed a past precedent.

24 Judge, let me just ask you generally: What are
25 the efforts that you take to ensure that your decisions are

1 **going to be upheld upon review?**

2 A. I am very thoughtful. I do research. Actually,
3 two -- one of those cases, I believe, a criminal case was a
4 novel issue. One of the cases was where I -- there's a
5 jury charge that I charged the jury, a statute that has not
6 been repealed. And the court had previously -- based on
7 previous cases, I followed the law, and I was reversed and
8 the court reversed themselves.

9 On another one of those criminal cases, the court
10 once again reversed themselves. And that's The State v.
11 Anderson, when it came to qualifying expert witnesses in
12 child sexual cases. And as a result of my case, they gave
13 us all a new standard in the way to handle those cases;
14 there were no more expert witnesses or forensic
15 investigators.

16 **Q. Thank you, Judge. Judge, a few housekeeping**
17 **issues. Since submitting your letter of intent have you**
18 **contacted any members of the Commission about your**
19 **candidacy?**

20 A. No, ma'am.

21 **Q. Are you familiar with Section 2-19-70, including**
22 **the limitations on contacting members of the General**
23 **Assembly regarding your screening?**

24 A. I am.

25 **Q. Since submitting your letter of intent have you**

1 sought or received the pledge of any legislator, either
2 prior to this date or pending the outcome of your
3 screening?

4 A. No, ma'am.

5 Q. Have you asked any third parties to contact
6 members of the General Assembly on your behalf, or are you
7 aware of anyone attempting to intervene in this process on
8 your behalf?

9 A. No, ma'am.

10 Q. Have you reviewed and do you understand the
11 Commission's guidelines on pledging and South Carolina Code
12 Section 2-19-70(E)?

13 A. Yes, I do.

14 Q. Thank you.

15 MS. BENSON: Mr. Chairman, I would note that
16 the Midlands Citizens Committee reported that Judge
17 Benjamin is qualified in the qualifications of
18 constitutional qualifications, physical health and mental
19 stability, and found her well qualified in ethical fitness,
20 professional and academic ability, character, reputation,
21 experience and judicial temperament.

22 In addition, the Midlands Citizens Committee
23 commented that, "Judge Benjamin is well qualified and will
24 become more seasoned the longer she serves."

25 I would just note for the record that any

1 concerns raised during the investigation have been
2 incorporated into the questioning for today. And, Mr.
3 Chairman, I have no further questions.

4 CHAIRMAN RANKIN: Thank you. Questions by
5 members of the Commission?

6 (Hearing none.)

7 CHAIRMAN RANKIN: All right. See what
8 bringing your husband does for --

9 JUDGE BENJAMIN: Well, thank you.

10 MR. HITCHCOCK: Mr. Chairman.

11 CHAIRMAN RANKIN: See what my comment did?
12 Mr. Hitchcock.

13 MR. HITCHCOCK: Judge Benjamin, I just
14 wanted to thank you for your service. I have a -- you
15 know, over the years -- your husband and I have been
16 friends for a long time, and over the years we've had an
17 opportunity to spend time together. And during those times
18 we've often talked about our spouses, and how that the
19 "smart Hitchcock" and the "smart Benjamin" are the ones who
20 weren't parties to that particular conversation.

21 So I would just -- and, certainly, you both take
22 public service very seriously. I think if either one or
23 both of you focused your time exclusively in the private
24 sector, that you could have a much more lucrative time of
25 it. But you have certainly sacrificed -- both have

1 sacrificed a lot for the -- for the benefit of our state
2 and our city. And I greatly appreciate it.

3 JUDGE BENJIMAN: Thank you for your
4 comments.

5 CHAIRMAN RANKIN: Senator Young.

6 SENATOR YOUNG: Thank you, Mr. Chairman.

7 EXAMINATION BY SENATOR YOUNG:

8 Q. Judge Benjamin, thank you for your service. And
9 I want to applaud you for your work on the circuit court.
10 I've appeared in front of you, and you've been prompt and
11 prepared. And the vast majority of the Bar comments are
12 similar to what I just echoed.

13 There is one comment where there is a -- again,
14 these are -- we don't know who's saying this, but there's
15 one that says there was a decision taken under advisement
16 for more than a year, and it wasn't ruled upon. I would --
17 tell us what your process is when you take something under
18 advisement. I mean, I would assume that you did that -- I
19 think some of the stuff I had you took under advisement,
20 you ruled in less than a week.

21 A. Well, I try to rule as soon as possible.
22 Because, frankly, the longer you keep it under advisement,
23 you forget about it. And you forget about the issues and
24 the arguments. So I'm not sure which case that was.

25 Q. It doesn't say.

1 A. But we have to report monthly -- actually, my
2 report is due tomorrow. We report monthly to the Supreme
3 Court, any cases that we have under advisement. So I keep
4 a list of all cases that I have under advisement, and
5 report it monthly.

6 And I try to work from the older cases to the
7 newer cases, but sometimes some things are a little more
8 time sensitive. If it's on the trial docket, or there's
9 some issue that needs to be heard in the case right away,
10 then I'll try to hear that before I hear the others.

11 But I'm not sure because -- my last report, I
12 believe I had two matters under advisement. And they --
13 they they've -- and then nothing for over a year.

14 **Q. So for the record, you keep track of your cases**
15 **that are under advisement, and you -- and you make sure**
16 **that you're -- you stay diligent and on top of them; is**
17 **that fair?**

18 A. That is correct.

19 **Q. And you submit that on a regular basis to the**
20 **Supreme Court, and at the current time you only have two**
21 **cases under advisement.**

22 A. My last report -- actually, I may have less than
23 five. My new report is due -- it's usually due on the
24 tenth of each month. So it will be due -- today's a
25 holiday. It will be due tomorrow. So we have to report

1 every month on the tenth of each month. Which I do. So
2 I'll have to go back and take a look, and see which case I
3 keep under advisement.

4 Q. Again, I want to thank you for your service and
5 tell you that, again, the vast majority of the Bar comments
6 were very favorable.

7 A. Thank you. Thank you.

8 CHAIRMAN RANKIN: Representative Smith.

9 REPRESENTATIVE SMITH: Thank you, Mr.
10 Chairman.

11 REPRESENTATIVE SMITH: And, Judge, good
12 afternoon.

13 JUDGE BENJAMIN: Good afternoon.

14 REPRESENTATIVE SMITH: Let me just say this:
15 As we go through this, and we review these ballot box
16 comments and surveys that come in, and you've heard Senator
17 Young just talk about those, and obviously we point out
18 some negatives to the candidates.

19 JUDGE BENJAMIN: Yes.

20 REPRESENTATIVE SMITH: And, likewise, I
21 think it's important sometimes to point out the positives.
22 And I want to tell when we look at these -- and I know
23 they're anonymous and, you know, we give them the
24 credibility that they deserve when we -- when they're
25 anonymous. But by the same point they seem to be

1 indicative sometimes of someone's temperament on the bench.
2 And, you know, there's no better judge than those who
3 appear in front of you, to tell you what type of judge you
4 are and what type of temperament you have.

5 I just looked through these and I want to
6 commend you for this. You know, "Very keen and focused,
7 fairminded, with excellent judicial temperament. Judge
8 Benjamin is an amazing judge and a true asset to the bench
9 of this state. Judge Benjamin is excellent and an
10 exceptional person and a judge who represents the bench
11 well."

12 I think you ought to be proud of those
13 comments.

14 JUDGE BENJAMIN: Thank you.

15 REPRESENTATIVE SMITH: It's a testament to
16 the work that you're doing on the bench, the type of
17 personality and temperament you display. And I always say
18 this, you know, you remember what it's like to practice law
19 --

20 JUDGE BENJAMIN: I do.

21 REPRESENTATIVE SMITH: -- and have a judge
22 who is breathing down your neck and who makes life
23 difficult and this -- and, you know, it's to be commended
24 when you have a judge who makes it pleasant to appear in
25 the courtroom. And so I appreciate you doing that. I

1 appreciate the way you handle your courtroom. These
2 comments are very reflective of a judge that's diligent and
3 conscientious and kind to lawyers. So I thank you for
4 that.

5 JUDGE BENJAMIN: Thank you and thank you for
6 your comments.

7 CHAIRMAN RANKIN: And we are so honored --
8 Mr. Safran. Excuse me.

9 MR. SAFRAN: I want to echo Representative
10 Smith's comments. I've had the pleasure of appearing in
11 front of you. And, you know, sometimes in the past we've
12 been accused of maybe focusing on the negative, and I think
13 as he said, that when we do see Bar results that show
14 something admirable, particularly when it comes to
15 temperament -- and I think our collective belief is, is
16 that temperament is a super quality to have as a judge, we
17 want to let you know.

18 And, you know, I guess on the other thing, not
19 every issue that you have to address is something that's
20 just a snap judgement. I mean, it's not always just right
21 there.

22 JUDGE BENJAMIN: No, sir.

23 MR. SAFRAN: I mean, you to have to give it
24 some thought.

25 JUDGE BENJAMIN: No, it's not. We get -- we

1 receive notebooks with a hundred pages of cases, and
2 documents from attorneys. And I don't think it would be
3 fair not to give consideration to memos that lawyers stay
4 up all night working on, and ruling from the bench without
5 reviewing those. So I do try to take those things serious.

6 MR. SAFRAN: In order to really do exactly
7 what they are expecting of you to do justice, you have to
8 give it some time. You have to review it, don't you?

9 JUDGE BENJAMIN: Yes, you do.

10 MR. SAFRAN: And I believe from what -- at
11 least our experience has been that you do.

12 JUDGE BENJAMIN: Well, thank you.

13 MR. SAFRAN: And, really, if you've only got
14 a small number under advisement, I would think that, that's
15 reflective of the fact that you're moving cases along. So,
16 you know, we certainly commend you for that.

17 JUDGE BENJAMIN: Thank you. Thank you for
18 your comments.

19 EXAMINATION BY CHAIRMAN RANKIN:

20 Q. You are civil/criminal. You will soon be the --
21 in January, I think you said the chief administrator -- or
22 administrative judge for the criminal docket.

23 A. Yes.

24 Q. In Richland County -- and that's where you are,
25 correct?

1 A. Yes.

2 **Q. Y'all have how many brothers and sisters on the -**
3 **- on the circuit court bench that are assigned to Richland**
4 **County?**

5 A. Okay. So we have three resident judges, which I
6 am a residence judge at Richland. So most of my
7 assignments are in Richland County or Kershaw County. I
8 travel a little bit, they let me get out. I go to Aiken
9 every now and then and Sumter, but I don't travel very far.

10 And then we have maybe two or three at-large
11 judges, and so any given week we probably have four to five
12 terms of court. And it's almost every week. So we'll
13 finish one term and start another term.

14 So something that I may have heard last week, I
15 just don't -- I would not have time to look through a
16 hundred or two hundred pages of documents before we start
17 the next term, and we have our chambers and that's usually
18 where we can clean up stuff and get things out. And I try
19 to give myself goals to -- cases to move during my
20 chambers' weeks.

21 **Q. Do you prefer civil over criminal, or criminal**
22 **over civil?**

23 A. Actually, I enjoy -- I enjoy having the -- you
24 know, one week civil, one week -- it kind of gives you a
25 break, you don't get tired of the issues. And I don't --

1 I'm not crazy about doing motions rosters, just because
2 there's so many different issues in a day. I may do
3 workers' comp -- I may have twenty cases on at 9:30, and
4 one may a workers' comp case, and one may be an appeal from
5 the Department of Corrections. There's's just so many
6 issues all at one time.

7 So that's probably my least favorite is hearing
8 motions. But it is a part of what we have to do. I enjoy
9 doing civil trials and criminal trials and seeing attorneys
10 practice law.

11 **Q. You all have how many children?**

12 A. Two. Two daughters.

13 **Q. What ages?**

14 A. They are -- the oldest is 13, and our youngest is
15 11. They are both in middle school. So I have to have a
16 whole lot of patience with two girls.

17 **Q. And y'all are Gamecocks. Your father is a**
18 **Gamecock, correct?**

19 A. Yes, he is. My dad? Yes, he is. We all are.

20 **Q. Are Gamecock fans.**

21 A. Yes.

22 **Q. You're Gamecocks.**

23 A. Yeah.

24 **Q. If you're a fan --**

25 A. Yeah, we are. We're all fans.

1 Q. I'm just curious. Are your children wearing the
2 articles of clothing that your father bought them in
3 Phoenix when --

4 A. Oh, yeah.

5 Q. -- they made it to the Final Four?

6 A. Yes, we all have -- my father and my husband were
7 all able to travel to Phoenix. I had to stay for a ballet,
8 so I didn't get to go.

9 Q. No shade on your husband, but your father was
10 working the clothing section with me, trying to find shirts
11 and whatever to take home for my daughter. My son was with
12 me on that. But, anyway, I recall him fondly worrying
13 about getting the right size. But your mother kept telling
14 him, "That's enough."

15 A. Yeah, he's quite the consumer sometimes.

16 Q. Very good.

17 A. For the grandchildren.

18 Q. Very good.

19 CHAIRMAN RANKIN: Representative Smith.

20 REPRESENTATIVE SMITH: Judge, since you're -
21 - I heard you say you're going to take over as the chief
22 administrator for General Sessions. Mr. Rutherford,
23 unfortunately, is not here today. But as you're aware, he
24 practices primarily in General Sessions court.

25 JUDGE BENJAMIN: He does.

1 REPRESENTATIVE SMITH: So will you tell us
2 today, from January through May, is there any way -- there
3 he is right here. I want to make sure that Mr. Rutherford
4 is in your courtroom on Tuesday, Wednesday, and Thursday,
5 so we don't have to listen to him in the House and Senate.
6 Will you do that for us today?

7 JUDGE BENJAMIN: There is an administrative
8 order that says that Mr. Rutherford has protection. So I
9 can't make him come.

10 REPRESENTATIVE SMITH: Please. Good answer,
11 Judge.

12 CHAIRMAN RANKIN: Can you make him go
13 somewhere else? We'd prefer that. All right. Since he's
14 here, let's go ahead and close this record.

15 This concludes this portion of the
16 screening. And again I want to remind you, as you know,
17 two or three times being down this road, that pursuant to
18 the Commission's evaluative criteria, we expect candidates
19 to follow the spirit as well as the letter of the law
20 regarding ethic laws, and that we will view violations or
21 the appearance of impropriety as serious and potentially
22 deserving of heavy weight and screening deliberations.

23 On that note, and as you know, this record
24 will remain open until the formal release of the report of
25 qualifications. You may be called back at any time -- or

1 such time as the need arises. With that admonition, I want
2 to thank you for your willingness to serve and for your
3 service to the state of South Carolina.

4 JUDGE BENJAMIN: And thank you. Likewise,
5 thank you all for your service.

6 (Candidate excused.)

7 CHAIRMAN RANKIN: If you will raise your
8 right hand, please.

9 WHEREUPON,

10 THE HONORABLE JOSEPH DERHAM COLE, being duly
11 sworn and cautioned to speak the truth, the whole truth and
12 nothing but the truth, testifies as follows:

13 CHAIRMAN RANKIN: And you have before you a
14 couple of documents, a PDQ personal data questionnaire and
15 a sworn statement; is that right?

16 JUDGE COLE: I do.

17 CHAIRMAN RANKIN: You do?

18 JUDGE COLE: I do.

19 CHAIRMAN RANKIN: And any changes, edits,
20 updates that you'd like to make to either of those?

21 JUDGE COLE: Not that I'm aware of.

22 CHAIRMAN RANKIN: And do you have any
23 objection to those being made a part of the record --

24 JUDGE COLE: I do not.

25 CHAIRMAN RANKIN: -- of your sworn testimony

1 today? All right. And if you'll hand those, thank you.

2 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION
3 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
4 HONORABLE JOSEPH DERHAM COLE)

5 (EXHIBIT NO. 20 - JUDICIAL MERIT SELECTION
6 COMMISSION SWORN STATEMENT OF THE HONORABLE
7 JOSEPH DERHAM COLE)

8 CHAIRMAN RANKIN: Judge, I ask this at this
9 point, to the chagrin of these folks up here with me, but
10 you've been here and done this at least once, if not how
11 many times?

12 JUDGE COLE: At least once. And this might
13 be the fifth time.

14 CHAIRMAN RANKIN: The fifth time. All
15 right. So you seem all --

16 JUDGE COLE: That does not mean I'm getting
17 older.

18 CHAIRMAN RANKIN: No, sir. No, sir. You
19 just seem -- it seems like you are --

20 JUDGE COLE: -- just more experienced.

21 CHAIRMAN RANKIN: And so you know that we
22 attempt to thoroughly investigate your qualifications for
23 continued service on the bench. And our inquiry is focused
24 again on nine evaluative criteria which include a ballot
25 box survey, a thorough study of your application materials,

1 verification of your compliance with state ethics laws, a
2 search of newspaper articles in which your name appears,
3 and a study of previous screenings as well as a check for
4 economic conflicts of interest.

5 We have received no affidavits filed in
6 opposition to your election, and no witnesses are here to
7 testify. And at this point, for the sixth time you are
8 invited to give a brief opening statement if you'd like.
9 But perhaps for the sixth time, you can choose not to.

10 JUDGE COLE: I'll waive that, if it's all
11 right with the Commission.

12 CHAIRMAN RANKIN: Very good. I'll turn you
13 over at this point to staff counsel who will ask you
14 numerous hard questions.

15 EXAMINATION BY MS. FOSTER:

16 **Q. Judge Cole, after serving approximately twenty-**
17 **six years on the bench, why do you want to continue serving**
18 **as a circuit court judge?**

19 A. Well, I can honestly say that I love what I do.
20 And I tell many people, many times that there's not a
21 better job than being a circuit judge if you're a lawyer.
22 And I really do enjoy it. I still find it to be
23 interesting, and I still find it to be challenging, and I
24 still find it to be rewarding.

25 **Q. Judge Cole, please explain one or two brief**

1 accomplishments that you feel you've completed during your
2 tenure, and then a goal you would like to accomplish if
3 reelected.

4 A. Well, what I think any judge -- what is important
5 for any judge to accomplish is to promote and instill
6 confidence in the judiciary. Not just those who are
7 participating in litigation or in court, but also the
8 public at large. And I feel like I've done that. At least
9 I've tried to do that.

10 I've tried to be consistent and predictable. And
11 I think judicial service or the longevity of judicial
12 service helps promote your ability to be consistent and to
13 be predictable. And I think that also promotes confidence
14 in the judiciary. And that's what I would try to continue
15 to do.

16 Q. Your PDQ and SLED report indicted that since your
17 last screening there have been a couple of civil lawsuits
18 filed in which you were a named party in your official
19 capacity; you were one of many defendants. And my
20 understanding is that you were never even properly served
21 with these suits, and the suits were quickly dismissed for
22 many reasons. Would you like to add anything else about
23 these suits, out of an abundance of caution?

24 A. No, I don't think so. The first one -- is that
25 the Strickland case? There was Strickland and McDaniels, I

1 know that. Strickland, I think, was one that I got sued,
2 but actually somebody -- some other judge turned that into
3 a post conviction relief matter, so it wasn't even really a
4 lawsuit to start with.

5 And the second one was Kevin Wayne McDaniels.
6 And as far as I know, I was not served with that. That has
7 been dismissed. And he is a disgruntled criminal
8 defendant. In fact, as the Chief Judge for administrative
9 purposes, I received not less than three letters and --
10 along with many, many documents from him last week. So
11 he's still contacting me in various ways.

12 **Q. Judge Cole, what do you think your reputation is**
13 **among the attorneys that practice before you, and court**
14 **personnel with whom you work?**

15 A. Well, I hope that it's -- that I deal with
16 everyone with fairness and consistency and politeness and
17 courteousness. Now, there may be somebody who will take
18 exception to that. You might find somebody if you look
19 hard enough.

20 But I try to -- I try to be fair and I try to be
21 courteous with everyone. And I try to give everyone a full
22 opportunity to be heard, so that when they leave, hopefully
23 they'll feel like -- even if the decision goes against
24 them, they'll feel like they were at least given the
25 opportunity to be heard, and that a decision was not made

1 hastily or without all the information.

2 Q. Judge Cole, the Commission received 792 ballot
3 box surveys regarding you, with 48 additional comments.
4 The ballot box survey, for example, contained the following
5 positive comments:

6 "He's one of the best judges I've ever had the
7 pleasure to appear before. A credit to the judiciary.
8 Superior qualifications. Dedicated and hard-working.
9 Judge Cole is a very experienced trial judge. He deals
10 fairly with all parties. In my twenty-five years, I've
11 found him to be the best trial judge I've ever appeared
12 before. Highly qualified in all respects. We are lucky to
13 have him -- have had him on the bench so long. And he can
14 handle the most complicated motions or trials better than
15 the most."

16 Fourteen of the written comments, though,
17 expressed concerns. The majority of those addressed the
18 length of time you take to rule. What response would you
19 offer to this concern? And would you do anything
20 differently to address these concerns?

21 A. Well, I don't think I'd do anything differently,
22 because I'm really not certain what -- who the person was
23 that made the comment. But now, I try to get everything
24 done within the first thirty days after I've heard
25 something.

1 And if it requires more research or briefing and
2 that sort of thing, I try to have it done not later than
3 ninety days. But if it were to extend past that, it's
4 probably -- it could be it that it fell through the cracks.
5 I don't know. But if I'm contacted and I'm told that I've
6 got something outstanding, I try to address it immediately.

7 **Q. You also have a few concerns regarding judicial**
8 **temperament and bias towards the prosecution. Would you**
9 **offer anything in response to that concern?**

10 A. Well, I don't know what I can offer to that. I
11 mean, everybody has their own opinion. When I first went
12 on the bench -- prior to that I was an assistant solicitor
13 in Spartanburg, and a lot of people from the get-go said
14 that I was biased toward the prosecution before I'd heard
15 the first case.

16 And I think there are people that still feel way.
17 Although it's just not true. And in fact, I'm guessing you
18 could speak with any solicitor or any public defender in
19 the state of South Carolina, that I've been with, and I
20 think they'll tell you that I'm pretty much down the
21 middle. I'm pretty fair down the middle.

22 **Q. Thank you, Judge Cole. We have a few**
23 **housekeeping issues. Judge Cole, since submitting your**
24 **letter of intent have you contacted any members of the**
25 **Commission about your candidacy?**

1 A. I have not.

2 Q. Are you familiar with Section 2-19-70, including
3 the limitations on contacting members of the General
4 Assembly regarding your screening?

5 A. I am.

6 Q. Since submitting your letter of intent have you
7 sought or received the pledge of any legislator, either
8 prior to this date or pending the outcome of your
9 screening?

10 A. I have not.

11 Q. Have you asked any third parties to contact
12 members of the General Assembly on your behalf, or are you
13 aware of anyone attempting to intervene in this process on
14 your behalf?

15 A. I have not. And I'm not aware of any.

16 Q. Have you reviewed and do you understand the
17 Commission's guidelines on pledging and S.C. Code Section
18 2-19-70(E)?

19 A. I have. And I do.

20 MS. FOSTER: I would note that the Upstate
21 Citizens Committee reported that Judge Cole -- excuse me --
22 reported Judge Cole to be well qualified in the evaluative
23 criteria of ethical fitness, professional and academic
24 ability, character, reputation, experience, and judicial
25 temperament, and qualified in the remaining evaluative

1 criteria of constitutional qualifications, physical health
2 and mental stability

3 I would just note for the record that any
4 concerns raised during the investigation regarding the
5 candidate were incorporated into the questioning of the
6 candidate today. Mr. Chairman, I have no further
7 questions.

8 CHAIRMAN RANKIN: Ms. Foster, thank you.
9 Questions of the commission members?

10 (Hearing none.)

11 CHAIRMAN RANKIN: I want to comment, Judge
12 Cole, if I may. Your comment about the perceived bias for
13 the state that you earned before you took your first plea
14 or conducted a criminal trial. You have obviously shifted
15 that, because you got one comment that said you are pro-
16 state in criminal trials, that you're not -- you're not
17 pro-defendant, I guess, if I'm getting that correct. I may
18 be messing that up. Am I messing that up?

19 JUDGE COLE: Yeah, I was an assistant
20 circuit solicitor.

21 CHAIRMAN RANKIN: Yeah.

22 JUDGE COLE: So if they say I'm pro-state,
23 that's what they would be commenting upon.

24 CHAIRMAN RANKIN: Right. But then you
25 weren't. Let's see, how did this come off? Where is the

1 line? "Biased to the state."

2 Well, you continue to have that. But it is
3 an exceptional -- it is an exceptional comment. of the
4 comments that we have.

5 And then in a lighter note, one of the
6 comments that I thought worthy of comment as well, is your
7 sense of humor, you're sharp professional, and evenhanded.
8 And I'm paraphrasing from a number of these. Anyway, your
9 sense of humor continues to show up. So that is most
10 welcome. Levity is a healthy thing. Some just don't get
11 it like --

12 REPRESENTATIVE SMITH: Like the whole panel.

13 CHAIRMAN RANKIN: So this is what you get
14 when you don't get questions from your brothers and sisters
15 on the --

16 JUDGE COLE: I don't mind it.

17 CHAIRMAN RANKIN: Evidence of a good sense
18 of humor right there. So without anything else from anyone
19 else, I will fortunately close this record, for my benefit
20 at least. And, again, thank you for participating.

21 You are aware that we can call you back.
22 And part of the evaluative criteria is that we expect you
23 to follow the spirit as well as the letter of the law
24 regarding ethics laws of South Carolina, and that we will
25 view violations or the appearance of impropriety as serious

1 and potentially deserving of heavy weight and screening
2 deliberations.

3 On that note, and as you know, the record
4 will remain open until the formal release of the report of
5 qualifications. And you may be called back at such time,
6 if the need arises. Thank you for your willingness to
7 continue to serve and offering for reelection.

8 JUDGE COLE: Thank you. It's a pleasure to
9 be here.

10 CHAIRMAN RANKIN: Safe travels to you.

11 JUDGE COLE: Nice to see you.

12 (Candidate excused.)

13 CHAIRMAN RANKIN: We're back on the record.
14 Judge, please raise your right hand if you will.

15 WHEREUPON,

16 THE HONORABLE RIVERS LAWTON MCINTOSH, being
17 duly sworn and cautioned to speak the truth, the whole
18 truth and nothing but the truth, testifies as follows:

19 CHAIRMAN RANKIN: And you have now before
20 you two documents, I believe, a personal data questionnaire
21 and a sworn statement; is that right?

22 JUDGE MCINTOSH: Yes, sir.

23 CHAIRMAN RANKIN: All right. And are they
24 correct or do they need to be changed or edited in any way?

25 JUDGE MCINTOSH: No, sir. I did my

1 amendments prior to today.

2 CHAIRMAN RANKIN: And you don't object to us
3 putting those in the record as part of your sworn
4 testimony, do you?

5 JUDGE MCINTOSH: No, sir.

6 CHAIRMAN RANKIN: If you'll hand them to
7 your left, to Lindi.

8 JUDGE MCINTOSH: Thank you.

9 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION
10 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
11 HONORABLE RIVERS LAWTON MCINTOSH)

12 (EXHIBIT NO. 22 - JUDICIAL MERIT SELECTION
13 COMMISSION SWORN STATEMENT OF THE HONORABLE
14 RIVERS LAWTON MCINTOSH)

15 CHAIRMAN RANKIN: Judge, the Judicial Merit
16 Selection Commission has thoroughly investigated your
17 qualifications for the bench. And our inquiry is focused
18 on nine evaluative criteria which includes a ballot box
19 survey, a thorough study of your application materials,
20 verification of your compliance with state ethics laws, a
21 search of newspaper articles in which your name appears, a
22 study of previous screenings and a check for economic
23 conflicts of interest.

24 We have received no affidavits filed in
25 opposition to your election, and no witnesses are present

1 to testify. And you've done this at least once?

2 JUDGE MCINTOSH: Yes, sir, I have. This is
3 my third time, but last time I did not have to come
4 through.

5 CHAIRMAN RANKIN: Very good. And you have
6 the opportunity, if you'd like to make a brief opening
7 statement, but you're not required to do it.

8 JUDGE MCINTOSH: No. Ladies and gentleman,
9 it's just been a pleasure to be able to sit on the bench
10 and be able to serve in that capacity. As a lawyer you
11 always try to do better; as a judge you always try to do
12 better. And it's been an honor. It would be continued. I
13 think it would be -- I know it would be a continued honor
14 for me if you would allow me to continue in that capacity.
15 And that would be my statement.

16 CHAIRMAN RANKIN: Very well. Thank you.
17 And answer any questions Ms. Foster has for you.

18 EXAMINATION BY MS. FOSTER:

19 Q. Judge McIntosh, after serving approximately nine
20 years on the circuit court bench, why do you want to
21 continue serving?

22 A. Well, it's kind of what I indicated in my opening
23 statement. It's just -- you know, to be able to sit on the
24 bench is a honor, something you aspire to. And you can --
25 and you get things taken of in the state, across the civil

1 and criminal boards, and see things get changed.

2 We've watched some new changes. Since I've been
3 on the bench, it's been -- I think the efficiencies have
4 gotten better. And I think with the efficiencies being
5 better, then the people are served better that way.

6 **Q. Judge McIntosh, please explain one or two brief**
7 **accomplishments that you feel you've completed during your**
8 **tenure, and then a goal you would like to accomplish if**
9 **reelected.**

10 A. Well, first, I serve on the business court. I
11 think it's nine of us now being on that -- on that court.
12 It is an honor. And it's also a challenge. We have cases
13 that sometimes are a little more complex than others, and
14 to do that is -- to be able to serve in that capacity is an
15 honor for me.

16 Also when we -- when I started in Anderson, we
17 were number 44 in the -- in the state in turning cases.
18 We've turned -- we went up to number one or two, and
19 remained there as far as getting cases heard and getting
20 disposed of.

21 I think when people have to sit around and wait
22 and wait and wait, they lose interest, they lose witnesses,
23 they evidence. And that's a concern. So we've turned it
24 and made it more efficient. And --

25 **Q. Judge McIntosh --**

1 A. Go ahead. I'm sorry.

2 Q. Your PDQ and SLED report indicted that since your
3 last screening a civil lawsuit was filed in which you were
4 a named party in your official capacity, one of many
5 defendants. My understanding is that you were never
6 properly served and the suit was quickly dismissed. Would
7 you like to add anything else about this suit?

8 A. You know, I really didn't know much about it. It
9 came in the mail. It was a gentleman who -- he violated
10 the terms of his probation. I incarcerated him. And as a
11 result, he filed 1983 actions. I didn't know it had been
12 formerly filed. And it was never formally served.

13 But in fact, after I sent my paperwork in, I got
14 a text from the Honorable Tim Cain's office from Federal
15 Court, showing that it had been dismissed. And so that's
16 about the -- much as I know about the case.

17 Q. Judge McIntosh, what do you think your reputation
18 is among attorneys that practice before you, and court
19 personnel with whom you work?

20 A. I'd like to think that it's a good reputation.
21 I work hard. I try to get to work early. I try to read
22 the files prior to going into the courtroom, to be
23 prepared. You know, certainly, you can't do that on a
24 regular basis.

25 I know that when I sat with you there was, you

1 know, like six comments that I can be short- or ill-
2 tempered. I try not to do that. And, you know, it depends
3 on the circumstances, but, you know, every day you go in,
4 you try to be patient and you try to, you know, make
5 yourself a little bit better than you were the week before.

6 Sometimes you do a better job than others.
7 Sometimes I think that you need to put your foot down a
8 little bit to get things moving. Especially in the civil
9 court where when you see the opening court, it's somewhat
10 like cutting on the lights in the kitchen when you start
11 trying to get cases to trial. So it's kind of a mixture of
12 the two.

13 Q. Judge McIntosh, the Commission received 589
14 ballot box surveys regarding you, with 44 additional
15 comments. The ballot box survey, for example, contained
16 the following positive comments:

17 "One of the best judges on the bench. Judge
18 McIntosh is one of the finest criminal trial judges in
19 South Carolina. He is even-tempered, fair and courteous to
20 all litigants. His experience and personality serve him
21 well and allow him to maintain order without being
22 overbearing in the courtroom. Judge McIntosh is an
23 excellent judge, a problem solver, and extremely polite to
24 all parties whether a criminal defendant, solicitor,
25 plaintiff or civil defense counsel."

1 Six of the written comments, as you briefly
2 addressed already, expressed concerns. And the majority
3 were in regards to judicial temperament. Is there anything
4 else you'd like to offer?

5 A. Well, as I was stating, you know, you stay -- I
6 learned this from a judge over in Spartanburg, that you put
7 a little sticker up on the bench in front of you that says
8 "Be patient." You try to do that. Sometimes you're more
9 successful than others. I do strive every day, when I'm in
10 the courtroom, to be patient and give everybody an
11 opportunity.

12 Not knowing more of the particulars of the
13 negative comments, it's hard for me to address those. I
14 don't know whether it's not somebody who we see quite
15 frequently. We know the ones who are going to come up and
16 go to trial; we know the ones who are not going to go to
17 trial; we know the ones who are going to ask for
18 continuances or protection.

19 And sometimes I have a idea where I think I'm
20 going with the case, and if I've read the briefs, I think I
21 know where I'm going and I might cut somebody off to go
22 there. And all too often, I'm proven wrong and I change my
23 mind. But, you know, being patient is a -- it's a virtue.
24 And it's something that I will work on as I continue, if
25 I'm allowed to.

1 Q. Thank you, Judge McIntosh. Just a few
2 housekeeping issues. Since submitting your letter of
3 intent have you contacted any members of the Commission
4 about your candidacy?

5 A. I have not.

6 Q. Are you familiar with Section 2-19-70, including
7 the limitations on contacting members of the General
8 Assembly regarding your screening?

9 A. Yes, ma'am.

10 Q. Since submitting your letter of intent have you
11 sought or received the pledge of any legislator, either
12 prior to this date or pending the outcome of your
13 screening?

14 A. No, ma'am.

15 Q. Have you asked any third parties to contact
16 members of the General Assembly on your behalf, or are you
17 aware of anyone attempting to intervene in this process on
18 your behalf?

19 A. No, ma'am.

20 Q. Have you reviewed and do you understand the
21 Commission's guidelines on pledging and S.C. Code Section
22 2-19-70(E)?

23 A. I am.

24 MS. FOSTER: I would note that the Upstate
25 Citizens Committee reported that Judge McIntosh was well

1 qualified in the evaluative criteria of ethical fitness,
2 professional and academic ability, character, reputation,
3 experience and judicial temperament, and qualified in the
4 remaining evaluative criteria of constitutional
5 qualifications, physical health and mental stability

6 I would just note for the record that any
7 concerns raised during the investigation regarding the
8 candidate were incorporated into the questioning of the
9 candidate today. And, Mr. Chairman, I have no further
10 questions.

11 CHAIRMAN RANKIN: Thank you. Questions of
12 the commission members? Representative Smith.

13 REPRESENTATIVE SMITH: Judge, good
14 afternoon. How are you doing?

15 JUDGE MCINTOSH: Very good. How are you?

16 REPRESENTATIVE SMITH: I'm well. Judge, I
17 just want to say when we go through these things -- through
18 these ballot boxes and -- you know, I know they're
19 anonymous, and anyone can write anything they want about
20 you. And so, you know, we look at negative comments and
21 then all too often we kind of ignore the positive comments.

22 And when I look through yours, I just wanted to
23 point out to you that you have numerous very good and
24 flattering comments. And it's important to recognize those
25 comments, 'cause I think a testament of ones temperament on

1 the bench is reflected in these Bar -- anonymous Bar
2 comments, because these are the people who appear in front
3 of you, and this is how you treat folks when they appear in
4 front of you.

5 And so one comment I find -- I found very
6 informative, and I want to congratulate you on this, it
7 says, "When not in the black robe or in chambers, he tends
8 to be very easygoing and makes attorneys feel at ease."

9 And then someone else says, "The black robe does
10 not weigh heavy on him at all."

11 So I want to commend you for those positive
12 comments. This is a testament of your peers and the people
13 who appear in front of you and make very good comments
14 about your temperament, your demeanor, how you handle
15 attorneys in the courtroom.

16 And that's something I know that I and many of
17 the people that serve on this Commission is very important
18 to us is your temperament and how you treat attorneys. And
19 you're doing an excellent job, and I want to commend you on
20 that.

21 JUDGE MCINTOSH: Well, thank you very much.

22 CHAIRMAN RANKIN: All right. Mr. Safran.

23 EXAMINATION BY MR. SAFRAN:

24 **Q. I hope you're having a good day today.**

25 **A.** Well, yes, sir. I'd rather have a little

1 sunshine than rain, but it's all good otherwise.

2 Q. I get that. I met Judge McIntosh when he was
3 just starting out in this whole process. He was a law
4 clerk --

5 A. For Judge Brown.

6 Q. -- many, many years ago, for Judge Brown. And
7 one thing I remember about Judge Brown is that he was
8 always cordial as best he could be to everybody.

9 A. That's right.

10 Q. And I think you've picked up on that. And from
11 what I understand, you try to be the same way, don't you?

12 A. Yes, sir. I do.

13 Q. What impressed me also is this, that one of the
14 comments said that you may start out on one position in
15 terms of thinking where you want to go, but after listening
16 you're more than willing to change your mind and go in a
17 different direction if that's where it takes you. And
18 that's basically been how you handle things since you've
19 been a judge, hasn't it?

20 A. Yes, sir.

21 Q. Do you enjoy what you're doing?

22 A. Absolutely.

23 Q. And you come from a family that has a legal
24 background that goes pretty far back, doesn't it?

25 A. Well, my dad is -- was a lawyer. And he and I

1 practiced law for a long time together. But, yes, sir, it
2 goes back a little ways.

3 Q. Well, I agree with Representative Smith, that
4 basically, you know, it's good to see where folks are more
5 or less commenting about something that we hold very, very
6 dearly, which is that judges basically treat the litigants
7 and the attorneys with respect, and, you know, show that
8 temperament. Because all too often -- I think you and I
9 have both seen how it can be the other way.

10 A. Right.

11 Q. And I'm pretty sure that's something you keep in
12 your mind all the time.

13 A. I do.

14 Q. As I think we may have heard earlier, sometimes
15 those words get out, maybe before you can hold on to them.
16 But again, as a rule I've heard, and I think that we all
17 have, that the Bar up there is very high on you, and
18 they've really embraced you and feel like you do a great
19 service for them.

20 A. Well, thank you very much.

21 Q. I just want to congratulate you on that. And
22 again, we appreciate your wanting to serve again.

23 A. Thank you so much.

24 CHAIRMAN RANKIN: Any other questions?

25 EXAMINATION BY CHAIRMAN RANKIN:

1 Q. Judge, I want to ask you about your experience
2 with alternative dispute resolution.

3 A. I'm sorry?

4 Q. ADR.

5 A. Okay.

6 Q. Is that working well? Is that something you --

7 A. You know, ADR, back in Anderson County, when I
8 was a practicing attorney, was one of the first counties on
9 the pilot program. I remember thinking as a lawyer, that
10 it was just going to be another layer of paperwork we had
11 to do.

12 But then we figured out that if you would get
13 your case prepared and ready to go, that you really can go
14 in there and get a lot of money, or keep from paying a lot
15 of money, depending on your circumstances, without having
16 to go up there and run the risk of a jury trial. And I
17 think that's kind of carried out across the board.

18 Now, quite frankly, I think I hinted to it
19 earlier, is that oftentimes in civil court we were really
20 looking for cases to do. 'Cause ADR, I think, has a lot to
21 do with it. There may -- there's some other factors there,
22 obviously. Some of the younger lawyers are unmentored or
23 not mentored enough to feel comfortable to try cases, but I
24 think ADR is a primary factor in that.

25 Q. Thank you very much.

1 A. Yes, sir.

2 REPRESENTATIVE RUTHERFORD: Mr. Chairman.

3 CHAIRMAN RANKIN: Representative
4 Rutherford.

5 REPRESENTATIVE RUTHERFORD: Judge, how are
6 you?

7 JUDGE MCINTOSH: I'm doing very good. Good
8 to see you today, Mr. Rutherford.

9 REPRESENTATIVE RUTHERFORD: Good to see you.
10 You know, I've been here, I guess, going on twenty-one
11 years now, and I believe only passing seniority by my
12 chairman. And, you know, both of served with a young man
13 from up in your area -- he was young back then, he's not
14 anymore -- Cordell Maddox.

15 JUDGE MCINTOSH: Oh, you know, let me hold
16 my tongue.

17 REPRESENTATIVE RUTHERFORD: And Cordell
18 submitted us a list of questions to ask you today. But
19 they're not all in English, so I haven't had a chance to
20 peruse them.

21 But I just wanted to let you know, I've
22 obviously been in your area several times, heard nothing
23 but good things about you. And despite what Cordell says,
24 everybody seems to think the world of you. So I just want
25 to echo the comments that everybody else has said.

1 JUDGE MCINTOSH: Thank you so much, sir.

2 CHAIRMAN RANKIN: Very well.

3 REPRESENTATIVE SMITH: Let me just --

4 CHAIRMAN RANKIN: One more.

5 REPRESENTATIVE SMITH: Judge, when -- if I
6 was you, when I go back to Anderson County, I would ask Mr.
7 Maddox -- Judge Maddox what he was sending to the
8 commission, and hopefully he'll be before the commission
9 someday soon.

10 JUDGE MCINTOSH: Very soon.

11 REPRESENTATIVE SMITH: And, you know,
12 revenge is a dish best served cold. You know that, right?

13 JUDGE MCINTOSH: You know that the first
14 week I got back to Anderson County, and was really proud to
15 be able to be back in my hometown holding court, and in my
16 own -- in my own community, Cordell came in and said, "Let
17 me, you know, qualify the jury panel 'cause all my cases
18 have settled."

19 And so he got up there and after qualifying,
20 and he says, "All my cases have settled, Ladies and
21 Gentlemen, but I'm going to send Judge McIntosh up here.
22 And let me tell you a little bit about him. He's younger
23 than me, he's not nearly as good-looking as I am, and he's
24 not very smart."

25 So I've been living with him for the last

1 ten to fourteen years. And that's a true story.

2 CHAIRMAN RANKIN: Shame, shame on him.

3 JUDGE MCINTOSH: That's right.

4 CHAIRMAN RANKIN: Thank you very much,
5 Judge. And with that this concludes this portion of our
6 screening process. Again as you've been here and done this
7 before, you know that we take seriously the criteria -- the
8 evaluative points that we've spoken of before, and that we
9 expect you to follow the spirit as well as the written
10 letter of the ethics law. We will view violations or the
11 appearance of impropriety as serious and potentially
12 deserving of heavy weight in screening deliberations.

13 On that note, and as you know, the record
14 will remain open until the formal report is released of
15 your qualifications, and you may get called back at a
16 future time if the need arises.

17 So I want to thank you in your willingness
18 to offer again, and for your service to the state of South
19 Carolina, and for your suffering of Judge Maddox' sense of
20 humor.

21 JUDGE MCINTOSH: Thank you to all the
22 members of the committee. Thank you very much.

23 (Candidate excused.)

24 CHAIRMAN RANKIN: Welcome, Judge Jefferson.

25 JUDGE JEFFERSON: Thank you. Good

1 afternoon.

2 CHAIRMAN RANKIN: Thank you for being here
3 early as well.

4 JUDGE JEFFERSON: Thank you.

5 CHAIRMAN RANKIN: If you will please raise
6 your right hand.

7 WHEREUPON,

8 THE HONORABLE DEADRA L. JEFFERSON, being
9 duly sworn and cautioned to speak the truth, the whole
10 truth and nothing but the truth, testifies as follows:

11 CHAIRMAN RANKIN: You have before you two
12 documents, one the PDQ personal data questionnaire, and the
13 other a sworn statement that you have submitted to the
14 commission; is that right?

15 JUDGE JEFFERSON: Yes, sir.

16 CHAIRMAN RANKIN: Any changes that need to
17 be made? Or are they correct as exists right now?

18 JUDGE JEFFERSON: Yes, sir, they are
19 correct.

20 CHAIRMAN RANKIN: Do you have any objection
21 to us making that a part of the sworn testimony and the
22 record?

23 JUDGE JEFFERSON: No, sir.

24 CHAIRMAN RANKIN: Hand those to Lindi.
25 Thank you.

1 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION
2 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
3 HONORABLE DEADRA L. JEFFERSON)

4 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF THE HONORABLE
6 DEADRA L. JEFFERSON)

7 CHAIRMAN RANKIN: Judge, you've done this
8 how many times?

9 JUDGE JEFFERSON: Oh, gosh. It's hard to --
10 you're making me think. And I'm not good at math. Let's
11 see.

12 CHAIRMAN RANKIN: More than one.

13 JUDGE JEFFERSON: More than once, yes, sir.
14 Probably in excess of five.

15 CHAIRMAN RANKIN: You're aware that we as
16 the Judicial Merit Selection Commission thoroughly
17 investigate your qualifications for continued service on
18 the bench, and we focus on nine evaluative criteria which
19 includes the ballot box survey, a thorough study of your
20 application materials, verification of your completed
21 application, and compliance with the state ethics laws, a
22 search of newspaper articles in which your name appears, a
23 study of previous screenings and a check for economic
24 conflicts of interest.

25 We have received one affidavit by Mr.

1 Thomas R. Goldstein, who's filed it in opposition to your
2 election, and he is the only witness present to testify.
3 Do you, Judge, have any opening statements that you'd like
4 to make? You're not required to at all. You're certainly
5 welcome to. Or you can do comments at the end.

6 JUDGE JEFFERSON: I don't have an opening
7 statement except to thank the Commission for its time and
8 its hard work, and working on a holiday.

9 CHAIRMAN RANKIN: Very well. Thank you.
10 And now answer questions that we have for you.

11 EXAMINATION BY MS. RILEY:

12 Q. Judge Jefferson, after serving for approximately
13 twenty-two years on the bench, why do you want to continue
14 serving as a circuit court judge?

15 A. One, I enjoy it. I'm a real people person and I
16 love the law. And I think we're the face of the system,
17 and that our judicial system is only as strong as peoples'
18 confidence in it.

19 And so I feel really blessed that every week I
20 get to educate a whole group of people about the system and
21 how valuable it is, and that it works because of their
22 willingness to participate in it and be a part of it.

23 So I get to combine working with the public and
24 also doing something that I love, working with the law and
25 in the system.

1 Q. Thank you. Judge Jefferson, please explain one
2 or two brief accomplishments you feel you have completed
3 during your tenure, and then provide a goal you would like
4 to accomplish if reelected.

5 A. I think one of the things that I am most proud of
6 accomplishing is working on the Chief Justice's Advisory
7 Council and our ability to train new judges. And I see
8 that as an accomplishment and the ability for them to learn
9 from our experience, and so I really enjoy doing that. And
10 I see that as an accomplishment.

11 And in terms of continuing, probably just with
12 the exponential growth of our dockets, just being able to
13 contribute to managing that efficiently.

14 Q. Thank you, Judge Jefferson. You have indicated
15 in your PDQ, and your SLED report also indicted, that since
16 your last screening a lawsuit was filed against you in
17 2017, in the circuit court, by a Mr. Glynndeavin Fox.
18 Please explain the nature or disposition of this lawsuit.

19 A. To my knowledge it's been dismissed. It's
20 Glynndeavin Von Fox. And Mr. Von Fox -- actually, I find
21 him quite delightful; he's just a little litigious. Last
22 count, he's brought over a hundred lawsuits in Charleston
23 County. He tends to file suits against anyone he's had
24 contact with. And that's just Mr. Von Fox. Yeah.

25 But as far as I know, I think it was turned over

1 -- either I or my secretary accepted service and we turned
2 it over to the appropriate individuals, and I think it's
3 already been dismissed.

4 Q. Judge Jefferson, what do you think your
5 reputation is among attorneys that practice before you?

6 A. I would hope that it's fair, that I'm firm but
7 fair, that I'm open-minded, that I -- that I'm -- I listen
8 courteously to them, and that I'm a hard worker.

9 Q. Judge Jefferson, the Commission received 868
10 ballot box surveys regarding your candidacy, with 68
11 additional comments. The ballot box survey, for example,
12 contained the following positive comments:

13 "She is smart and courteous. She works hard to
14 be a good judge and fair to all sides. She's perfect for
15 the bench. Excellent judge and well qualified."

16 Twenty-nine of the written comments expressed
17 concerns. Several concerns indicated that you lack the
18 requisite knowledge of the law, or more specifically the
19 rules of evidence. What response would you offer to this
20 concern?

21 A. I would just say that I'm -- I believe the rules
22 are evidence and the rules of procedure are what create a
23 level playing field for all of us. And so I try to be as
24 up-to-date on them as possible, by taking seminars as well
25 as keeping up-to-date on the advance sheets.

1 And I have developed as a young lawyer, wwhen I
2 first started practicing when I clerked with Judge Fields,
3 was to read the rules, like about every other month or
4 every couple months as time permits, just to keep myself
5 abreast of them.

6 Also, I think that CLEs are important, and so I
7 try to participate in those as much as possible. And also
8 I have participated as a group leader for the Advanced
9 Evidence Courts at the National Judicial College, which was
10 a wonderful experience to deal with judges from all across
11 the country.

12 I think that nobody is perfect. There's always
13 room for improvement. And sometimes, unfortunately,
14 perception is reality. And sometimes when people don't get
15 the rulings they necessarily desire, sometimes they
16 perceive that you're in error with them.

17 But I try to bend over backwards to make sure
18 that I am as versed in the rules as possible and to apply
19 them as equally as possible. But I'm not perfect and I'm
20 sure I make mistakes.

21 **Q. Thank you. The second concern indicated that you**
22 **have a poor judicial temperament and are often**
23 **condescending toward other attorneys. What response would**
24 **you offer to this concern?**

25 A. I would say that a judge should always be

1 patient, courteous, dignified, efficient and businesslike,
2 with "courteous," I think, and "patient" being at the top
3 of that list. I try to treat people as I would like to be
4 treated.

5 And I think, unfortunately, sometimes the
6 perception is reality. And I think when people are
7 fiercely involved in litigation, sometimes when things
8 don't go exactly as they would like there's a perception
9 that you're not being fair, or that you're not -- haven't
10 listened enough or -- but I try to bend over backwards to
11 make sure that I listen courteously, that I'm patient, that
12 I'm dignified, and that I conduct the court in a dignified
13 manner while being firm but fair.

14 **Q. The third concern indicated that you show bias or**
15 **favoritism in the courtroom, specifically that you seem to**
16 **favor the prosecution. What response would you offer to**
17 **this concern?**

18 A. Again, I think oftentimes perception is reality.
19 And sometimes I've learned that people don't feel that
20 you're being fair with them unless you're more fair with
21 them than everybody else. And that's -- when you're trying
22 to keep a level playing field and be -- I don't think you
23 can always do 50/50.

24 But to the best of my ability, I've tried to be
25 fair and impartial. And I feel that I am fair and

1 impartial with everyone that I deal with. I would never
2 want anybody to treat me any less than that way, so I do my
3 best to deal that way with litigants and with lawyers and
4 the general public.

5 Q. Thank you. Fourth concern -- there's five.

6 A. That's okay.

7 Q. The fourth concern indicated that attorneys find
8 it difficult to preserve issues for appeal in your
9 courtroom. What response would you offer to this concern?

10 A. One of the things I teach in New Judges School is
11 that the record is your friend. I am -- I even -- my court
12 reporters, the ones -- of course now we have a shortage, so
13 I don't have a dedicated court reporter.

14 But I have about four or five that I deal with
15 routinely, and they know that I'm fastidious about the
16 record, even down to recording bench conferences. So they
17 know that when you have court with me, that you need to
18 bring an extra mic.

19 Because I don't -- I don't think that anything
20 should be off the record. So if there's ever a time when a
21 court reporter doesn't have a mic, I always take a break
22 and make sure that everything is preserved.

23 And so I really am a believer that a record
24 protects everybody; it protects each side, it protects the
25 court because it's a contemporaneous record of exactly what

1 happened. And so, again, I think a record is a judge's
2 best friend as well as the parties best friend. And I
3 often create proffers to make sure that there's a complete
4 record.

5 I think, however, in this new age that we have
6 people tend to want to continue to argue after a ruling,
7 and sometimes they may perceive that they're not preserving
8 -- it's almost like if I do it once, I need to do it five
9 times.

10 And once you've made an objection, and it's been
11 preserved and you've argued it, sometimes you have to
12 curtail that. And so to that extent, that sometimes is
13 necessary. But I'm fastidious about a meticulous record.

14 **Q. The final concern indicated in the ballot box**
15 **survey provided that you were not organized or efficient.**
16 **What response would you offer to this concern?**

17 A. We have been inundated with dockets that have
18 grown exponentially. And I think sometimes it can appear
19 that way, especially when you've been Chief Judge as many
20 times as I've been chief Judge. Sometimes you have to wear
21 a lot of hats different days.

22 Sometimes I have to have status conferences
23 before I start court, because in a county -- most of the
24 counties that I'm in we have court every day, and so you
25 don't have downtime. And sometimes it can be eight weeks

1 before you have an administrative week or a chamber's week.
2 And I just don't think that's fair to have people wait that
3 long to have matters dealt with that need to be moved
4 along.

5 And so sometimes it might -- or it could appear
6 that way just because of the exponential growth of our
7 dockets. But I try to be as organized as possible. There
8 are things, of course, that happen that I have no control
9 over, that sometimes affect how quickly we move things or
10 how efficiently we move things.

11 But I think the docket growth sometimes might
12 contribute to that perception. But I will do whatever I
13 can to correct it.

14 **Q. Judge Jefferson and Mr. Chairman, members of the**
15 **Commission, I will now turn to a complaint received by an**
16 **attorney who often appears before Judge Jefferson.**

17 CHAIRMAN RANKIN: Judge, if you'll have a
18 seat. And we're going to allow you to reply to Mr.
19 Goldstein.

20 CHAIRMAN RANKIN: Goldstein.

21 MR. GOLDSTEIN: Yes, sir.

22 CHAIRMAN RANKIN: Come on up and have a
23 seat. And we're going to --

24 REPRESENTATIVE MURPHY: Mr. Chairman, we'll
25 have a chance to comment about the judge --

1 CHAIRMAN RANKIN: Yeah.

2 REPRESENTATIVE MURPHY: -- after the
3 witness?

4 CHAIRMAN RANKIN: Yeah.

5 REPRESENTATIVE MURPHY: Okay. Thank you.

6 CHAIRMAN RANKIN: So if you will, sir, raise
7 your right hand.

8 WHEREUPON:

9 THOMAS R. GOLDSTEIN, being duly sworn and
10 cautioned to speak the truth, the whole truth and nothing
11 but the truth, testifies as follows:

12 CHAIRMAN RANKIN: State your name for the
13 record, please.

14 MR. GOLDSTEIN: Thomas R. Goldstein, G-o-l-
15 d-s-t-e-i-n.

16 CHAIRMAN RANKIN: And, Ms. Riley, do you
17 want to give us a summary, if you will? And, Mr.
18 Goldstein, we're not going to cut you off, but we're going
19 to hear a summary. And that's -- and then we'll hear -- if
20 you need to fill in any particulars beyond that, you're
21 certainly welcome to do that.

22 MR. GOLDSTEIN: Yes, sir.

23 MS. RILEY: Mr. Goldstein filed a formal
24 complaint with the Commission on October 19th of this year.
25 In his affidavit, Mr. Goldstein questioned Judge

1 Jefferson's judicial temperament, ethical fitness, and
2 knowledge of the law in certain cases. Mr. Goldstein
3 classifies his complaint into five incidents. Would you
4 like me to go through each one? Or do you --

5 CHAIRMAN RANKIN: I mean --

6 MS. RILEY: I could do that.

7 CHAIRMAN RANKIN: I think the members have
8 read that summary. So unless there's anything else from
9 that summary you'd like to tell us.

10 MS. RILEY: No, Mr. Chairman.

11 CHAIRMAN RANKIN: So we've got your letter
12 Mr. Goodstein and -- Goldstein. Forgive me. I am looking
13 here, with glasses half askew. My eyes are worse, with or
14 without. You're welcome to tell us what information you'd
15 like for us to have beyond your affidavit.

16 MR. GOLDSTEIN: I think it's all in my
17 affidavit. I do want to tell the members that I take no
18 pleasure in being here today. This is absolutely the
19 hardest thing I've ever done in my legal career, and
20 there's no place I would not be than standing here before
21 you right now.

22 However, when I received the transcript in
23 the Renya matter, I consulted with lawyers, I got legal
24 advice. And I felt that I had at that point an obligation
25 to bring it forward. I didn't think I had the luxury of

1 not bringing it forward, because that transcript reveals
2 extremely troubling conduct, specifically the false
3 assertion that I had filed a grievance against the
4 candidate/applicant while she was on the family court
5 bench, which is absolutely not true.

6 And in order to verify that, I contacted
7 disciplinary counsel to verify that my memory was correct.
8 Because it's possible I could have made a mistake. And
9 based on my investigation, I am convinced that I did not
10 make a mistake. That did not happen.

11 I did not file a complaint. I've never
12 filed a complaint against anyone everywhere -- anywhere at
13 any time. No judge. No lawyer. No government official.

14 When I brought that to Judge Jefferson's
15 attention via letter, what I expected to happen was that
16 she would call me up, apologize, and we'd clear the air.
17 That's what I thought was going to happen. But that didn't
18 happen. And that would have satisfied me and I wouldn't be
19 standing before you now.

20 And let me say -- I don't know if you want
21 to give this any weight at all, and I don't know if it's
22 relevant, but, you know, I kind of watched Judge Jefferson
23 grow up. I sat at her mother's desk, I can't tell you how
24 many times. And Dot would show me pictures of what her
25 daughter was doing: going to Converse, going to law school,

1 school plays. So I can assure you, I really take no
2 pleasure in being here today.

3 The transcript, as the Judge just told you,
4 is a friend to everybody. You've got the transcript. I
5 didn't make it up. That's what she said. It's disturbing.
6 And it has no place in a fair judicial system.

7 Now I'll be glad to answer any questions.
8 But I set it all out in my affidavit. Now, to be fair --
9 to be fair and I don't know where your -- I guess your
10 screening attorney, I did -- I do want to correct one thing
11 in my affidavit.

12 In October -- I did get my order of
13 protection in October. I sure enough -- it came in the
14 mail in October. And I don't know exactly when in October,
15 but I did get it. The Judge did sign it. And it was
16 clocked in on August 23rd and mailed to me sometime in
17 October. So I do want to offer that correction.

18 So if you have -- that's really all I want
19 to say, unless any of you have any questions.

20 CHAIRMAN RANKIN: And in your affidavit you
21 -- and/or the letter -- let me make sure I've got it right.
22 You did run against her in 2012?

23 MR. GOLDSTEIN: I did. I ran against her in
24 2012. And that was as a result of the treatment I received
25 in the Metero matter in 2007, and then the McCoy matter.

1 And I thought to myself as a -- as a matter of self-
2 preservation, I've got to protect -- I've got to do
3 something to protect myself.

4 There also was some conversation in the Bar,
5 the Bar was not happy with Judge Jefferson. And so I
6 offered myself as an alternative candidate. And I will
7 disclose to you under oath, truthfully, that I thought
8 that, that was a win-win proposition for me, 'cause at the
9 very least she wouldn't be presiding over my cases anymore.
10 So I was willing to throw myself into the fray for
11 partially selfish reasons.

12 However, as the Renya transcript reveals,
13 that I was -- I miscalculated. But I was serious about
14 running. I was serious about offering myself as an
15 alternative candidate. And I got a lot of encouragement
16 from the Citizens Advisory Committee and from the Bar. And
17 it was only when the legislative delegation refused to talk
18 to me, that I realized that, well, this is -- I'm not well
19 equipped to be in this race, and so I withdrew at that
20 time.

21 CHAIRMAN RANKIN: But you made it through
22 screening.

23 MR. GOLDSTEIN: I think -- now, I may be
24 wrong, but I think I was reported out as well qualified.
25 Which shocked me because I didn't regard myself as being

1 well qualified. I regarded myself as being qualified.

2 CHAIRMAN RANKIN: All right.

3 MR. GOLDSTEIN: And of course you all have
4 that file. I mean, all that is in the file.

5 CHAIRMAN RANKIN: All right. Representative
6 Smith.

7 REPRESENTATIVE SMITH: Thank you.

8 EXAMINATION BY REPRESENTATIVE SMITH:

9 Q. Mr. Goldstein, I appreciate you being here today.
10 And I know this is not easy, but let me just make sure I
11 understand this. I'm looking at these -- I guess, this
12 letter is your sworn statement for a complaint against
13 Judge Jefferson; is that correct?

14 A. Yes, sir. I submitted a sworn affidavit.

15 Q. Oh, okay. I'm sorry. I didn't look at the top
16 where it says, "Affidavit." All right. So the first
17 matter -- and let me just go through this so I can
18 understand. The first matter is the Metero matter, and
19 that happened in 2007; is that correct?

20 A. That's 2007. That is correct.

21 Q. And Judge Jefferson came up for screening in
22 2012. Did you raise these issues during her screening, or
23 in any manner whatsoever?

24 A. I did not. I chose a different route.

25 Q. You ran against her, I understand that. But, you

1 know, what I'm trying to -- you had the opportunity to
2 bring these matters to the screening commission's attention
3 in 2007; is that right?

4 A. You're correct. I did.

5 Q. And I'm just going to tell you this:
6 Historically, what we've done on this screening commission
7 is if these matters could or should have been brought
8 before then, then -- you know then we obviously feel like
9 that it's almost -- I wouldn't say waived, but these are
10 matters that needed to be resolved before her last
11 screening in 2012.

12 Is there a reason why you did not file this? If
13 you feel it's compelling enough today to bring this to our
14 attention, why did you not do that back before the 2012?

15 A. Representative Smith, your point is well taken.
16 And while I agree with you that the matters are not
17 technically waived, I agree that you should give it little
18 weight because I had an opportunity to raise it and didn't.
19 I understand that.

20 Here's the reason they're in my affidavit now:
21 They're in my affidavit now to show the pattern. When the
22 Metero matter happened, it knocked me back. I mean, I was
23 stunned. But I just thought it was an aberrant outlier, a
24 black swan event. And I didn't think it was something that
25 -- I didn't detect a pattern. I just thought maybe she had

1 a bad day.

2 Then the McCoy matter happened. And McCoy --
3 that's when I thought there might be a pattern was McCoy.
4 But I still didn't really -- I didn't know that it rose to
5 the level of filing a complaint.

6 It was not until I received -- not until I was
7 standing on my feet in open court, with a court reporter,
8 and I heard Judge Jefferson tell me that she had me indexed
9 in her office because I had filed a complaint against her
10 in a family court, and when I tried to reason with her and
11 say, "No, you have me mixed up with someone else."

12 And she corrected me. And she said, "Let me
13 review the chronology with you, Mr. Goldstein."

14 And she went through this detailed chronology.
15 And then finally she hit me with, "And you always bring
16 this up every time I see you."

17 Well, now it's on the record. So now I have
18 something. Before, I didn't feel like I really had
19 anything other than just grouching about an unfavorable
20 decision.

21 **Q. So if I'm understanding you, the matters one and**
22 **two, while you take them serious, that's more for a**
23 **demonstration of a pattern to this commission than it is as**
24 **much of a complaint, obviously, as it could have been**
25 **brought before 2012.**

1 A. That is exactly correct.

2 Q. And then the fact that you ran in 2012 is just,
3 again, some background information to us?

4 A. That is correct.

5 Q. And did I hear you correctly say that the order
6 of protection issue was -- you got the order of protection?

7 A. Right. In October, after I asked for a
8 protection in September.

9 Q. Well, but nonetheless, is the order of protection
10 issue a complaint today? Or is that -- was that resolved?

11 A. No, I don't think that would be fair to Judge
12 Jefferson. Because I don't know if that involved Judge
13 Jefferson or an error in the clerk's office.

14 Q. Yeah. Yes, sir. And, you know, and I guess now
15 where your -- was this order of protection e-filed, or was
16 it -- or was it sent written?

17 A. Well, now, see, I am so glad you asked me that
18 question. I had to go to the Court of Appeals and almost
19 notify my malpractice insurance, because the Berkeley
20 County clerk started notifying us by e-filing, and I wasn't
21 aware of that. And I almost got thrown out of court.

22 And so now I know that Berkeley County notifies
23 us by e-filing. But they didn't notify me of my order of
24 protection; it came in the mail in October.

25 Q. And I guess that was part of what I was going to

1 raise is, I've got a case or two in Berkeley County, and
2 Berkeley County is an e-filing county, and I don't know how
3 long it's been an e-filing county, whether it's been a
4 couple of years. In Sumter County, we've been three or
5 four years. Do you know how long they were a e-filing
6 county?

7 A. Boy, that's a good question. I want to say they
8 went to official e-filing in September. But I know that
9 they sending us the orders by e-mail earlier, because I had
10 to go to the Court of Appeals and beg.

11 Q. So when you submitted the order of protection,
12 there was likely e-filing. Could that have been the mixup
13 that we have here?

14 A. It could be. All I know is Charleston notified
15 me the next day by e-filing -- by e-mail. By e-mail. Let
16 me correct.

17 Q. And the next day you -- when did you -- I presume
18 you were getting protection in the 9th Circuit; is that
19 right?

20 A. That's correct. And I got my protection. I
21 called the clerk, I said, "Is this good for Berkeley?"

22 And the clerk said, "No. You got to Berkeley and
23 get separate protection."

24 So I called Berkeley. And they said, "You've got
25 to bring us an order." So on Friday, on the way to the

1 lake, I dropped off the order with the return envelope.

2 Q. To the clerk of court or to the judge?

3 A. To the clerk of court.

4 Q. Who's the chief administrative judge at that time
5 with Charleston County?

6 A. I don't know.

7 Q. I assume this is common pleas?

8 A. Correct.

9 Q. My experience is -- I have to get them too. And
10 I'll tell you there's nothing worse than having the e-filed
11 order of protections -- 'cause you got to get them for
12 every case now. And not only for your county, for every
13 case, where I used to just get one that says I'm protected
14 for the 3rd Judicial Circuit. So now we got to go get
15 every case.

16 And I think that may have been part of what
17 you're running into, is that the rules of getting orders of
18 protection have changed. So if I'm hearing you, this is
19 just not an issue at all as it relates to Judge Jefferson
20 in the complaint today concerning the order of protection;
21 is that right?

22 A. I can't answer that. I don't know.

23 Q. But you never submitted it to Judge Jefferson,
24 correct?

25 A. No, I submitted it to the clerk.

1 Q. And you don't know of anything Judge Jefferson
2 affirmatively did to prevent you from -- or for causing the
3 delay.

4 A. That is correct.

5 Q. So you agree with me, that there's not much
6 evidence as to any allegations against her as it relates to
7 the order of protection.

8 A. Can you -- I'm not sure I follow your question.

9 Q. You know, I'm looking at the order of protection,
10 and the Commission has to make certain -- we're going to
11 have to weigh these in a context.

12 A. Right.

13 Q. And if I'm hearing you, you just had a order of
14 protection that was delayed for some unknown reason, and
15 you presume maybe Judge Jefferson had something to do with
16 it, but you really don't know.

17 A. That is absolutely correct. That's a correct
18 statement.

19 Q. When I weigh this issue as --

20 A. That's right.

21 Q. -- to this there, is not much evidence to show
22 that Judge Jefferson did anything affirmatively, or by not
23 acting, that caused some delay to you in receiving an order
24 of protection.

25 A. All I can tell you is that the order was signed

1 on August 20th, filed on August 23rd, and mailed to me in
2 October. That's all I can tell you.

3 Q. And the clerk of court is the one that mailed it
4 to you --

5 A. I can't answer that. I don't know.

6 Q. Do you know what envelope it came in?

7 A. Yes, sir. The self-addressed, stamped envelope
8 that I provided to the clerk of court's office.

9 Q. And who was the judge that signed it?

10 A. Judge Jefferson.

11 Q. And you dropped it off in the clerk's office, and
12 you presume the clerk's office gave it to Judge Jefferson.

13 A. I did as I was instructed. That is correct.

14 Q. So the real issue that we have to weigh is this -
15 - is Metero -- the Renya matter; is that right?

16 A. Metero.

17 Q. No, Renya.

18 A. Oh, Renya.

19 Q. That's the bulk of the complaint --

20 A. That is correct.

21 Q. -- against Judge Jefferson. And just so I
22 understand all this, and I'm sure we'll talk with Judge
23 Jefferson about it in a second, but there was a complaint
24 filed by -- was it your client against Judge Jefferson when
25 she was in family court?

1 A. No.

2 Q. Help me understand then. Maybe -- I'm just
3 reading the affidavit, so I'm having a tough understanding
4 the facts of the case. What is she talking about, about
5 some complaint? There was never a complaint filed against
6 her by you, or a client of yours?

7 A. I'm going to take a seat back there and, I guess,
8 find out just like you are going to find out. I have no
9 idea.

10 Q. So you nor a client, to your knowledge, ever
11 filed any complaints against Judge Jefferson.

12 A. I do not practice in family court.

13 Q. Okay.

14 A. I've had a -- I've had my share of appointed
15 family court, cases and I've filled in for my law partner
16 from time to time, but I don't practice in family court.

17 Q. So you don't know what she was talking about when
18 she talked about a complaint or --

19 A. I have no idea.

20 Q. -- having something indexed?

21 A. No.

22 Q. Have you raised that issue with her before?

23 A. I wrote her a letter before I filed my affidavit.
24 I asked Judge Jefferson -- I made reference to the
25 transcript, and I said, "Do you have this evidence?"

1 Now, what I thought would happen is that she
2 would call me and we would clear the air. That's what I
3 thought, and I wouldn't be standing here today. That's
4 what I thought would happen. I thought she would call me
5 and say, "You know what? I checked my records. You're
6 right. You didn't file a grievance," and we would laugh it
7 off and restore some kind of relationship. But that didn't
8 happen.

9 **Q. And did she respond to your letter -- or let me**
10 **make sure I understand this. So after this hearing which**
11 **you provided excerpts from the transcript, you wrote her a**
12 **letter?**

13 A. After this happened, I waited to hear from her.
14 I thought she would go to her office, check her index that
15 she made reference to in the transcript, she says, "I have
16 them all indexed, so if you need me to show it to" -- and I
17 interrupted her and said, "Yes, ma'am, I do."

18 I expected at some point she would call me up and
19 say, "You know what? I checked my index. And you're
20 right, you didn't file a grievance."

21 But that didn't happen. So as the time got
22 closer to the time I knew I had to come here, I took
23 another stab at it. And I took the initiative and I wrote
24 Judge Jefferson a letter, and I made reference to this
25 transcript.

1 And I said, "On this date you stated that you had
2 evidence indexed that I'd filed a grievance against you.
3 Will you share it with me?" And I thought that would
4 prompt her to make that phone call and clear the air with
5 me.

6 **Q. And did she ever respond?**

7 A. She did not respond.

8 **Q. And maybe -- I'm sorry, I'm reading all this**
9 **contemporaneously. But I noticed there's some reference**
10 **that she made in the transcript, that you bring this issue**
11 **up or --**

12 A. I'll read it to you. She says -- she says, "I
13 have them all indexed. So if you need me to show it to,"
14 and I interrupted her and I said, "Yes, ma'am, I do."

15 And she says, "It was me, Charlie Segars-Andrews,
16 and about three other judges that were involved in this. I
17 forget the gentleman's name, but it's just -- it only stuck
18 in my mind, because every time I see you, you brought it
19 up."

20 **Q. Yeah, well -- okay. Well, I'm reading the**
21 **portion above that, okay, and where it says where she's**
22 **stating -- you highlighted this, "I can say for the record**
23 **without hesitation, I have absolutely nothing personal**
24 **against you. Never have. I think you have the perception**
25 **that I do ever since you filed a grievance against me and**

1 every time you see me."

2 A. Right.

3 Q. So I guess what I'm wondering here is, at this
4 point you had asked her to recuse herself and at this
5 hearing, right?

6 A. I did.

7 Q. Is this the first time you had ever asked her to
8 recuse herself from any matter before you?

9 A. I think that's correct.

10 Q. 'Cause when I read this exchange, it appears that
11 there was some -- you know, it appears to me when I'm
12 reading it that there -- that you may have made that motion
13 before. And I'll ask her that when she comes here. But
14 you don't think you ever did.

15 A. I can't say with one hundred percent certainty,
16 but I'm saying with 99 percent certainty --

17 Q. Fair enough.

18 A. -- I never have.

19 Q. Fair enough. All right. Thank you, Mr.
20 Goldstein.

21 A. Thank you.

22 CHAIRMAN RANKIN: Senator Rutherford.

23 EXAMINATION BY REPRESENTATIVE RUTHERFORD:

24 Q. Mr. Goldstein, let me go back to an issue raised
25 on page 10 of your complaint, regarding the protective

1 order. And I can tell you that I take that very seriously.
2 I submit a number of protective orders throughout the year,
3 and have run into several judges -- Judge King, for example
4 -- that does not sign protective orders.

5 So when you submitted your protective order, and
6 you heard back from Charleston and you didn't hear back
7 from Berkeley, what happened when you called Judge
8 Jefferson's office?

9 A. No. No, that's not what happened. Let me -- let
10 me explain. I sent in an order of protection in Charleston
11 County.

12 Q. Right. You got that the next day.

13 A. Got that the next day.

14 Q. Yes.

15 A. I called them up. I said, "Is this good for
16 Berkeley and Charleston?"

17 Q. Right.

18 A. The clerk said, "No."

19 Q. Right.

20 A. They said, "You have to submit to the chief
21 administrative judge for Berkeley County."

22 Now, I'd never heard of a chief administrative
23 judge for a county. I always thought it was for the
24 judicial circuit. But I make mistakes all the time. So I
25 called the Berkeley County Clerk of Courts office, and I

1 said, "I want to take off some time in September. I need
2 an order of protection. What do I do?"

3 They said, "Submit an order to Judge Jefferson,
4 and she'll sign it and we'll get it to you."

5 And I said, "Fine."

6 So that Friday, I stopped by the clerk's office.
7 I handed them two copies and a self-addressed, stamped
8 return envelope.

9 **Q. And that was in August 2018.**

10 A. That was on August --

11 **Q. August 3rd.**

12 A. -- 3rd. Yeah, on a Friday. That's correct.

13 **Q. Right. But my question to you was: What happened**
14 **when you called Judge Jefferson's office after that?**

15 A. I never called Judge Jefferson's office. I
16 called the clerk of court.

17 **Q. But you state on page 11, "The evidence**
18 **demonstrates that she denied my request for vacation**
19 **protection in retaliation for the nonexistent grievance."**

20 A. Right.

21 **Q. What evidence are you speaking of if you never**
22 **called?**

23 A. I have no -- I was drawing an inference based on
24 the fact that I submitted an order of protection on August
25 the 3rd, the vacation time and come and passed. When I was

1 preparing this affidavit, I made an inference.

2 Q. So you would ask us to strike where it says
3 "evidence" and put "inference."

4 A. I think that would be fair. Yes, sir.

5 Q. But let me go back to that. You never bothered
6 to call and ask whether your order got lost --

7 A. No.

8 Q. -- or misplaced or --

9 A. I did not.

10 Q. Let me just suggest to you, and maybe this
11 wouldn't happen in the future, because I do submit them in
12 a number of counties, in almost routinely in probably four
13 out of every five counties you have to call the judge and
14 say, "Hey, did you get my order?"

15 A. Right.

16 Q. I mean, that's just par for the course.

17 A. I understand.

18 Q. So I'm even -- while you requested, based on me
19 asking the question, whether we should "evidence" and put
20 "inference," you really don't have anything to show that
21 she even saw, knew, had anything to do with your order, do
22 you?

23 A. Well, she signed it on August 20th and clocked it
24 in on the 23rd --

25 Q. So besides her actually signing it --

1 A. That's correct.

2 Q. -- you don't have any evidence that she saw it at
3 any time before she actually signed it and handed it back
4 to you.

5 A. That is absolutely correct.

6 Q. So rather than asking us to strike "evidence" and
7 put "inference," you just want us to strike incident No. 5
8 altogether?

9 A. Well, I think it would be fair for you to make an
10 inquiry maybe of the clerk of court's office as to what
11 happened. When I -- when I called to court on Rosh
12 Hashanah, I took that as sort of a -- I took that as a
13 signal.

14 Q. But you're a lawyer, correct?

15 A. I am a lawyer.

16 Q. They didn't call you to court on Rosh Hashanah,
17 on the day that you had to be in court, correct? It was --

18 A. No.

19 Q. -- conceived well in advance, correct?

20 A. A week -- a week before.

21 Q. And you still didn't call?

22 A. I did not call.

23 Q. And so you're complaining about something that
24 you as a lawyer didn't even bother to check and see, "Hey,
25 what happened to my order?"

1 A. You're correct.

2 Q. So did you show up in court?

3 A. Oh, yeah.

4 Q. So you showed up in the court so that you could
5 complain about it; is that more accurate?

6 A. No, I showed up in court to represent my client.

7 Q. But you didn't even call. And again -- again,
8 when I tell you I'm sensitive about orders of protection, I
9 do them all the time. Because we have to up here, we have
10 multiple places we have to be.

11 It is annoying to me that we have to file them in
12 the first place in multiple counties. I agree with you., I
13 didn't know that they had changed the rules. And I'm going
14 to work with Representative Smith and change them back. He
15 probably doesn't have a problem with it, but I do. But
16 again, if I am called to court, and I have submitted an
17 order of protection and I don't bother to call, how do I
18 get to complain? Because you placed it in an affidavit --

19 A. That's right.

20 Q. -- as a complaint.

21 A. That's right.

22 Q. But you didn't even bother to call and say, "Hey
23 guys --

24 A. I did not.

25 Q. Judge McMahon does not sign them -- a friend of

1 mine, been a friend of mine for twenty-two years, does not
2 sign orders of protection. Including mine. Judge Newman
3 does not sign them. So if I get called to court, I have to
4 call, because I'm a lawyer, and I say, "Hey, Judge,
5 remember I submitted that order of protection?"

6 I have had Judge McMahon go back and check, and
7 he said, "You did. I don't sign those, but I'll go ahead
8 and grant your continuance." But you didn't bother to
9 call.

10 A. I did not.

11 Q. And you showed up so that then you could include
12 it in your complaint.

13 A. No, that's not true.

14 Q. But if you had bothered to call and she said,
15 "No," that would be an inference. It might even be
16 evidence. But you don't have anything to show that she had
17 anything to do with your order, except that she signed it
18 and got it back to you.

19 A. Here's what I know. I know I submitted it on
20 August the 3rd. I know that. I know it was signed on
21 August the 20th. I know that. I know it was clocked in on
22 August 23rd. I know that. And I know it was mailed to me
23 in October. I know that. So, yes, I made a conscious,
24 knowing, voluntary decision to go to court, as I've done
25 many, many times before.

1 Q. I hear you. But here's what I know, is that on
2 page 11 you wrote that this was evidence. And it concerns
3 me that -- again, for something that I do routinely, that I
4 am sensitive about, that you did none of the normal
5 procedures, but then cited as evidence in a complaint -- an
6 affidavit, in fact, that you have signed -- that you have
7 no proof that this was actual evidence.

8 And, secondarily, and just for future reference,
9 I submit all of my orders of protection to the judge. Not
10 to the clerk of court. It's not for the clerk's signature,
11 it's for the judge's signature.

12 So again, how this gets to be -- because you're a
13 lawyer, and we have lay people coming in and complaining as
14 well. But you in fact are a lawyer, who submitted in your
15 affidavit wording and terminology that is not true, and you
16 signed it. And so, again, it causes me a great deal of
17 concern. It would cause me concern if she said, "I don't
18 sign those." Because that bothers me too. The lawyers
19 need vacation.

20 But she did sign it. The fact that you didn't
21 get it is your fault. Do you agree?

22 A. No, I disagree with that entirely.

23 Q. Okay.

24 CHAIRMAN RANKIN: Mr. Safran.

25 EXAMINATION BY BY MR. SAFRAN:

1 Q. We certainly want to consider everything on its
2 own merits, and you've alleged several different things,
3 but one question I've got is, is that even though you
4 didn't get it until October, she signed it on the 20th.

5 A. That's correct.

6 Q. It was filed and stamped on the 23rd.

7 A. That is correct.

8 Q. Isn't the general protocol that once it gets
9 filed, it's really not up to the judge to serve it, it's
10 the clerk's office that supposed to --

11 A. That is correct. And that's why I said in my
12 introductory remarks, that there is certainly an inference
13 that it was a mistake on the basis of the clerk's office
14 and not the judge.

15 Q. And so if we're here, now today, really focusing
16 on any allegations that would be indicative of her being
17 unfit to be qualified again, really doesn't the fact that
18 it got filed with the clerk really take it out her hands,
19 and pretty much in terms of delivery not really impact on
20 what she did or didn't do, it would really be the clerk?

21 A. I don't know the answer to that. I know I would
22 say probably.

23 Q. Okay.

24 A. You're probably correct.

25 Q. And so I mean, again, we're looking at each of

1 these things on their own merits. And I think, again, if
2 we're trying to kind of get basically to the nitty-gritty,
3 then this situation is one that, while very unfortunate,
4 that I certainly can empathize with you about having to
5 called into court on that day, it's really not fair to say
6 that it was Judge Jefferson who facilitated and ultimately
7 made you have to appear that day.

8 A. I think that's a fair statement.

9 Q. Thank you.

10 CHAIRMAN RANKIN: Mr. Hitchcock.

11 EXAMINATION BY MR. HITCHCOCK:

12 Q. Mr. Goldstein, and just not to focus too much on
13 the filing of the order, but I'm having a -- I'm having a
14 little bit of trouble kind of following this. It's been a
15 -- I have to say it's been a while since I've regularly
16 practiced in court. And back in those days we didn't have
17 fancy things like e-filing and that kind of stuff. We just
18 -- we used a lot of paper. But I think that you indicated
19 that when you received the copy of the signed order, that
20 it had been stamped, right?

21 A. Correct. Clocked in on the 23rd. That's right.

22 Q. Clocked in on the 23rd. August 23rd. And when
23 did you receive the notice to be in court in October?

24 A. Oh, I couldn't tell you that. Now, I can go back
25 and find out whenever the roster -- the motion roster came

1 out. And the motion roster came out a week or so before
2 the motion hearing.

3 Q. Well, did you at any point -- I understand that
4 you didn't call Judge Jefferson. But did you call the --
5 since you gave it to the clerk's office, did you ever call
6 the clerk's office --

7 A. No.

8 Q. -- to ask them?

9 A. No. And let me explain -- let me explain very
10 clearly. In my career, I have been called to court many
11 times on Rosh Hashanah, on Yom Kippur, and I just suck it
12 up and move on. I don't make -- I don't make a fuss about
13 it. I just -- I realize that it's a minority holiday, and
14 most people don't recognize it. And I just move on.

15 But, however, this time what made this different
16 was that I had asked for the protection. And, you know, in
17 response to Representative Rutherford, he said, "Why didn't
18 you get it to Judge Jefferson?" I got it to Judge
19 Jefferson the only way I knew how. I don't know another
20 way to get it to Judge Jefferson. I guess I could e-mail
21 it to her.

22 Q. But you know how to call the clerk's office,
23 right?

24 A. Absolutely.

25 Q. And you know how to ask them whether or not

1 something's been filed, right?

2 A. Right.

3 Q. And you didn't do that.

4 A. I did not. I just -- I just -- I just absorbed -
5 - to use a phrase Saul Bellow, I absorbed the blow and
6 moved on.

7 Q. But you assumed that it was a blow --

8 A. I did.

9 Q. -- right?

10 A. Yes. You're right, I did. Based on this --
11 based on the previous things. That's why I said in my
12 opening remarks this could be something that is
13 attributable to a error in the clerk's office. I started
14 off my comments, that's what I said.

15 Q. But don't you think it's -- you know, and I'm not
16 trying to be argumentative with you, because I have other
17 questions other than this. But before -- you're an officer
18 of the court, right?

19 A. That is correct.

20 Q. And ou filed an affidavit.

21 A. I did.

22 Q. And, you know, there's a -- there's an oath
23 that's associated with what you --

24 A. Sworn statements.

25 Q. -- where you swear to tell the truth, the whole

1 truth, and nothing but the truth so help you God.

2 A. Subject to perjury.

3 Q. Subject to perjury. Right.

4 A. It's a crime in this state.

5 Q. And you typed out the affidavit, right?

6 A. I certainly did.

7 Q. And you put in that you had evidence --

8 A. Right.

9 Q. -- that this was -- that the failure for you to
10 receive the order was evidence of some type of malfeasance
11 on the part of Judge Jefferson.

12 A. That is -- that is how I -- that is how it
13 appeared to me.

14 Q. Right. But it appeared to you -- well, there's a
15 difference between inference and evidence. Like I said,
16 it's been a long time since I -- since I practiced law.

17 A. I agree.

18 Q. But there's a lot -- and inference is something
19 that you make from evidence, right?

20 A. That's right.

21 Q. It's not in and of itself evidence, right?

22 A. Well, the absence of something is evidence. And
23 I drew an inference from the absence of my request for
24 protection that it was part of a pattern.

25 Q. But when you did that, you didn't call Judge

1 Jefferson's office to inquire about the -- about your order
2 of protection.

3 A. No.

4 Q. You didn't call the clerk's office, right, to
5 inquire about --

6 A. I did not. You're correct.

7 Q. And you could have done both of those things.

8 A. I could have done both of those things.

9 Q. And certainly done both of things before you
10 filed this, right?

11 A. Correct.

12 Q. I want to move on. Okay. I want to move on to
13 this -- to the Renya matter. And, hopefully, I'm saying
14 that correctly.

15 A. Renya. That's correct.

16 Q. You indicated that, in a question I believe that
17 Representative Rutherford asked, that you can't say with a
18 hundred percent certainty as to whether or not you had
19 asked for Judge Jefferson to recuse herself previously,
20 right? You said you're not -- I think you said ninety-nine
21 percent but not a hundred percent.

22 A. I think this was the first time I asked her to
23 recuse herself. And she didn't. And then she did, if you
24 look at the transcript.

25 Q. Well, she ultimately did.

1 A. She ultimately did. At first she said, "No,
2 motion denied."

3 Q. On page 2 -- and it appears from the transcript
4 that the -- that other than a few introductory matters,
5 that this was the first thing the -- the motion for recusal
6 was the first thing that you took up, right?

7 A. That is correct.

8 Q. And I would assume that you had filed that
9 previously or prior to the day of the hearing.

10 A. No. Actually, I didn't know -- I didn't know who
11 the judge was going to be. I could have known who the
12 judge was going to be, but I didn't know until I got there.

13 Q. Well, you filed it in writing, right?

14 A. No. No.

15 Q. Well, then -- all right. On page 2 of the
16 transcript it says, "Judge, if it please" -- this is you,
17 "Judge, if it please the Court to save you some reading."

18 So I'm assuming that the judge was reading
19 something at that point. Now, whether that was a written
20 motion, I'm not sure what they were reading if you said "to
21 save you some reading."

22 "As will probably -- as probably will not come as
23 a surprise to Your Honor, I am asking that Your Honor step
24 aside in this case."

25 A. That is correct.

1 Q. Okay. So you would have -- because of -- why
2 would it not surprise her that you were asking for a
3 recusal if you've never asked for any type of recusal
4 before?

5 A. Because I ran against her in 2012. I was a
6 challenger for the seat that she now holds.

7 Q. Okay.

8 A. That was the basis for the motion for recusal. I
9 didn't know anything about this filing a grievance. And by
10 the way let me -- you didn't ask this question. But "to
11 save you some reading," the city in this case handed up a
12 notebook to the court that was about a foot thick, and
13 that's what I was alluding to when I said, "To save you
14 some reading."

15 Q. Right. Now, and you base your motion on the fact
16 that she -- that you ran against her, right?

17 A. That is correct.

18 Q. And that's one of the -- I guess one of the
19 grounds or one of the -- one of your -- for lack of a
20 better word, causes of action in the -- that you've stated
21 in your file -- in your --

22 A. It's not -- it's not a cause of action. It's
23 when a judge's impartiality can reasonably be questioned,
24 is I think the standard.

25 Q. So just by virtue of the fact that when a person

1 runs against a judge, that in and of itself means that,
2 that judge can't be fair and impartial against anyone who's
3 run against them?

4 A. Well, see, now you're getting back to the
5 question, I think, from Mr. Rankin, which was, "Why are
6 these other things in here if could have --

7 Q. Well, I just want you to answer my question.
8 That's all.

9 A. The answer was it was a pattern. There's a
10 pattern.

11 Q. I didn't ask you about that. I asked you is it
12 automatic -- is it disqualifying for a judge to hear -- in
13 and of itself, to hear a case from someone who has run
14 against them?

15 A. I would say "yes."

16 Q. In every -- in every sense?

17 A. I would say "yes."

18 Q. We have nine candidates for a judicial office
19 this time, one of those for one -- for one judicial office.
20 One of those candidates is going to win, eight are going to
21 lose. So under your view of the canons, it would be that
22 none of those eight could ever appear in front of the one
23 who won?

24 A. I can't answer that question, 'cause you haven't
25 given me enough information. I need to know if it's an

1 open seat or not. If it's an open seat, the answer is
2 "no." If it's not an open seat, the answers "yes."

3 Q. So that's the disqualifier. So if you run
4 against a -- then it automatically -- a judge can't --
5 you're saying that no judge can set aside the fact that
6 somebody dares to run against them, is what you're saying.

7 A. That is absolutely correct.

8 Q. So that's always going to be disqualifying.

9 A. Well, I'm not going to say "always." It would
10 depend -- I mean, I guess there are circumstances. But I
11 would -- I know if I were a judge and somebody ran against
12 me, I would -- I think that would create the appearance of
13 impartiality. And I would recuse myself.

14 Q. So but judges don't control who runs against
15 them, right?

16 A. They do not.

17 Q. And ultimately in the Renya case Judge Jefferson
18 did recuse herself, right?

19 A. Correct. First ,she said she'd take it under
20 advisement, I think, on page 12. And then on page 21,
21 without announcing what had changed her mind, she -- I
22 think she said appearance -- perception can be reality, and
23 she recused herself.

24 Q. So but a few minutes ago you said -- and I'm
25 trying to remember from the transcript -- a few minutes ago

1 you said she denied it, then she granted it. Did she deny
2 it and then grant it? Or did she take it under advisement
3 and then grant it?

4 A. I'd have to look at the transcript. My memory is
5 she said, "I'm going to take it under advisement," I think
6 is what she said.

7 Q. So she didn't deny, even though you said
8 previously that she did.

9 A. I'll amend that and say she took it under
10 advisement.

11 Q. And the first incident that you're -- that's
12 listed in your complaint is from 2007?

13 A. That is correct.

14 Q. And there were -- I think at the basis of that
15 complaint were that Judge Jefferson let seventeen witnesses
16 or so testify, even though you were willing to stipulate.
17 Is there -- was there an appeal -- I think that you
18 indicated that your client couldn't afford the transcript,
19 or couldn't afford --

20 A. No.

21 Q. Is that the one that they couldn't afford to
22 appeal?

23 A. Right. I offered to handle it on appeal for no
24 charge, and he couldn't afford a nine-day transcript, so he
25 accepted his loss and withdrew from the American Legion.

1 Q. And you did not file a complaint against her at
2 that point.

3 A. I did not.

4 Q. And then in 2009 there's another matter that you
5 cite. Did you appear in front of Judge Jefferson in-
6 between 2007 and 2009?

7 A. I did not.

8 Q. And then did you file an appeal in the -- because
9 in that, I think the basis of your complaint is that she
10 denied thirteen counterclaims?

11 A. Right. She directed a verdict of twelve --
12 thirteen counterclaims.

13 Q. Did you appeal?

14 A. No.

15 Q. So you didn't appeal.

16 A. Did not appeal.

17 Q. Right. And that's a -- and that's a -- I mean,
18 that's a matter of law that of course could have been
19 appealed, correct?

20 A. No, they filed -- the client filed bankruptcy.

21 Q. I got you. And you ran against her in 2012.
22 Were you -- were you practicing law at the time in 2012?

23 A. Yes.

24 Q. And were you -- I mean, were you a busy lawyer at
25 that point?

1 A. I would say "yes." I'm not sure what your
2 definition of "busy" is. I didn't make a lot of money, if
3 that's -- I don't know what your definition of "busy" is.

4 Q. Well, you were engaged in a full-time practice of
5 law.

6 A. Yes, the full-time practice of law.

7 Q. We'll say it that way. And but you were willing
8 to give that up?

9 A. Sure.

10 Q. To run against -- but the only reason that you --
11 are you saying that the only reason you were willing to
12 give that up so you could run against Judge Jefferson, so
13 that she would -- you wouldn't have to appear in front of
14 her again?

15 A. I said that was part of -- that was a selfish
16 motivation that I was owning. But no, that was not my soul
17 reason. I offered myself as an alternative candidate with
18 the encouragement of several people in the Bar.

19 Q. And you have -- it's not indicated in here, nor
20 do you -- are alleging here that Judge Jefferson in any way
21 took any action to prejudice you in that race.

22 A. No.

23 Q. And then did you appear before her, from the 2012
24 until the -- was the Renya matter in 2017?

25 A. No, 2016. August 30th, 2016.

1 Q. Well, it says -- it says August 30th, 2017.

2 A. Oh, that's a typographical error. I apologize.
3 It should be '16.

4 Q. So you didn't appear from -- in front of her from
5 2012 until 2016.

6 A. That is correct.

7 MR. HITCHCOCK: No further questions.

8 CHAIRMAN RANKIN: Representative Murphy.

9 REPRESENTATIVE MURPHY: Just a quick
10 question.

11 EXAMINATION BY REPRESENTATIVE MURPHY:

12 Q. Mr. Goldstein, what was the name of the case that
13 you were summoned to court on October 10th? You said --

14 A. Oh, oh, oh, oh.

15 Q. You said you had to appear on Rosh Hashanah.

16 A. Right. It's September the 10th. Olds v.
17 Berkeley County.

18 Q. So the affidavit, when it says Monday, October
19 10th, it should actually read --

20 A. Oh, does it say October 10th?

21 Q. It should actually be September 10th.

22 A. Unless Rosh Hashanah was really, really late this
23 year, I think it would be in September. That's a
24 typographical error. And I apologize for that. I'm glad
25 you caught it.

1 Q. And that was Olds --

2 A. Olds v. Berkeley County. It was a motion for
3 summary judgement.

4 Q. Because I'm looking on the roster for that day,
5 and I put in your Bar number --

6 A. 2186.

7 Q. -- 2186, and it didn't pop up. And I'm also
8 looking at the roster here, and I do not see for September
9 10th, which I was thinking that may have been what it --

10 A. Oh, maybe it's --

11 Q. I don't --

12 A. -- maybe it's --

13 Q. I don't see that date. I don't see that case at
14 all either on September 10th.

15 A. It might be in the name of his company.

16 Q. But I do not see your name listed as an attorney
17 of record on the Berkeley County Judicial Court roster.

18 A. Motions.

19 Q. Right. Motions, September 10th, 2018 court
20 roster. And I don't --

21 A. Well, I can send you the order. I lost summary
22 judgement.

23 Q. All right. And it was -- the name of the case
24 again was Olds v. Berkeley County?

25 A. Well, now you're making me doubt my memory. I'm

1 wondering if it's in the name of his company instead of his
2 name. My recollection is it's Olds versus -- it's an
3 appeal from the board of zoning appeals.

4 So it should be Olds v. Berkeley County Board of
5 Zoning Appeals, unless it's in the name of his LLC that
6 holds title to the property. And I can't recall what that
7 name is.

8 REPRESENTATIVE MURPHY: Thank you.

9 CHAIRMAN RANKIN: Mr. Safran.

10 EXAMINATION RESUMED BY MR. SAFRAN:

11 Q. Just a couple other quick questions. As far as
12 the situation involving running, you understand that
13 recusal in general is a pretty high bar, right, in order to
14 meet what has to be done? In order to prove that a judge
15 needed to recuse himself, I mean, it's a high bar, isn't
16 it?

17 A. Well, yes, it's a high bar. The test is where
18 impartiality can reasonably be questioned.

19 Q. Well, and I think --

20 A. So it's a reasonable -- the test is
21 reasonableness.

22 Q. Well, look, I've done the memorandum in the past,
23 and I understand. And I guess that basically what your --
24 I guess your point is, is that after running, that in and
25 of itself should have been sufficient. I mean, is that

1 what you're pretty much submitting to us, at least when it
2 came time just to go to the next interaction with her?

3 A. I thought so. I mean, you have to admit a lawyer
4 -- a lawyer challenging a sitting judge in South Carolina
5 is a extremely rare event.

6 Q. Well, and again, though, you know, I think what
7 the concern I've heard is, is that basically you're
8 assuming that it's pretty much an automatic, whereas I
9 don't think that it's necessarily as clear that just doing
10 that is enough to trigger the recusal requirement.

11 A. I agree.

12 Q. Okay.

13 A. And the purpose of my affidavit is to show the
14 pattern. And if Judge Jefferson hasn't said what she said
15 on the record --

16 Q. But this is -- but that's afterward.

17 A. That's after.

18 Q. Okay.

19 A. Right. That's right.

20 Q. And let me get to that. I mean, here's the
21 question I've got -- and certainly -- I'm kind of, again,
22 somebody that's a bottom line person. And so what I'm
23 understanding is, is that in this Renya matter you go in,
24 you get into this discussion on the record, where the
25 indexing issue comes up. Which in and of itself on its

1 face, you know, maybe to anybody might be problematic. So
2 I get that.

3 A. Well, yeah, because you're not supposed to talk
4 about it.

5 Q. My point is, after considering it she did recuse
6 herself.

7 A. She did.

8 Q. Since then have you been in front of her?

9 A. No.

10 Q. So effectively, she acknowledged at that point,
11 that when it came up it was sufficient for her to feel it
12 warranted recusing herself. And you agreed with that.

13 A. Absolutely.

14 Q. And since that time nothing has happened which
15 would indicate that she's gone back on that determination
16 to recuse based upon particular situation; is that fair?
17 She's never gone back on her recusal.

18 A. No, no, no.

19 Q. I guess that's my question is that -- you know, I
20 understand the whole notion of trying to set up a pattern.
21 But, you know, when we kind of start looking at these
22 things and breaking them down individually, I have doubts
23 as to whether it's as much of a pattern as individual
24 situations coming up that may be, in and of themselves,
25 could all be explained to some degree.

1 And what really kind of gets me even more, I
2 guess puzzled, is if she made that determination, which
3 would have been the most recent in time, since her last
4 time up here, she's basically done what you felt like
5 legally she was required to do, correct?

6 A. That's correct.

7 Q. And that's never changed. You know, you at this
8 point are not appearing in front of her.

9 A. That's correct.

10 Q. All right. I guess, so where are we?

11 A. She states on the record --

12 Q. No, I understand that. She also stated -- she
13 acknowledged that. And she said, "All right. I'm going to
14 recuse myself." So effectively, I don't know that -- is
15 there a requirement that she has to at that very moment,
16 the first time it comes, up say, "No"? I mean, she is
17 entitled to give it at least a moment or two deliberation,
18 which she did, and which she ultimately agreed with you,
19 correct?

20 A. That is correct.

21 Q. So again, sitting here today, where are we? If
22 she did what you're saying legally she was obliged to do,
23 how does that make her unfit as opposed to being fit by
24 saying, "I see what you said. You're right. I'm going to
25 step away"?

1 I mean, because again we're supposed to consider
2 things based upon the time frame in which they come up.
3 She was here last in 2012. This is 2016.

4 A. Right.

5 Q. The only thing that really has happened
6 materially since that time is Renya. You said, "Hey, when
7 you made this comment to me about indexing, it showed me
8 you had a bias." She ultimately agreed. She stepped away.

9 So again, where are we now, seeing that she's
10 done something other than appropriate? Because she agreed
11 with you and said, "I don't need to be hearing this case."

12 A. It's extremely troubling to me, and I felt I had
13 a duty to bring it before this commission, this
14 constitutionally-created commission, to point out that a
15 sitting judge made a demonstrably false assertion and today
16 --

17 REPRESENTATIVE RUTHERFORD: Which is what?
18 I'm sorry.

19 THE WITNESS: Let me -- let me read it to
20 you.

21 REPRESENTATIVE RUTHERFORD: But that's not
22 what she said. And you should read it, and read it very,
23 carefully 'cause this is your affidavit.

24 THE WITNESS: Right.

25 REPRESENTATIVE RUTHERFORD: What you

1 submitted. She said she indexed the grievances which were
2 filed. Not yours, just the grievances which were filed.
3 You saw that, right?

4 THE WITNESS: That is a complete misreading
5 of my affidavit. That's a deliberate misreading of my
6 affidavit. I'll read it to you.

7 CHAIRMAN RANKIN: Hold on. Hold on. Hold
8 on, both of you. Andy were you finished?

9 REPRESENTATIVE RUTHERFORD: Sorry. Go
10 ahead.

11 MR. SAFRAN: And I apologize.

12 REPRESENTATIVE RUTHERFORD: I'm sorry.

13 EXAMINATION RESUMED BY MR. SAFRAN:

14 Q. Give me one second and I will yield to
15 Representative Rutherford. But he's brought that up, so
16 let me ask this.

17 A. Yes.

18 Q. Basically, at least from what I'm -- and again,
19 I'm trying to wrap my hands around this thing to kind of
20 understand it, 'Cause certainly I want to be fair to
21 everybody in this situation. But if she made a comment
22 about you, as you say, that you filed a grievance against
23 her --

24 A. Well, it wasn't maybe. It's in the record.

25 Q. 'Cause we're looking -- the documents that

1 basically were comprising that grievance record, you did at
2 least submit an affidavit in conjunction with that, from
3 what I was seeing, didn't you, on behalf of the client or
4 at the request of the client? I saw an affidavit in here
5 from something that -- and maybe I'm mixing it up.

6 Was there not an affidavit that you had ever
7 filed at any time? I think it was -- and again, if I'm
8 wrong, please. 'Cause, you know, I'm going in circles
9 here. And I'm starting to get lost.

10 A. If I did, I've forgotten about it.

11 Q. Well, and I get that. But maybe she didn't. And
12 you're right: maybe she then came up and basically it
13 triggered, and you certainly said, "Wait a minute. That
14 wasn't me," and it was enough at that point to basically
15 get her attention to where she said, "You know what? I'm
16 going to recuse myself."

17 So if all that's true, and I believe it certainly
18 seems to be based upon the record we have in front of us,
19 then again what has she done inappropriately?

20 A. All I can tell you is you read her words.

21 Q. I read them.

22 A. Okay.

23 Q. I read them. She agreed with you, she
24 acknowledged that there was enough of a situation that she
25 felt obliged in order to make sure that there wasn't an

1 appearance of impropriety, to step away. So again, once
2 she's done that in 2016, how does that make her unfit
3 today?

4 A. Because I never filed a grievance.

5 Q. I understand. And I guess the point goes back,
6 that if you didn't -- even if your name was associated to
7 where she was maybe mistaken about it, okay, don't you see
8 that at least at the time it caused enough of a concern on
9 her part to basically say, "I need to step away"? I mean,
10 we all acknowledge that happened, don't we?

11 A. That's what happened.

12 Q. Okay. Thank you.

13 EXAMINATION BY CHAIRMAN RANKIN:

14 Q. Mr. Goldstein, I want to ask a couple questions
15 before I yield it back over here. The pattern that you
16 were talking about -- and, likewise, I appreciate you being
17 here. Maybe we don't agree with that this rises to the
18 level, but again that remains to be seen. But kudos for
19 you being here and filing and protesting and/or giving air
20 to your complaint, okay?

21 But the point of the pattern which you note in
22 the old assertions, which you agree are not relevant to
23 today's proceedings, and that which you talked about in the
24 Renya and the other protective order matter, you are
25 calling these patterns of conduct, right?

1 A. Correct.

2 Q. So I am wondering if you participate in this
3 ballot box survey or in any other sitting judges ballot box
4 surveys when you receive those in the mail?

5 A. I participate in every single one of them. I've
6 never failed to participate.

7 Q. Is that something that we should consider, as a
8 Judicial Merit Selection Committee, the responses that we
9 get?

10 A. The ballot box responses?

11 Q. Yes, sir.

12 A. Now, I'm going to help Judge Jefferson. No, I
13 don't think you should give anonymous complaints much
14 weight. I don't think -- if you don't have enough
15 conviction in your beliefs to put your name to a complaint,
16 no, I don't think you should give them any weight. I don't
17 think it's fair.

18 Q. How about if they're positive?

19 A. The same thing.

20 Q. They should not be regarded?

21 A. I don't think so. They're anonymous. I mean,
22 there's all -- it can't be -- I don't believe in anonymity
23 when you're making statements about someone's
24 qualifications.

25 Q. When you participate in a ballot box survey, do

1 you sign your name?

2 A. No.

3 Q. So you don't want to be known whether you're
4 praising or criticizing potential candidates?

5 A. As far as I recall, I don't think I've ever
6 signed my name.

7 Q. But you could.

8 A. You know, I'm going to have to look at that. I
9 didn't know you could.

10 Q. Nothing prohibiting you from signing it or adding
11 comments.

12 A. I've added comments before.

13 Q. So in this weighing that we're to do, you are the
14 only witness, the only -- you know, the only complainant --

15 A. Right.

16 Q, -- who has raised, effectively now for -- of your
17 own testimony, one complaint which is a patently false
18 statement that she makes from the bench, which you've given
19 us the record to say you were the guy that filed a
20 complaint. Which is not true.

21 A. It's not true.

22 Q. But the remedy which you are seeking from that
23 exchange, you did get. And she recused herself.

24 A. She did.

25 Q. So her error or her conviction in being right,

1 but ultimately you say wrong, that error -- that one error
2 we have got to consider as she's being dishonest? She's
3 being what? And where does this category for you fit into
4 the criteria that we're to determine?

5 A. I'll be happy to answer to the question. I'm
6 going to answer it two ways. First, it's not for me to
7 say, it's for you to say. I'm only here telling you what
8 the facts are.

9 Q. Well, let me interrupt you real quick and I'll
10 give you categories. Again, the bench bar --

11 A. Bias. It goes to bias.

12 Q. So ethical fitness, professional and academic
13 ability, character, reputation, physical and mental
14 capability, experience and judicial temperament. Where
15 would we put your complaint?

16 A. Under seven or two. Either one.

17 Q. So judicial temperament, would that be seven?

18 A. That's seven.

19 Q. All right. And two would be ethical fitness?

20 A. That would be number two.

21 Q. So again, it's the only system we have, and 868
22 people participated in this.

23 A. Right.

24 Q. And the overwhelming majority -- not a close
25 call, but the overwhelming majority found her in both

1 number two, ethical fitness 75.8 percent well qualified or
2 qualified, well qualified fifty -- sixty percent. And then
3 in seven, judicial temperament, again well qualified 52.3,
4 qualified 20.9. That's 868 respondents. How do we -- how
5 would you suggest that we weigh that?

6 A. I can't answer that question. That's for you to
7 weigh. You have to weigh what weight you give to anonymous
8 comments versus the record, the transcript, the court
9 reporter -- as the Judge told you earlier, "The record is
10 your friend 'cause it tells you what happened." Here's
11 what happened. I find it disturbing. If you all don't
12 think it's disturbing, that's your discretion. That's your
13 call.

14 Q. And in your -- if you're the judge on the
15 judicial merit selection of one, does that deem her unfit
16 to serve in a circuit court position?

17 A. It would lead me to ask the applicant this
18 question: One, "Did you go back and verify that what you
19 told that lawyer was or was not true? What did you
20 discover? When you discovered it, what did you do?"

21 Now, Representative Rutherford said well, "Why
22 didn't you call the clerk? Why didn't you call the Judge?"

23 Q. That was on the protective order.

24 A. Well, that's true. That's true.

25 Q. It's not regarding the --

1 A. No, you're right.

2 Q. So what questions would we ask of her in that?

3 A. "Did he file a grievance against you? If he
4 didn't, when did you find out you were mistaken? Did you
5 call him up and say, 'God, Goldstein, you know what, I'm
6 sorry, it wasn't you. I apologize.'"

7 Q. So your letter to her demands a response by a
8 phone call or --

9 A. No.

10 Q. -- a written --

11 A. I didn't bring the letter with me. It was --

12 Q. No, you wrote her a letter.

13 A. I did.

14 Q. She didn't respond by a phone call or by letter -
15 -

16 A. That's right.

17 Q. Had she acknowledge your letter --

18 A. No.

19 Q. No, my question: Had she acknowledged your
20 letter, you said earlier you wouldn't be here today.
21 Admitting the error in her ways, right? Had she
22 apologized, I think is what you said, you would not be here
23 today.

24 A. I don't know that I would require an apology, but
25 --

1 Q. Isn't that what you said earlier today?

2 A. -- clearing the air -- clearing the air.

3 Q. You said "apology" earlier.

4 A. All right. Well, I'll stick by that then.

5 Apology.

6 Q. So had she apologized to you, we're not here
7 today hearing this right now.

8 A. I think that's right.

9 Q. That's all I have.

10 CHAIRMAN RANKIN: Representative Smith.

11 EXAMINATION BY REPRESENTATIVE SMITH:

12 Q. Mr. Goldstein, let me -- let me go back 'cause I
13 have the benefit -- and I appreciate you attaching the
14 transcript 'cause this -- this helps me understand. And
15 I'm sorry. I was confused earlier. I'm probably like you,
16 if I heard you, I'm paper. And I only can read paper and
17 that's the way -- I can't read transcripts on the computer.

18 So I've got this. And chronology that I get from
19 here is that y'all get called to court, you did not know
20 Judge Jefferson was going to be the judge when you appeared
21 in court on that day; is that correct?

22 A. Right. That's correct.

23 Q. So you did not file a written motion to recuse
24 herself.

25 A. I did not.

1 Q. So you did not come -- you didn't know that you
2 were going to be filing this motion, nor did Judge
3 Jefferson know, correct?

4 A. That is correct.

5 Q. And so then you go in there, and I see her call
6 court, and then you soon thereafter make a motion orally to
7 recuse herself.

8 A. That's correct.

9 Q. And so then I see she goes through and -- it
10 appears to me that she gives a -- and it starts on page 4
11 of the transcript, but she says she's just a little
12 befuddled, that she's been in civil court, she goes through
13 a long list of what she's saying of her thought process,
14 and she just says, you know, "I don't ever take anything
15 personal. And, you know, if there is an issue here in the
16 past, I don't take it personal." And that's what I'm
17 reading here.

18 And I think she makes other references, "I have a
19 very short memory. I guess in these sorts of things,
20 that's helpful." Then she talks about at some point on
21 page 12, I think, about your running against her, and said,
22 "That's never personal."

23 And then she -- and then she asked the
24 defendant's attorney -- I presume you were the plaintiff;
25 is that right?

1 A. Well, appellant, yes. It actually was a hybrid.
2 But appellant plaintiff.

3 Q. So at that point she asked Mr. McQuillin, and she
4 says, you know, "What's your position?" I mean, that's a
5 proper to handle a motion to recuse, you need to hear from
6 the other party, right?

7 A. Oh, I agree with that.

8 Q. Yeah. And it appears to me, he's saying that,
9 you know, "Look, I ran against someone from the school
10 board and we're best friends and" -- you know, so it does
11 not appear like he thought she should have recused herself,
12 does it?

13 A. That's right.

14 Q. So he kind of said, "Judge, you can go ahead and
15 hear the case," right? And so then I go -- then I go
16 through this some more, and I look through some of this,
17 and -- you know, and again she's talking about -- like I
18 said about -- you know, we get to this index question. And
19 that's what Mr. Rutherford was talking about.

20 And she does say, you know, "You filed something
21 against me." But I think she goes through here and says,
22 "I don't take that personal. It doesn't affect what I do."

23 Did she not make those comments to you in court?

24 A. She did.

25 Q. And at that point she says when you say, "I

1 haven't," she says "Well, I have them indexed. I have them
2 all indexed."

3 So "have them all indexed," I read that, as Mr.
4 Rutherford was saying, "them" being the grievances or
5 complaints against her. Is that, you know, an incorrect
6 way to read it?

7 A. Sounded to me like an enemies list is what it
8 sounded like to me. "I got a list of all the people who
9 file grievances against me," is how I took it. Now, you
10 take it the way you want to take it.

11 Q. Well, you know, I guess I hate to say this on the
12 record, I've had one grievance filed against me.

13 A. Well, you know you're not supposed to talk about
14 that.

15 Q. I can talk about it that I have one. I can't
16 talk about the contents of. And so I have that sitting in
17 my desk drawer, where I have all my -- where I have it
18 filed. And so, you know, I always want to know -- it's
19 something that is a little -- I don't know if you've ever
20 had a grievance, and I don't want you to talk about it, but
21 it's a little unnerving to have a grievance filed against
22 you.

23 And, you know, you have to deal with it and you
24 keep them cataloged so you know what happens in case you
25 ever have to answer to that. 'Cause you know you ran for a

1 judgeship, and when you ran for a judgeship you've got to
2 disclose to this commission whether you had a grievance
3 filed against you.

4 A. That's right.

5 Q. And so Judge Jefferson being a judge, I presume
6 she should have her grievances indexed, 'cause she's going
7 to -- if she's going to run for reelection, she's going to
8 have to come here and tell us about her grievances, right?
9 She's got to include that in her application.

10 A. That's correct.

11 Q. So I mean, the fact that she's got all her
12 grievances indexed, that's not a problem to you, is it?

13 A. No. No. But I don't think my name's on there.

14 Q. Well, and --

15 A. If it is, I want to know.

16 Q. Right. And then y'all went through that, and I
17 think she went again through a lot of effort to explain to
18 you that, you know, it's not personal, and she was going
19 through that. And then they -- you had an interchange
20 between the parties about what this case is about.

21 And then, you know, about ten -- eight to ten
22 pages later, then she started talking about she wants to
23 balance everybody's interests, and then she goes and gets -
24 - I guess Judge Slambrook, I think he's coming in front of
25 us.

1 A. Van Slambrook.

2 Q. Van Slambrook. Okay. Thank you. You got me
3 where I'll know how to pronounce his last name when he
4 appears in front of us shortly. But he -- she says, "I'm
5 going to have Judge Van Slambrook preside over this case
6 and I'm going to recuse myself."

7 So, you know, while -- you know, and I guess what
8 I'm trying to understand is, is there a process -- are you
9 concerned about process in the courtroom with her recusing
10 herself? Or is it just solely about the fact that she
11 says, "I've got these complaints indexed"?

12 A. No. No. It's the false statement that I filed a
13 grievance against her.

14 Q. So that's the -- so what it all boils down to, as
15 Mr. Safran said, the bottom line here is the fact that she
16 said that she has these grievances indexed. That's the
17 complaint.

18 A. She says I always bring it up.

19 Q. And she said -- so those are the two things that
20 she said that you -- that cause you concern that you --
21 that's the meat of this complaint here.

22 A. That I always -- every time I see her, I always
23 bring it up.

24 Q. So anything else concerning this hearing, other
25 than those two statements when you always see her you bring

1 this up, and that she's got the complaints indexed?

2 A. Right.

3 Q. Anything else that you have -- any other
4 complaints about the conduct of this hearing or the --

5 A. No.

6 Q. -- her eventually recusing herself, there's no
7 issues related to this hearing.

8 A. No.

9 Q. Okay. All right. Thank you.

10 CHAIRMAN RANKIN: Anybody else?

11 (Hearing none.)

12 CHAIRMAN RANKIN: All right. Mr. Goldstein,
13 thank you very much.

14 MR. GOLDSTEIN: Thank you.

15 (The witness is excused.)

16 CHAIRMAN RANKIN: Judge Jefferson, I invite
17 you to come back up. And Ms. Riley will proceed with
18 questions for you -- or do you have questions?

19 EXAMINATION BY MS. RILEY:

20 Q. Judge Jefferson, you heard the complaint and the
21 complainant testify here against you today. And we would
22 just like to ask, how would you respond to the testimony
23 that you have heard? And we'd also ask that you answer any
24 questions from the Commission.

25 A. Well, I'm going to keep any statement brief,

1 because I think time has been well spent. I would rather
2 instead of jumping all around, maybe answer any questions
3 that you all might have of me. I will say for a point of
4 clarification, Berkeley County transitioned into e-filing
5 mid-August through September. And they were going through
6 that transition process.

7 The other thing I will call to your attention is
8 that Berkeley and Charleston have been split into two
9 separate and distinct entities for two-plus years, where
10 -- because Berkeley has grown exponentially. And so the
11 Chief Justice felt it necessary to have a chief judge for
12 civil and criminal, one judge in Berkeley County.

13 And I've been doing that now for a year. I've
14 been in Berkeley almost every week, which I kind of like
15 'cause I get to eat barbecue.

16 And then Charleston has a separate civil and
17 criminal chief judge. However, for whatever reason, the
18 Chief Justice in his infinite wisdom, and I trust whatever
19 decision he's made, has decided to revert back to the old
20 system. So starting in January, it will go back to one
21 judge for criminal and one judge for civil.

22 I think it's because we're going to test out the
23 criminal management system that we've been using in
24 Charleston and Berkeley, and it just made more sense to
25 make that change.

1 But I didn't want to jump -- I made some notes.
2 But I think it might be -- I'd prefer to answer any
3 questions you all have of me. And if there's something,
4 I'll be glad to cover it.

5 EXAMINATION BY CHAIRMAN RANKIN:

6 **Q. I'll ask the sixty-dollar question -- the**
7 **\$60,000, whatever value: Do you recall this incident, and**
8 **do you think that you confused Mr. Goldstein with someone**
9 **else?**

10 A. Actually, what happened is -- and I won't mention
11 the gentleman's name, filed a grievance and --

12 **Q. Was it him?**

13 A. No, it was his client. And from my days in
14 family court, grievances became a weapon in litigation.
15 And lawyers never filed them, they would have their clients
16 file them, but they would do the affidavits in support of
17 them. But again, it was never my intent to mislead at all
18 or to -- or to confuse him.

19 I knew he was connected with it. And again, I
20 emphasize the only reason I believe -- I remembered it was
21 because every time I'd run into him in the old courthouse
22 or anywhere, he'd say, "I hope you don't hold that against
23 me."

24 And I would say, "Mr. Goldstein, I don't even
25 remember what you're talking about."

1 I mean, it just -- but it began to reenforce this
2 notion that somehow he felt like from way back, I had a
3 problem with him, when I really never have. But it was
4 filed by a separate person. But he did provide the
5 affidavit and notarized the statement of the person who
6 filed it. So to that extent that it needs to be corrected,
7 I stand corrected. It was never intention to be
8 misleading.

9 CHAIRMAN RANKIN: Mr. Hitchcock.

10 EXAMINATION BY MR. HITCHCOCK:

11 Q. Judge Jefferson.

12 A. Yes, sir.

13 Q. In the Renya matter. in the transcript you --
14 when you brought this up to Mr. Goldstein, you indexed that
15 -- or you indicated that you indexed --

16 A. A poor choice of words.

17 Q. Okay. And, you know, I think that there was some
18 concern expressed by Mr. Goldstein that, that is tantamount
19 to an enemies list. Would you like to address that?

20 A. I will say that I'm a bit of a packrat. Much to
21 the consternation of my secretary, I keep everything. I
22 just recently threw out my Bar review notes about three
23 weeks ago. Just as a benchmark of how many things I keep.

24 But I also keep my notes for all of my trials,
25 all of my pleas. Everything. And at some point we purge,

1 because we don't have enough storage space. We don't have
2 any closets in our offices in Charleston, unfortunately.

3 So it was just a really poor choice of words and
4 a poor -- I don't -- most grievances are from inmates. So,
5 you know, you really -- but I will give you an example.
6 And I was really trying to allay his concerns, because I
7 really have nothing against Mr. Goldstein at all. Nothing
8 personal. Nothing -- I feel I can be fair and impartial.

9 And there was a gentleman that I had a little --
10 I don't want to say acrimony, 'cause that's really not the
11 word. We had a little rub one time when I ran before, and
12 he had a member of his family pass recently and I checked
13 on him. That's how little I really think about or store
14 these things, 'cause I just don't -- I feel it's just part
15 of the process.

16 People do what it is they think they feel they
17 need to do. And I just -- I don't have, like, that kind of
18 a memory to keep track of those kinds of things. I think
19 it keeps you burdened, not the person who's -- so I tend to
20 let it go.

21 Q. Well, Representative Smith said that, you know,
22 keeping a file or however -- whatever nomenclature you want
23 to attach to it, there's a utility function to that.
24 Because obviously you've got to come back up here every six
25 years and --

1 A. Yes, sir.

2 Q. -- you know that we're going to ask you about any
3 grievances --

4 A. Yes, sir.

5 Q. -- that you have, right? So you need to be able
6 to make sure that you have that -- ready access to that
7 information.

8 A. Yes, sir.

9 Q. And also it would seem that there would also be
10 utility function that -- to the extent that if someone had
11 filed a grievance against you, and that -- whether they be
12 an attorney or someone connected to -- an attorney
13 connected to -- or some other party, that there would be --
14 that, that would be something that you needed to know in
15 case you were ever asked to recuse yourself.

16 A. Absolutely.

17 Q. It would seem that there would be a utility
18 function to that as well.

19 A. Yes, sir.

20 Q. And in this instance you did make the decision to
21 recuse yourself.

22 A. I did. Because I felt that even though I -- the
23 requirements for recusal were not really met, I still felt
24 -- and I always do take great deference to peoples'
25 perception. And I often say perception is reality. And at

1 that point he was so agitated, that it -- even if I had
2 ruled for him, he wouldn't have heard me.

3 And so I just felt it prudent. And I called
4 Judge Van Slambrook, he was -- I was like, you know, "I'm
5 not the only judge in the courthouse that can hear a case."
6 And he was -- luckily, he was right behind me in his
7 office, and he was available. And I just felt that was the
8 prudent course of action.

9 CHAIRMAN RANKIN: Representative Smith.

10 EXAMINATION BY REPRESENTATIVE SMITH:

11 Q. Judge Jefferson.

12 A. Yes, sir.

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. It's getting to be "good evening."

16 A. Yes, sir.

17 Q. Let me ask you, I heard you say that -- did you
18 go back and look at this complaint that you're referencing
19 when you said that Mr. Goldstein, I think, that you say
20 notarized that portion of --

21 A. I looked at it when I got the complaint. And we
22 keep -- I told you much to my secretary's consternation, I
23 have stacks of boxes. And we had to go back through them
24 to find it. And I was -- my recollection was inaccurate,
25 and mainly because of the way he always portrayed it when

1 he saw me, which is, "I hope you don't hold this against me
2 that I filed this."

3 So in my head it was associated with that,
4 because it was so long ago. But when I looked at it, in
5 fact, he did not; it was his client that did. But he did
6 provide a notarized affidavit in support of it, and he also
7 did notarize that person's statement.

8 Q. And so that was my question --

9 A. But once we went back to '96 to look at it, yeah.

10 Q. Te, and that -- and that's my question to you.
11 You recently reviewed this complaint, and there's Mr.
12 Goldstein's notarized -- he's a notary who witnessed the
13 signature of the complainant, is that what you're telling
14 me?

15 A. Yes, sir. And he provided an affidavit in
16 support.

17 Q. And he provided an affidavit to the court.

18 A. Yes, sir. And that's why -- and his statements
19 to me, "I hope you don't hold this against me."

20 And I continued to try to reassure him that I
21 just -- with all the things I have to keep track of, I
22 really didn't remember it. And I still don't. I mean, I -
23 -- except for reviewing it recently.

24 Q. And then it's your testimony, also, that you had
25 seen him over the years since that happened, and he would

1 bring up the issue to you that he's sorry, "I hope you
2 don't hold it against me."

3 A. Yes, sir. And almost kind of out of context.
4 Which is why it -- you know, when you say "hello" to
5 somebody and they say, "Well, yeah, I hope you don't hold
6 this against me," it's sort of -- especially when you're on
7 your way to -- sometimes I would be holding court.

8 We used to hold non-jury terms in the old
9 courthouse. And so when you're like on your way to court
10 in a public area, and you're saying "hello," and your
11 mind's on a docket, that sort of -- it sort of sticks out
12 in your mind.

13 Q. How long ago would that have been? I mean, had
14 he done that in the last few years?

15 A. It was in 1996.

16 Q. No, I'm talking about when he brought it up to
17 you. Was it in the last few years or was it back -- way
18 back in the '90s, early 2000s?

19 A. For a while it was every time I saw him, in close
20 proximity to the incident. And then as time wore on, less
21 frequently.

22 Q. And he testified earlier, I believe, that he did
23 not routinely appear in front of you.

24 A. He doesn't.

25 Q. Is this the first appearance you've had with him

1 in --

2 A. To my recollection this is the first time he
3 would have appeared before me since --

4 Q. Since he ran?

5 A. Yeah, since he ran. And the last case he would
6 have had would have been the McCoy matter.

7 Q. And is it fair to say when I reviewed this
8 transcript, that he made a motion and you were not aware of
9 the motion coming into court?

10 A. I didn't even know he was on my docket, to be
11 honest with you. I had so many things on it, I looked up
12 and he made an oral motion. Yes, sir.

13 Q. And then -- and then it appears that you went to
14 -- you explained your reasoning behind this, and then you
15 sought the input of the opposing attorney, in which I'm
16 reading it, it appears that he wasn't -- he wanted you to
17 go ahead and hear it; is that correct?

18 A. He did. He was fairly adamant, actually. He
19 thought it was sort of -- I don't want to put words in his
20 mouth. Yeah.

21 Q. And, well, the transcript speaks for itself. And
22 then -- and then y'all had further discussions and then you
23 eventually recused yourself.

24 A. Yes, sir.

25 Q. So the issue -- the two issues I heard that Mr.

1 Goldstein brought up was, the one about the indexing --
2 and, you know, I guess let me go ahead and ask you: How
3 would you characterize what you -- what you meant or
4 intended when you said, "I have it indexed"? What were you
5 -- "have them indexed," I believe is what you said.

6 A. Well, really what I meant is that I keep notes of
7 everything.

8 Q. Right.

9 A. And I have notes of -- I mean, I even have my
10 notes from the McCoy trial and the Metero matter, but I
11 just didn't bring them with me because they were so --
12 there were -- it was a lot of paper along with
13 -- I keep notes even during a trial as to what witnesses
14 has testified, what day, when their testimony starts, when
15 it ends. Mainly selfishly for myself, in case I need
16 something played back from the court reporter, it helps
17 them to be able to locate things.

18 But it was a poor choice of words. But it really
19 just meant I have a filing system and I keep track of
20 everything --

21 Q. It didn't mean --

22 A. -- from my trial notes to everything.

23 Q. It didn't mean you had an enemies list or
24 anything like that.

25 A. No, sir. That just is like so contrary to my

1 personality.

2 Q. And then the other thing that I heard from Mr.
3 Goldstein, when we get to it, the other concern arising out
4 of the hearing was the fact that you said, "You bring it up
5 to me all the time." And you've testifying under oath that
6 every time -- you infrequently saw him, but when you did he
7 would mention that to you.

8 A. Yes, sir. And he probably doesn't remember, but
9 -- and I really -- I still don't -- I mean, it doesn't -- I
10 don't hold it against him.

11 Q. And at this point you recused yourself from his
12 hearing.

13 A. Yes, sir, I did. I had another judge come and
14 hear it.

15 Q. And I presume after all this, you're not going to
16 hear his cases anymore from this point forward?

17 A. Frankly, I don't even think he's going to be on
18 my docket. But it's probably the -- like I said, I don't
19 take myself that seriously. I don't believe I'm the only
20 judge in the courthouse that can hear a case.

21 I mean, if it's -- if the criteria's met -- I
22 think if somebody perceives that you cannot be fair, even
23 if you are fair, their perception is their reality.

24 Q. Chief Justice Finney always would say, "When it
25 doubt, recuse yourself."

1 A. Exactly.

2 Q. And that's what judges I see all too often employ
3 sometimes --

4 A. Correct.

5 Q. -- also to be an excuse to get away from
6 something that's -- I'm not saying anything.

7 A. Well, the case in '96 that made reference to,
8 everybody had recused themselves. I was the new judge on
9 the block and therefore it was --

10 Q. And then it appears to me in this -- I mean, he
11 brought out in context, the other three issues. And, you
12 know, I think you went to length in this transcript to say,
13 "Look, the fact that he ran against, I don't hold it
14 against you."

15 A. I don't. Judge Young and I ran for the same seat
16 one year, and we're the best of friends. We're like
17 family. I mean you just...

18 Q. I recall that election.

19 A. Yeah, you just don't hold things. I mean, it
20 just -- it's too much of a burden. You hold yourself
21 hostage when you hold stuff like that. It just doesn't
22 make sense.

23 Q. All right. Thank you, Judge Jefferson.

24 A. You're welcome. And also just -- oh, I'm sorry.
25 Anybody else have any questions?

1 CHAIRMAN RANKIN: We're going to kind of
2 wind it down here. You can make any statements now or --

3 JUDGE JEFFERSON: I just wanted to say it is
4 unfortunate. Mr. Goldstein sent me a letter a day before
5 -- I received it the day before he filed the complaint, and
6 at that point the letter and its tone was not one that
7 would have suggested a conversation. And so I felt it best
8 not to respond.

9 And so I -- so I didn't. And if -- and if
10 he -- to this day, and I will say to him I have absolutely
11 no acrimony for him. It's unfortunate that this is the
12 circumstance. But I really hold no grudge, no animosity.
13 I think he's a decent man. I don't have any problems.

14 CHAIRMAN RANKIN: Representative Murphy.

15 REPRESENTATIVE MURPHY: Thank you, Mr.
16 Chairman.

17 EXAMINATION BY REPRESENTATIVE MURPHY:

18 Q. Judge Jefferson, I just -- I've appeared quite a
19 bit in front of you, in Berkeley County General Sessions in
20 Charleston, and I just wanted you to know that the comments
21 that you've received, that there have been: "Excellent
22 judge. Well qualified. Many years' service as a good
23 judge. Judge Jefferson is an excellent judge. Does a good
24 job. Lets you create a record. Good trial judge.
25 Hardworking. Runs an efficient courtroom."

1 And again, I appear a lot in General Sessions
2 Court, and I just wanted to reiterate that, based on my
3 personal experiences, that I have watched you and witnessed
4 you treat every -- the litigants, the counsel with respect.
5 And I for one appreciate that. So thank you for your
6 service.

7 A. Thank you for your service, Representative
8 Murphy.

9 CHAIRMAN RANKIN: Representative Rutherford.
10 EXAMINATION BY REPRESENTATIVE RUTHERFORD:

11 Q. Judge Jefferson, let me just -- let me just say,
12 I didn't know what was in the complaint until I read
13 everything. And I hope that you know that we take
14 complaints very seriously on both sides. And I can tell
15 you, and you can go back and check the transcript, it
16 concerns me deeply when lawyers want to take vacations and
17 they don't know that they're going to be able to do so
18 because they can't get an order of protection back.

19 And that appears to be the impetus for this
20 complaint, because he felt like you didn't respond, and so
21 maybe you were still holding something against him.

22 I am troubled. Because I saw Judge Benjamin
23 earlier, she came in with her husband who's the mayor of
24 the city that I live in, and I am reminded that I voted
25 against her. Or certainly I was blamed for leading a

1 campaign against her when she ran for family court in which
2 she did not win. But I appear in front of her all the
3 time.

4 I am reminded that. I see Costa Pleicones on a
5 regular basis, and he reminds me that I voted against him
6 on four different occasions. And he was my sitting circuit
7 court judge. I ran a campaign against Judge Paul Short
8 when he ran against Casey Manning, and I still had to
9 appear in front of him in a very small town.

10 I've never requested a judge to recuse themselves
11 because I voted against them or ran a campaign against
12 them, or posed tough questions to them for sitting here.
13 So I applaud you for recognizing that you should recuse
14 yourself. But I caution you at the same time, because the
15 fact that somebody chooses to run against the judge, should
16 not automatically mean that the judge then has to recuse
17 themselves.

18 And so I don't want to set the precedent that
19 every time lawyers run against someone, as was stated
20 earlier, that they don't have to appear in front of the
21 judge that beat them.

22 I have watched as candidates for judgeships
23 become, as you stated, very close friends. And I believe
24 that, that's part of the collegiality of the Bar.

25 I am troubled by what appears to be the fact that

1 he walked into your courtroom and immediately requested
2 that you recuse yourself. The recusal request came before
3 there was any mention of the fact that your grievances are
4 indexed.

5 I would have thought that, that was silly prior
6 to being on this committee, wherein we ask you about your
7 grievances and ask you to state them. And lawyers that,
8 like the complainant, that seek judgeships must do this
9 very thing, must list all of their grievances, must list
10 the cases that they were involved in, must list significant
11 cases that they argued.

12 So while you may consider yourself a packrat, it
13 seems to be what we require in this state of our judges,
14 whether sitting or those that are applicants.

15 But again, I just don't see it. And I tell you
16 with the benefit of him sitting behind you, I don't see
17 where he did anything that would raise your ire, nor did he
18 do anything that should have brought you to recuse
19 yourself, but for the fact that he wouldn't leave it alone.

20 And so for that you're right, there are other
21 judges in the courthouse. Let them here it.

22 But I don't see any merit to this complaint. And
23 I am sorry that you had to go through this. And I tell you
24 that, because if I had read the complaint, and you did not
25 sign his order of protection, and he did not know on his

1 religious holiday that he would have protection, I'd find
2 that objectionable. That's not the case.

3 I find it objectionable when a lawyer puts
4 something in an affidavit that they then admit is not the
5 case and -- a judge or anyone.

6 And I remember we had a complainant who said bad
7 things about a lawyer, Woody Gooding, and I tried to make
8 sure that, that lawyer had the opportunity to clear his
9 name for the record. Because we all have a name and a
10 reputation that we spend a lot of time and effort building,
11 and we respond to that.

12 So I just don't see anything here. He does not
13 have to appear in front of you ever again. Since you have
14 recused yourself, you certainly can't unrecuse yourself.
15 And so I believe that this issue is settled. But again, I
16 leave that to the full committee. I just wanted you to
17 know that and wanted him to hear me say it.

18 A. Well, I appreciate it. And I would say also,
19 that I take orders of protection very seriously. I feel
20 like lawyers have to have a balanced life. I often
21 suggest, even if I'm hear in the wind while I'm trying a
22 case, that somebody's child has a play or a playoff, I will
23 say, "We need to break early today, 'cause you need there
24 for your child. You can't recoup this time."

25 And so last week my secretary lost two people in

1 her family within a month, and she has been out. And
2 Friday, I was tracking down orders for lawyers. 'Cause
3 they had not familiarized themselves yet with e-filing, and
4 they were so relieved. And I was like, "Anytime. Call. I
5 mean, e-mail your order of protection. Do whatever."

6 I just take that very seriously. And I take
7 religious holidays very seriously. I've had several clerks
8 observe that holiday, and I would never require them to
9 work during any religious holiday or anything -- any life
10 event. I just think it's important and it needs to be
11 observed.

12 CHAIRMAN RANKIN: All right. Ms. Riley, any
13 questions of anybody else?

14 MS. RILEY: Thank you, Mr. Chairman. Before
15 I get to a couple of housekeeping questions for you, Judge
16 Jefferson, I would like to make a clarification
17 housekeeping statement based on -- or regarding the
18 complaint.

19 Judge Jefferson did provide the complaint
20 filed against her with ODC, that was filed in -- I believe
21 the date on the complaint is 1997. And with that, that she
22 provided to us in her written response, is the affidavit
23 that she has mentioned here today in her testimony, written
24 and signed by Mr. Goldstein who is here today. And it was
25 in her written response to incident No. 4. Just as a

1 clarification matter.

2 REPRESENTATIVE SMITH: Where is that?

3 EXAMINATION BY MS. RILEY:

4 Q. Judge Jefferson, I'm just going to ask you a few
5 more questions.

6 A. Yes, ma'am.

7 Q. Since submitting your letter of intent have you
8 contacted any members of the commission about your
9 candidacy?

10 A. No, ma'am.

11 Q. Are you familiar with Section 2-19-70, including
12 the limitations on contacting members of the General
13 Assembly regarding your screening?

14 A. Yes, I am.

15 Q. Since submitting your letter of intent have you
16 sought or received the pledge of any legislator, either
17 prior to this date or pending the outcome of your
18 screening?

19 A. I have not.

20 Q. Have you asked any third parties to contact
21 members of the General Assembly on your behalf, or are you
22 aware of anyone attempting to intervene in this process on
23 your behalf?

24 A. I have not. And I am not aware of anyone
25 intervening on my behalf.

1 Q. Have you reviewed and do you understand the
2 Commission's guidelines on pledging and South Carolina
3 Code Section 2-19-70(E)?

4 A. Yes, ma'am.

5 MS. RILEY: I would note that the Low
6 Country Citizens Committee reported that Judge Jefferson is
7 qualified in the evaluative criteria of constitutional
8 qualifications, physical health and mental stability. The
9 Committee found her well qualified in the evaluative
10 criteria of ethical fitness, professional and academic
11 ability, character, reputation, experience and judicial
12 temperament. The Citizens Committee commented that Judge
13 Jefferson is a great judge.

14 I would note for the record that any
15 concerns raised during this -- during the investigation
16 regarding the candidate were incorporated into the
17 questioning of the candidate today. Mr. Chairman, I have
18 no further questions.

19 CHAIRMAN RANKIN: Judge Jefferson, thank you
20 so much again for this process, and being here early and
21 participating in this. I want to take the opportunity to
22 remind you that pursuant to our evaluative criteria, we
23 expect candidates to follow the spirit as well as the
24 letter of the law. And that's specifically regarding
25 ethics laws in South Carolina.

1 We will view violations or the appearance of
2 impropriety as serious and potentially deserving of heavy
3 weight in screening deliberations.

4 On that note, as you know we will leave the
5 record open until the formal release of the report of
6 qualifications has been issued. And you may get called
7 back at such time as the need arises. Again, thank you for
8 your service and for offering to continue in that service
9 on the bench of South Carolina.

10 JUDGE JEFFERSON: Thank you all for you time
11 and attention today. I know it's a sacrifice.

12 CHAIRMAN RANKIN: I would ask -- we're
13 concluded with this portion. But I would ask that both you
14 remain in the lobby just for a moment, or don't leave just
15 yet.

16 JUDGE JEFFERSON: Okay.

17 (Candidate excused.)

18 REPRESENTATIVE SMITH: Mr. Chairman, I make
19 a motion we go into executive session.

20 CHAIRMAN RANKIN: Second?

21 REPRESENTATIVE RUTHERFORD: Second.

22 CHAIRMAN RANKIN: All in favor say "aye."

23 (At this time the members audibly say "aye.")

24 CHAIRMAN RANKIN: The ayes have it.

25 (Off the record from 4:57 p.m. to 5:24 p.m.)

1 CHAIRMAN RANKIN: All right. Thank you all.
2 The Judicial Merit Selection Commission is now back on the
3 record. For the record, I would like to state we have --
4 while we have been in executive session, no decisions made
5 and no votes were taken therein. All right. Now do I have
6 a motion --

7 SENATOR SABB: Mr. Chairman, I'd like to
8 first move that we come out of executive session.

9 CHAIRMAN RANKIN: Okay. Second?

10 REPRESENTATIVE MURPHY: Second.

11 CHAIRMAN RANKIN: Very good.

12 SENATOR SABB: Mr. Chairman, I would make a
13 motion that we find that the complaint filed by Attorney
14 Thomas Goldstein against the Honorable Deadra L. Jefferson
15 be dismissed. And I'd like to add that we find that the
16 Honorable Deadra L. Jefferson is qualified and nominated,
17 the Honorable Rivers Lawton McIntosh be qualified and
18 nominated, the Honorable DeAndrea Gist Benjamin be
19 qualified and nominated, and that the Honorable Joseph
20 Derham Cole be found qualified and nominated.

21 REPRESENTATIVE MURPHY: Mr. Chairman, I was
22 just going to say for the record, clarification on the
23 motion of Senator Sabb, was that the complaint was without
24 merit and was unfounded.

25 CHAIRMAN RANKIN: All in favor of that

1 motion as amended, say "aye."

2 (At this time the members audibly say "aye.")

3 CHAIRMAN RANKIN: Any opposition?

4 (Hearing none.)

5 CHAIRMAN SMITH: The ayes have it. And that
6 concludes today's agenda. We have 5:26.

7 (OFF THE RECORD AT 5:26 P.M.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY
PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO
HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF
225 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE
BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
27TH DAY OF NOVEMBER 2018.



PATRICIA G. BACHAND, COURT REPORTER
MY COMMISSION EXPIRES MARCH 8, 2027

Exhibits				
181112PB.	181112PB.	181112PB.	14	2-19-70(E)
JMSC Exh 1	JMSC Exh 11_	JMSC Exh 21_	65:14	96:12 115:18
4:21 12:23	Fraley	McIntosh	15	125:22 222:3
181112PB.	6:2 58:19	7:11 119:9	74:21 88:20	20
JMSC Exh 2	181112PB.	181112PB.	15th	109:5
4:23 12:24	JMSC Exh 12_	JMSC Exh 22_	11:5	20.9
181112PB.	Fraley	McIntosh	16	194:4
JMSC Exh 3_	6:5 58:22	7:14 119:12	74:24 88:20	2000
Geathers	181112PB.	181112PB.	181:3	31:14 33:8
5:2 16:1	JMSC Exh 13_	JMSC Exh 23_	17	2000s
181112PB.	Morehead	Jefferson	89:6	210:18
JMSC Exh 4_	6:8 65:11	7:17 135:1	18	2007
Geathers	181112PB.	181112PB.	89:9	147:25 149:19,
5:5 16:4	JMSC Exh 14_	JMSC Exh 24_	19	20 150:3 178:12
181112PB.	Morehead	Jefferson	13:22 109:2	179:6
JMSC Exh 5_	6:12 65:14	7:20 135:4	195	2008
Thomas	181112PB.		49:17	19:15,16
5:8 23:16	JMSC Exh 15_	\$	1983	2009
181112PB.	Morris	\$60,000	122:11	50:23,25 179:4,
JMSC Exh 6_	6:15 74:21	204:7	1985	6
Thomas	88:19,20		70:13	2012
5:11 23:19	181112PB.	1	1996	147:22,24
181112PB.	JMSC Exh 16_		210:15	149:22 150:11,
JMSC Exh 7_	Morris	1	1997	14 151:25 152:2
Cooper	6:18 74:24	12:23 53:24	220:21	175:5 179:21,22
5:14 31:4	181112PB.	10	19th	180:23 181:5
181112PB.	JMSC Exh 17_	45:10 160:25	144:24	187:3
JMSC Exh 8_	Benjamin	10th	1:47	2013
Cooper	6:21 89:6	11:4 181:13,16,	86:20	19:23
5:17 31:7	181112PB.	19,20,21 182:9,	1:54	2014
181112PB.	JMSC Exh 18_	14,19	86:20	94:15
JMSC Exh 9_	Benjamin	11		2016
Gable	7:2 89:9	58:19 105:15	2	180:25 181:5
5:20 45:7	181112PB.	162:17 167:2		187:3 190:2
181112PB.	JMSC Exh 19_	12	2	2017
JMSC Exh 10_	Cole	58:22 177:20	12:24 13:23	137:17 180:24
Gable	7:5 109:2	197:21	174:3,15	181:1
5:23 45:10	181112PB.	13	2-19-70	2018
	JMSC Exh 20_	19:12 65:11	21:2 28:8 95:21	12:13,15,20
	Cole	105:14	115:2 125:6	52:20 162:9
	7:8 109:5		221:11	182:19

2019 11:4 12:9 34:9 53:24	336 68:15	5:24 223:25	<hr/> 8 <hr/>	ABOTA 42:18
20th 156:1 163:23 166:21 168:4	34 92:22	5:26 225:6,7	8 31:7	abreast 139:5
21 119:9 177:20	38 73:8	5th 38:23 40:15	80 40:5	absence 172:22,23
2186 182:6,7	39 68:16	<hr/> 6 <hr/>	868 138:9 193:21 194:4	absolutely 43:4 79:5 128:22 145:18 146:5 155:17 159:23 164:5 170:24 177:7 185:13 207:16 215:10
22 18:22 60:21 63:19 79:9 119:12	3rd 154:14 162:11, 12,25 166:20	6 23:19	<hr/> 9 <hr/>	absorbed 171:4,5
23 18:21 49:17 135:1	<hr/> 4 <hr/>	61 76:8	9 45:7	Abstance 53:17
23rd 147:16 156:1 163:24 166:22 168:6 169:21,22	4 16:4 197:10 220:25	63 53:7	90s 210:18	abundance 111:23
24 135:4	44 121:17 123:14	68 138:10	96 209:9 214:7	abused 46:25
240 60:20 63:19	48 113:3	69 36:5	99 160:16	academic 20:13 27:21 37:5 51:7 62:1 69:24 82:11 96:20 115:23 126:2 193:12 222:10
263 79:8	48-hour 11:4	6th 11:6	99-year-old 76:21	accepted 41:19 81:13 138:1 178:25
2nd 43:24,25 52:15 54:19,22 55:2	4:57 223:25	<hr/> 7 <hr/>	9:30 105:3	access 207:6
<hr/> 3 <hr/>	<hr/> 5 <hr/>	7 31:4	9th 153:18	accommodating 63:9
3 16:1	50/50 140:23	72 73:19	<hr/> A <hr/>	accomplish 17:23 25:8 91:10 111:2,5 121:8 137:4
30 26:20	502 92:21	737 26:20	aberrant 150:23	accomplishing 137:6
30th 62:19 180:25 181:1	513 18:21	738 36:5	ability 20:13 27:21 37:5 51:7 56:1 62:2 69:25 82:12 96:20 111:12 115:24 126:2 137:7,8 140:24 193:13 222:11	
322 80:22	52.3 194:3	75.8 194:1		
	55 40:4	78 40:3		
	589 123:13	78th 44:4		
		792 113:2		

accomplishment 137:8,10	84:2 111:22 122:7 224:15	admirable 33:10 102:14	143:9 198:22	ages 105:13
accomplishment s 17:21 25:7 26:2 91:8,11 111:1 121:7 137:2	added 192:12	admired 60:4	affidavit 18:12 24:6 26:10 135:25 144:25 145:15, 17 147:8,11,20 149:14,16 150:20,21 157:3,23 163:1 165:18 167:6,15 171:20 172:5 181:18 184:13 187:23 188:5,6 189:2,4,6 205:5 209:6,15,17 219:4 220:22	agitated 208:1
accurate 165:5	adding 192:10	admit 184:3 219:4		Agnes 44:16 45:9,11 50:16
accurately 34:11	addition 78:21 96:22	Admitting 195:21		agree 129:3 150:16,17 155:5 165:12 167:21 172:17 184:11 190:17, 22 198:7
accused 102:12	additional 18:22 20:18 26:20 36:5 49:17 60:21 68:16 79:9 92:22 93:5 113:3 123:14 138:11	admonition 108:1		agreed 48:14 185:12 186:18 187:8,10 189:23
acknowledge 190:10 195:17	Additionally 81:16	adopted 13:17	affidavits 16:16 32:4 45:22 59:9 66:12 75:11 90:2 110:5 119:24 204:16	agreement 85:1
acknowledged 9:8 185:10 186:13 189:24 195:19	address 102:19 113:20 114:6 124:13 205:19	adoptions 56:13		ahead 57:21 107:14 122:1 166:7 188:10 198:14 211:17 212:2
acrimony 206:10 215:11	ADR 130:4,7,20,24	advance 49:7 138:25 164:19	affirmatively 155:2,22	Aiken 38:15 104:8
acting 155:23	Advanced 139:8	advantage 17:25 18:8	afford 178:18,19,21,24	air 146:16 158:2 159:4 190:19 196:2
action 175:20,22 180:21 208:8	addressed 18:11 26:9 113:17 124:2	adversarial 55:21 56:10	afraid 42:19	allay 206:6
actions 122:11	adequate 20:7 33:11	advice 11:22 35:19 42:6 47:12 56:12 145:24	afternoon 37:22,23 44:9 51:20,21 87:2 88:5 100:12,13 126:14 134:1 208:13,14	allegations 155:6 168:16
active 33:21 37:11 39:24 51:24 52:10,11 53:1	adhere 36:21	advised 52:19	afterward 184:16	alleged 168:2
active-active 33:6	Admin 91:13	advisement 35:5 93:14 94:3 98:15,18,19,22 99:3,4,12,15,21 100:3 103:14 177:20 178:2,5, 10	age 73:9,11,12 142:5	alleging 180:20
actives 34:21	administration 48:3 68:1	advisory 137:6 148:16	agenda 225:6	allowed 33:2 124:25
actual 50:2 167:7	administrative 14:14 17:9 18:2, 7 19:12 103:22 107:7 112:8 143:1 154:4 161:21,22	affect		allowing 56:16
adamant 211:18	administrator 103:21 106:22			
add				

alluding 175:13	40:2	appeals 14:10 17:8,14 19:9 25:1,12 26:24 67:11 85:7 87:3 94:17 152:18 153:10 183:3,5	applicable 15:20 23:10	26:16 85:3 92:9 93:6 98:24
alter 47:24	anonymity 191:22		applicant 194:17	arises 22:12 29:25 48:17 52:2 108:1 118:6 133:16 223:7
alternative 130:2 148:6,15 180:17	anonymous 100:23,25 126:19 127:1 191:13,21 194:7	appearance 22:7 29:19 107:21 117:25 133:11 177:12, 22 190:1 210:25 223:1	applicants 218:14	
altogether 164:8	answering 34:2		application 16:12 24:1 31:24 45:17 59:5 66:7 75:6 89:23 109:25 119:19 135:20, 21 200:9	arising 213:3
amazing 16:22 101:8	answers 177:2			Army 84:4
amend 178:9	anticipate 53:2 60:10 67:17 78:3	appeared 61:15 63:7 71:22 80:7 81:21 85:3 98:10 113:11 172:13,14 196:20 211:3 215:18	apply 139:18	arrayed 15:5
amended 44:24 225:1	anymore 131:14 148:9 213:16	appearing 102:10 186:8	appointed 91:13 157:14	ARTHUR 64:20 65:13,16
amendments 15:20 23:10 30:24 119:1	Anytime 220:4	appears 16:14 18:17 24:3 32:2 55:2 59:7 66:9 75:9 89:25 110:2 119:21 135:22 143:16 160:10, 11 174:3 197:10 198:8 201:4 211:13,16 214:10 216:19 217:25	appointing 25:23	articles 16:13 24:3 32:1 45:19 59:7 66:9 75:8 89:24 106:2 110:2 119:21 135:22
American 178:25	Anzelmo 10:19 17:2,5 20:10,21 21:17 24:23 27:18 28:1,23		appointment 46:20 59:22 67:6 77:13	askew 145:13
amily 59:23			approachable 78:25	aspects 20:20
amount 35:2 67:25	apologize 52:23 146:16 181:2,24 188:11		approved 85:1,4	aspire 120:24
ample 92:9	apologize.' 195:6		approximately 110:16 120:19 136:12	Assembly 17:10 21:3,12 28:9,18 95:23 96:6 115:4,12 125:8,16 221:13,21
and/or 147:21 190:19	apologized 195:22 196:6		arbitration 84:23 85:5	
Anderson 10:15,25 95:11 121:16 130:7 132:6,14	apology 195:24 196:3,5		area 131:13,22 210:10	
Andy 10:15 188:8	apparently 71:3	appellant 198:1,2	argue 142:6	assertion 146:3 187:15
animosity 215:12	appeal 105:4 141:8 178:17,22,23 179:8,13,15,16 183:3	applaud 55:4 98:9 217:13	argued 142:11 218:11	assertions 190:22
announcing 177:21		Appleby 10:19	argumentative 171:16	asset 19:4 26:23 37:11 101:8
annoying 165:11	appealed 179:19		arguments	assign 52:10
annually				

assigned 39:8 48:4 50:4 52:1 63:3 92:2 94:5 104:3	36:17 attentively 68:12 attorney 50:10 67:2 130:8 143:16 147:10 182:16 197:24 207:12 211:15 224:13	automatically 177:4 217:16 avail 45:25 availability 62:17 avoid 42:25 award 84:23 aware 15:18 21:13,15 28:19,21 81:22 96:7 106:23 108:21 115:13, 15 117:21 125:17 135:15 152:21 211:8 221:22,24 aye 11:12,13,24,25 13:13,14 87:11, 12,22,23 223:22,23 225:1,2 ayes 11:14 12:1 87:15 223:24 225:5	132:6,14,15 133:15 150:14, 22 157:7 160:24 161:6 163:5 164:3 165:14 166:6,18 169:16,24 176:4 185:15,17 190:5,15 194:18 196:12 202:17 203:19,20 205:2 206:24 208:18, 23 209:9 210:17,18 212:16 216:15, 18 223:7 224:2	39:7 40:25 45:16 49:17,18 59:4 60:21,22 62:23 63:13 66:6 68:16,17 70:19 75:6 79:9, 10 83:6 89:22 92:21,22 100:15 109:24 113:2,4 119:18 123:14, 15 126:18 135:19 138:10, 11 142:14 191:3,10,25 bankruptcy 179:20 bar 12:20,24 47:17 49:13 55:1 68:14 98:11 100:5 102:13 127:1 129:17 148:4,5,16 180:18 182:5 183:13,15,17 193:10 205:22 217:24 Bar's 12:16 barbecue 203:15 Barnwell 48:15 53:17 55:13 base 175:15 based 84:21 93:11 95:6 146:9 162:23 163:18 171:10,11 185:16 187:2
assignments 67:20 104:7 assistance 93:6 assistant 114:12 116:19 assume 15:14 98:18 154:7 174:8 assumed 54:2 171:7 assuming 174:18 184:8 assure 147:1 at-large 104:10 atta 84:1 attach 206:23 attaching 196:13 attempt 109:22 attempted 31:22 attempting 21:13 28:19 96:7 115:13 125:17 221:22 attention 26:3 93:8,12 146:15 150:2,14 189:15 203:7 223:11 attentive	attorneys 10:12,15,18 34:17 41:13 46:10 47:8,15 48:19 49:9,23 50:12 60:18 61:19 68:7,22 78:9 85:4 91:4 92:7,9 103:2 105:9 112:13 122:18 127:8, 15,18 129:7 138:5 139:23 141:7 attributable 171:13 audibly 11:13,25 13:14 87:12,23 223:23 225:2 August 81:21 147:16 156:1 162:9,10, 11,24 163:23 166:20,21,22 169:22 180:25 181:1 author 18:5,6 19:1 authority 85:6 automatic 176:12 184:8	back 12:3 22:11 29:24 50:7 54:10 60:6 69:4 72:8 79:25 81:21 86:22 100:2 107:25 117:21 118:5,13 128:24 129:2 130:7 131:13	back-to-back 50:6 53:25 background 14:7 19:8 128:24 152:3 backlog 91:15 backwards 139:17 140:10 bad 36:15 41:11 151:1 219:6 bailiffs 46:11 92:14 Baker 10:16 balance 200:23 balanced 219:20 ballet 106:7 ballot 16:11 18:21 23:25 26:20 31:24 36:5,6	Bar's 12:16 barbecue 203:15 Barnwell 48:15 53:17 55:13 base 175:15 based 84:21 93:11 95:6 146:9 162:23 163:18 171:10,11 185:16 187:2

189:18 216:2 220:17 basically 76:18 128:18 129:4,6 169:2 183:23 184:7 186:4 188:18 189:1,12,14 190:9 basis 99:19 122:24 168:13 175:8 178:14 179:9 217:5 bear 56:4 beat 217:21 Beatty 32:22,24 34:4 befuddled 197:12 beg 153:10 began 77:14 205:1 behalf 21:12,14,16 28:18,20 96:6,8 115:12,14 125:16,18 189:3 221:21,23,25 belief 102:15 beliefs 191:15 believer 141:23 Bellow 171:5 bench 14:2 16:9 23:24	32:19 33:9 35:15 36:20 41:3,15 45:15 46:21 49:14 50:3,5 59:2,3,22 66:22 67:6 68:20 69:2 71:25 75:4 77:14,19,21 78:12,18 82:15 90:19 91:12 93:13 94:9 101:1,8,10,16 103:4 104:3 109:23 110:17 113:13 114:12 119:17 120:9, 20,24 121:3 123:17 124:7 127:1 135:18 136:13 138:15 141:16 146:5 192:18 193:10 223:9 benchmark 205:23 bend 139:17 140:10 benefit 98:1 117:19 196:13 218:16 Benjamin 88:3,5,7,9,13, 19,23 89:3,8,11, 14,18 90:7,8,12, 18,25 92:18 96:17,23 97:9, 13,19 98:8 100:13,19 101:8,9,14,20 102:5,22,25 103:9,12,17 106:25 107:7	108:4 216:22 224:18 BENJIMAN 98:3 Benson 10:15 90:23,24 96:15 Berkeley 152:19,22 153:1,2,21,22, 24 161:7,16,21, 25 181:17 182:2,17,24 183:4 203:4,8, 10,12,14,24 215:19 bias 49:23 50:10 114:8 116:12 140:14 187:8 193:11 biased 49:25 50:11 114:14 117:1 big 40:5 80:20 birthday 44:4 bit 9:18 17:13 32:17 46:23 77:15 78:1 84:3 92:15,18 104:8 123:5,8 132:22 169:14 205:20 215:19 bite 36:23 black 127:7,9 150:24 blamed 216:25	bless 53:24 blessed 136:19 block 214:9 blow 171:5,7 Blue 9:22 10:4 board 84:15 130:17 183:3,4 198:10 boards 121:1 Bob 10:16 bodes 35:7 boils 201:14 bother 164:24 165:17, 22 166:8 bothered 80:6 163:5 166:14 bothers 167:18 bottom 184:22 201:15 bought 106:2 box 16:11 18:21 23:25 26:20 31:24 36:5,6 39:7 40:25 45:16 49:17,18 59:4 60:21,22 62:23 63:13 66:6 68:16,17	70:20 75:6 79:9, 10 83:6 89:22 92:21,22 100:15 109:25 113:3,4 119:18 123:14, 15 135:19 138:10,11 142:14 191:3, 10,25 boxes 126:18 208:23 boy 84:1 153:7 Boys 70:22 71:4,9,11 72:7 brace 84:13 brand 47:16 break 69:10 86:25 104:25 141:21 219:23 breaking 185:22 breathing 101:22 briefing 114:1 briefly 10:12 70:19 124:1 briefs 124:20 bring 25:20 42:20 69:4 141:18 145:25 150:2,13 151:15 153:25 159:10 187:13 195:11 201:18,
---	--	--	--	--

23,25 210:1 212:11 213:4 bringing 97:8 146:1 brothers 104:2 117:14 brought 26:3 55:19 137:22 146:14 150:7 151:25 159:18 188:15 205:14 210:16 212:1 214:11 218:18 Brown 128:5,6,7 Bryan 10:20 building 219:10 bulk 156:19 bulletin 34:15 burden 214:20 burdened 206:19 business 13:19 38:24 39:1,4 121:10 businesslike 140:1 busy 179:24 180:2,3 Byars 38:15 <hr/> C <hr/> Cain's 122:14	calendar 32:25 48:7 call 64:24 72:20,21 90:4 117:21 146:16 158:2,4, 18 159:4 163:6, 13 164:16,21,22 165:7,17,22 166:4,9,14 170:4,5,22 172:25 173:4 193:25 194:13, 22 195:5,8,14 197:5 203:7 220:4 called 13:22 22:11 29:24 33:21 35:5 38:3 80:22 81:4 107:25 118:5 133:15 153:21,24 161:7,15,25 162:14,15,16,22 164:11 165:16 166:3 169:5 170:10 196:19 208:3 223:6 calling 68:1 190:25 calls 33:25 campaign 71:14 217:1,7, 11 candidacies 20:3 candidacy 18:21 19:16,25 20:25 28:6 95:19 114:25	125:4 138:10 221:9 candidate 13:20 14:7 19:14 21:19,20 22:16 28:25 30:6 37:14,15 44:10 51:11 57:15 62:6 64:14 70:4 73:25 82:18 86:14 108:6 116:5,6 118:12 126:8,9 133:23 148:6,15 180:17 222:16,17 223:17 candidate/ applicant 146:4 candidates 13:24,25 14:1,8 19:10 20:5 22:5 29:17 87:2 100:18 107:18 176:18,20 192:4 217:22 222:23 canons 176:21 capability 193:14 capable 53:5 capacity 24:13 25:4 33:13 47:23 60:10 67:7,17 78:4 89:21 111:19 120:10, 14 121:14 122:4 caption 81:7	car 23:8 care 62:21 64:12 73:23 career 82:23 145:19 170:10 carefully 187:23 Carmen 10:21 Carolina 9:23 12:15,24 13:23 14:10 18:3 19:5 22:13 26:24 30:1 49:12 50:23 60:1 64:9 68:14 70:23 75:18 96:11 108:3 114:19 117:24 123:19 133:19 184:4 222:2,25 223:9 carried 130:17 case 26:5,7,8 38:14, 18,20 39:11,13 42:20 49:7 50:9, 15 56:16 81:4, 19,20 84:22 85:1,6 93:17 95:3,12 98:24 99:9 100:2 105:4 111:25 114:15 122:16 124:20 130:13 153:1 154:12, 13,15 157:4 174:24 175:11	176:13 177:17 181:12 182:13, 23 187:11 198:15 199:24 200:20 201:5 207:15 208:5 211:5 212:15 213:20 214:7 219:2,5,22 caseload 92:5 93:16 caseloads 34:21 cases 17:17 26:4 33:1 34:3,7,10,25 35:3,23 36:3 38:10,11,16,20 50:5 68:12 78:19 79:1,17, 25 83:12 91:22 92:5,16 93:12 94:3,5,7,19,20 95:3,4,7,9,12,13 99:3,4,6,7,14,21 103:1,15 104:19 105:3 121:12, 17,19 123:11 130:20,23 132:17,20 145:2 148:9 157:15 213:16 218:10, 11 Casey 217:8 cataloged 199:24 catch-as-catch- can 34:12 categories 193:10
---	---	--	--	--

category 193:3	22:17,23 23:2,4, 9,13,22 24:17, 20 29:1,3,6,10 30:7,13,17,20, 23 31:2,10,13, 17,20 32:12,14 37:2,15,17,20 40:23 43:14,17, 24 44:2,6,8,11, 13,19,23 45:1,5, 13 46:17,19 51:12,13,15,16 54:15,17 55:6,7 57:2,4,7,11,16, 21 58:2,7,12,16, 25 59:16,19 62:7,8,10,11 63:17 64:7,12, 15,17,23 65:2,6, 9,17,24 66:2,16 67:1,3 70:5,6,18 71:9,13,17 72:13,17,20,25 73:23 74:1,3,9, 14,18 75:2 76:21 77:3,8,10 82:3,19,20 83:25 84:9,11, 15,17,20 85:10, 15,18,20,25 86:3,6,10,15,17, 21 87:6,9,11,13, 15,17,20,22,24 88:1,6,8,10,16, 21,25 89:4,12, 15,19 90:9,13, 22 96:15 97:3,4, 7,10,11 98:5,6 100:8,10 102:7 103:19 106:19 107:12 108:7, 13,17,19,22,25 109:8,14,18,21	110:12 116:6,8, 11,21,24 117:13,17 118:10,13,19,23 119:2,6,15 120:5,16 126:9, 11 127:22 129:24,25 131:2,3,12 132:2,4 133:2,4, 24 134:2,5,11, 16,20,24 135:7, 12,15 136:9 143:14,17,20, 22,24 144:1,4,6, 12,16 145:5,7, 10,11 147:20 148:21 149:2,5 160:22 167:24 169:10 181:8 183:9 188:7 190:13 196:10 202:10,12,16 204:5 205:9 208:9 215:1,14, 16 216:9 220:12,14 222:17,19 223:12,18,20, 22,24 224:1,7,9, 11,12,21,25 225:3,5 challenge 121:12 challenger 175:6 challenges 76:8 challenging 17:18 50:12 76:2 110:23 184:4	chamber's 143:1 chambers 104:17 127:7 chambers' 104:20 chance 71:14 131:19 143:25 change 58:7 80:16,17 81:1 86:3 124:22 128:16 165:14 203:25 changed 15:17 23:5 44:24 65:21 74:12 88:22 118:24 121:1 154:18 165:13 177:21 186:7 Chapel 9:25 Chapter 13:22 character 20:13 27:21 37:6 51:7 62:2 69:25 82:12 96:20 115:24 126:2 193:13 222:11 characterize 212:3 charge 95:5 178:24 charged 95:5 Charles 10:19 24:6 Charleston 18:4 40:17	81:18 137:22 153:14 154:5 161:6,10,16 203:8,16,24 206:2 215:20 Charlie 159:15 chatting 50:9 chatty 47:9 49:8 check 14:7 16:15 24:4 32:2 45:20 50:20 56:4 59:8 66:10 75:9 81:4 90:1 110:3 119:22 135:23 158:14 164:24 166:6 216:15 checked 50:20 158:5,19 206:12 Chesterfield 48:15 chief 25:11 60:13 66:23 67:19 76:16 91:13,19, 25 92:2 103:21 106:21 112:8 137:6 142:19,20 154:4 161:20,22 203:11,17,18 213:24 chiefs 25:21,23,24 child 95:12 219:22,24 children 10:6 47:1 49:1, 10 105:11 106:1
--------------------------	---	---	--	---

childrens 84:24 85:5	82:7 90:21 96:16,22 115:21	194:22	Code 13:23 96:11	117:3,6 127:5
choice 205:16 206:3 212:18	125:25 148:16 222:6,12	clerk's 152:13 156:11, 12 162:6 167:10	115:17 125:21 222:3	143:25 187:7 188:21
choose 13:25 110:9	city 39:11 98:2 175:11 216:24	168:10,13 170:5,6,22 171:13 173:4	coherent 25:13	commented 41:7 44:3 70:19 96:23 222:12
chooses 217:15	civil 35:3 36:2 38:6 91:18 104:21, 22,24 105:9	clerked 139:2	cold 88:7 132:12	commenting 116:23 129:5
chose 149:24	111:17 120:25 122:3 123:8,25 130:19 197:12 203:12,16,21	clerks 46:10 220:7	Cole 108:10,16,18, 21,24 109:4,7, 12,16,20	comments 18:22 19:18,24 26:21,22 29:4, 13 36:6,10
chronology 151:13,14 196:18	civil/criminal 103:20	CLES 139:6	110:10,16,25 112:12 113:2,9 114:22,23 115:21,22 116:12,19,22 117:16 118:8,11 224:20	40:25 49:18,19, 22 55:1 60:22, 23 63:22 68:17, 18,23 79:10,11, 13,18 92:22,23 98:4,11 100:5, 16 101:13 102:2,6,10 103:18 113:3,5, 16 117:4,6 123:1,15,16 124:1,13 126:20,21,24,25 127:2,12,13 128:14 131:25 136:5 138:11, 12,16 171:14 192:11,12 194:8 198:23 215:20
circles 189:8	clarification 203:4 220:16 221:1 224:22	client 35:18 156:24 157:6,10 165:6 178:18 179:20 189:3,4 204:13 209:5	collective 102:15	commission 11:16 12:8 13:19,22,25 15:8,10 16:2,5, 8,22 18:13,20 19:15,18,24 20:1,24 22:25 23:17,20,23 24:8 26:11,19 28:5 29:4,17 31:5,8 36:4 45:8,11,14
circuit 14:12 32:19 38:23 40:15 52:16 54:19,22 55:3 91:1,2 98:9 104:3 110:18,21 116:20 120:20 136:14 137:17 153:18 154:14 161:24 194:16 217:6	classifies 145:3	clients 204:15	College 139:9	
circumstance 215:12	classmates 83:1 84:3	clocked 147:16 163:23 166:21 169:21, 22	collegiality 41:24 217:24	
circumstances 61:14 123:3 130:15 177:10	clean 91:22 104:18	close 107:14 117:19 193:24 210:19 217:23	combine 136:23	
cite 179:5	clear 146:16 158:2 159:4 184:9 219:8	closer 48:16 158:22	comfortable 47:11,14 130:23	
cited 167:5	clearing 196:2	closets 206:2	commend 101:6 103:16 127:11,19	
Citizen 20:11	Clemson 49:13	closing 70:24	commended 72:11 101:23	
citizens 12:13,20,23 27:18 37:3 51:3 61:22 69:20	clerk 128:4 152:20 153:21,22 154:2,3,25 156:3,8 161:18, 25 162:16 164:10 167:10 168:18,20	clothing 106:2,10	comment 19:7,11 20:18 27:5 41:12 44:3 61:2 63:5 70:18 83:18 84:12 93:9 97:11 98:13 113:23 116:11,12,15	
		clue 56:6		
		coauthor 18:5		

49:16 51:14 58:20,23 59:1 60:20 65:12,15 66:4 68:15 70:7 74:22,25 75:3 79:8 89:7,10,17 92:20 95:18 97:5 109:3,6 110:11 113:2 114:25 116:9 119:10,13,16 123:13 125:3 126:12 127:17 132:8 134:14 135:2,5,16 136:7 138:9 143:15 144:24 150:6 151:23 155:10 187:13, 14 200:2 202:24 221:8 224:2 commission's 14:5 19:20,24 22:4 96:11 107:18 115:17 125:21 150:2 222:2 commitment 27:2 committee 12:14,16,23 20:11,18 27:19, 22 37:3,10 43:23 51:3,5 54:11 61:22,25 69:20,23 71:10 82:7,10,14 96:16,22 115:21 125:25 133:22 148:16 191:8 218:6 219:16 222:6,9,12	Committee's 12:20 common 38:1,5 154:7 community 91:5 132:16 comp 105:3,4 company 182:15 183:1 compared 34:23 compelling 150:13 competent 20:7 complain 92:14 165:5,18 complainant 192:14 202:21 209:13 218:8 219:6 complaining 164:23 167:13 complaint 24:8 143:15 144:24 145:3 146:11,12 149:12 151:5,9, 24 152:10 154:20 156:19, 23 157:5,18 160:25 165:20 166:12 167:5 178:12,15 179:1,9 190:20 191:15 192:17, 20 193:15 201:17,21 202:20 208:18, 21 209:11 215:5 216:12,20	218:22,24 220:18,19,21 224:13,23 complaints 35:8 36:16 78:16 157:11 191:13 199:5 201:11 202:1,4 216:14 complete 14:6 53:11,12 142:3 188:4 completed 17:21 25:7 91:8 111:1 121:7 135:20 137:2 completely 54:23 complex 38:11 121:13 compliance 16:12 24:2 31:25 45:18 59:6 66:8 75:7 89:23 110:1 119:20 135:21 complicated 113:14 compliment 63:15 72:9 complimentary 19:16,19,25 comprising 189:1 computer 196:17 conceived 164:19 concentrated 40:15 concern 19:8 36:10,14	49:24 61:4 62:24 79:15 93:4,22 94:1 113:19 114:9 121:23 138:20 139:21,24 140:14,17 141:5,7,9 142:14,16 167:17 184:7 190:8 201:20 205:18 213:3 concerned 18:10 69:14 201:9 concerns 21:18 28:24 37:13 49:22 51:10 61:3 62:5 68:24,25 70:3 78:19 79:13 82:17 93:3 97:1 113:17,20 114:7 116:4 124:2 126:7 138:17 167:2 206:6 216:16 222:15 conclude 64:7 concluded 223:13 concludes 22:1 29:12 43:19 57:7 72:13 85:11 107:15 133:5 225:6 condescending 139:23 conduct 140:12 146:2 190:25 202:4	conducted 116:14 conference 33:23 conferences 141:16 142:22 confidence 18:18 56:1 111:6,13 136:18 conflicts 16:15 24:5 32:3 45:21 59:8 66:10 75:10 90:1 110:4 119:23 135:24 confuse 204:18 confused 196:15 204:8 congratulate 127:6 129:21 congratulation 82:22 Congratulations 72:3 conjunction 189:2 connected 204:19 207:12, 13 conscientious 102:3 conscious 166:23 consented 81:13 consideration 26:17 43:23 103:3 consistency 81:2 83:10
--	---	--	--	---

112:16 consistent 80:8,14,15 111:10,12 consternation 205:21 208:22 constitutional 20:16 27:24 37:8 51:4 61:23 69:21 82:8 96:18 116:1 126:4 222:7 constitutionally-created 187:14 construction 38:14 consulted 145:23 consumer 106:15 contact 21:11 28:17 96:5 115:11 125:15 137:24 221:20 contacted 20:24 28:5 48:12 95:18 114:5,24 125:3 146:6 221:8 contacting 21:3,15 28:9 95:22 112:11 115:3 125:7 221:12 contained 36:6 49:18 60:22 68:17 79:10 113:4 123:15 138:12	contemporaneous 141:25 contemporaneously 159:9 contemporaries 34:23 42:5,9 contents 199:16 context 83:21 155:11 210:3 214:11 continuance 166:8 continuances 124:18 continue 17:7 24:25 32:20 33:1,11 34:4 39:23 40:8 46:13,16,21 47:20 53:7 54:25 59:23 66:24 67:7,15 77:15,25 91:1 110:17 111:14 117:2 118:7 120:14,21 124:24 136:13 142:6 223:8 continued 32:18 57:12 59:2 66:5 71:4 72:15 75:4,12 85:13 109:23 120:12,13 135:17 209:20 continues 117:9 continuing 17:11 38:10	64:9 72:6 137:11 contrary 212:25 contribute 137:13 143:12 contributing 18:6 control 78:1 143:8 177:14 convened 14:8 conversation 97:20 148:4 215:7 Converse 146:25 conviction 112:3 191:15 192:25 convinced 146:9 Conway 9:16 Cooper 30:7,10,16,18, 22 31:1,6,8,12, 14,18 32:10,13, 17 34:16 36:4 37:4 39:8,10 43:17,22 44:1,5, 7,9 87:4 coordinating 69:8 coordinator 71:9 copies 162:7 copy 81:25 169:19	Cordell 131:14,17,23 132:16 cordial 128:8 correct 15:13,15 23:2,7 30:17 38:12 44:21,23 58:4,9, 11 64:25 65:3,4 71:5 74:11,13 81:6 85:18 88:18,19 99:18 103:25 105:18 116:17 118:24 134:17,19 143:13 146:7 147:10 149:13, 19,20 150:4 152:1,4 153:16, 20 154:8,24 155:4,17 156:13,20 160:9 162:12 164:1,5, 14,17,19 165:1 168:5,7,11,24 169:21 171:19 173:6,11,15 174:7,25 175:17 177:7,19 178:13 179:19 181:6 186:5,6,9,19,20 191:1 196:21,22 197:3,4,8 200:10 211:17 214:4 corrected 151:12 205:6,7 correction 147:17 Corrections 105:5	correctly 152:5 173:14 Costa 217:4 Council 137:7 counsel 16:25 24:21 46:1 63:25 110:13 123:25 146:7 216:4 Counsel's 32:9 counselor 71:1 count 137:22 counterclaims 179:10,12 counties 39:16 130:8 142:24 163:12, 13 165:12 country 12:14 139:11 222:6 county 38:8,22 39:7,9, 20 40:11 48:15 50:21 55:13,14 56:25 63:12 81:18 84:22 91:23 92:3 93:16 94:4 103:24 104:4,7 130:7 132:6,14 137:23 142:23 152:20,22 153:1,2,3,4,6 154:5,12 161:11,21,23,25 181:17 182:2,
--	--	---	---	---

17,24 183:4 203:4,12 215:19 couple 17:6 20:22 28:2 40:25 51:22 62:15 76:8 108:14 111:17 139:4 153:4 183:11 190:14 220:15 courageous 83:6 84:21 85:8 court 13:4 14:10,12, 13,14 15:24 17:8,10,14 19:9, 12,14 23:14 25:1,12 26:24 32:19 38:8,24 39:1,4,8 46:5, 10,21,22,24 47:18 48:3 50:1, 3,13 52:9 53:1 54:1 55:9 56:9 59:22,24 60:3 63:24 64:1 66:24 67:6,9,11, 12 68:1 69:7,15 77:14,16 78:20 79:3 81:24 84:23 85:2,7 87:3 91:1,2 92:12 94:17,22 95:6,8,9 98:9 99:3,20 104:3, 12 106:24 110:18 111:7 112:13 120:20 121:10,11 122:15,18 123:9 130:19 132:15 136:14 137:17 140:12 141:11,	13,17,21,25 142:23,24 146:4 151:7,10 152:18,21 153:10 154:2,3 156:3,25 157:12,15,16 162:16 164:11, 16,17 165:2,4,6, 16 166:3,24 167:10 169:5, 16,23 170:10 171:18 174:17 175:12 181:13 182:17,19 194:8,16 196:19,21 197:6,12 198:23 204:14 209:17 210:7,9 211:9 212:16 216:2 217:1,7 court's 156:8 164:10 courteous 18:16 68:21 112:21 123:19 138:13 140:1,2 courteously 138:8 140:11 courteousness 112:17 courtesy 27:4 courthouse 92:17 204:21 208:5 210:9 213:20 218:21 courtroom 25:18 36:13 41:2 43:8 47:3, 6,11,13,14 50:2	56:18 68:20 93:1 101:25 102:1 107:4 122:22 123:22 124:10 127:15 140:15 141:9 201:9 215:25 218:1 courtrooms 25:19 courts 56:21 139:9 161:25 cover 11:2,7 204:4 cracked 33:4 cracks 114:4 CRAWFORD 10:11 11:15,19 12:7 13:18 32:15 37:2 crazy 105:1 create 138:22 142:3 177:12 215:24 credibility 100:24 credit 113:7 crime 172:4 criminal 35:2 36:2,3 91:14 92:1,2 94:21 95:3,9 103:22 104:21 105:9 112:7 116:14,16 121:1 123:18,24	203:12,17,21,23 criteria 14:6 16:10 20:12,15 22:4 23:25 27:20,23 29:16 31:23 37:4,7 43:5 45:16 51:4,6 59:4 61:23 62:1 66:6 69:21,24 75:5 82:8,11 89:20 107:18 109:24 115:23 116:1 117:22 119:18 126:1,4 133:7 135:18 193:4 222:7,10, 22 criteria's 213:21 critical 47:5,6 criticisms 84:18 criticizing 192:4 cross 9:22 10:5 47:11 56:11 crowd 29:7 46:25 curious 55:8 77:20 106:1 current 99:20 curtail 142:12 cut 124:21 144:18 cutting 123:10	CV 40:3 <hr/> D <hr/> d-s-t-e-i-n 144:15 dad 105:19 128:25 Daina 10:16 DALE 44:16 45:9,12 Dana 74:6,23,25 81:5, 18 dares 177:6 data 15:6 16:2 22:23 23:17 30:14 31:5 44:20 45:8 58:3,20 64:24 65:12 74:10,22 88:17 89:7 108:14 109:3 118:20 119:10 134:12 135:2 date 21:8 28:14 96:2 115:8 125:12 159:1 182:13 220:21 221:17 daughter 106:11 146:25 daughter's 56:15 daughters 105:12 day 9:4,6,7 30:2 36:15 41:11
---	--	---	---	---

49:4 57:9 88:8 94:7 105:2 123:3 124:9 127:24 142:24 151:1 153:15,17 161:12,13 164:17 169:5,7 174:9 182:4 196:21 212:14 215:4,5,10	224:18 dearly 129:6 death 38:13 decade 76:20 78:15 December 33:23 38:7 48:11 decent 215:13 decided 60:13 61:10 93:24 203:19 decision 48:25 98:15 112:23,25 151:20 166:24 203:19 207:20 decisions 12:5 48:23 79:14 86:24 92:25 93:23 94:25 224:4 declare 14:1 decreasing 92:4 dedicated 26:25 113:8 141:13 Dee 12:14 69:19 deem 194:15 deeply 216:16 defendant 50:22 112:8 123:24	defendant's 197:24 defendants 111:19 122:5 defender 114:18 defense 123:25 deference 207:24 definition 180:2,3 degree 41:11 185:25 delay 93:25 155:3,23 delayed 155:14 delegation 148:17 deliberate 48:23 188:5 deliberation 26:18 186:17 deliberations 22:8 29:21 107:22 118:2 133:12 223:3 delightful 137:21 delivered 11:3 delivery 168:19 demands 195:7 demeanor 18:13 26:12 35:8,15 127:14 demonstrably 187:15	demonstrated 27:1 demonstrates 162:18 demonstration 151:23 denied 162:18 174:2 178:1 179:10 deny 178:1,7 Department 105:5 depend 39:25 177:10 depending 130:15 depends 67:19 123:2 Derham 108:10 109:4,7 224:20 derived 56:7 describe 48:22 deserve 50:13 100:24 deserving 22:8 29:20 107:22 118:1 133:12 223:2 desire 25:22 139:15 desk 146:23 199:17 detailed 151:14 detect 150:25 detention	91:17 determination 185:15 186:2 determine 193:4 developed 63:11 139:1 devoted 22:3 died 55:15 difference 172:15 differently 113:20,21 difficult 27:12,14 35:23 101:23 141:8 difficulty 35:17 dignified 18:15 140:1,12 diligent 99:16 102:2 Dillion 40:18 direct 46:1 directed 41:2,3,6,10 179:11 direction 35:20 128:17 directly 34:2 director 71:8 disagree 167:22 disappointing 61:5
--	---	---	---	--

disciplinary 146:7	disqualifier 177:3	doubt 182:25 213:25	220:3	educate 136:20
disclose 148:7 200:2	disqualifying 176:12 177:8	doubts 185:22	e-mail 153:9,15 170:20 220:5	education 60:1
discourteous 18:16	distinct 203:9	downtime 142:25	earlier 40:13 41:5 129:14 130:19 153:9 194:9 195:20 196:1,3, 15 210:22 216:23 217:20	effectively 185:10 186:14 192:16
discover 194:20	distribute 11:16	dozen 34:3	early 32:17,21 43:21 53:24 87:2 122:21 134:3 210:18 219:23 222:20	efficiencies 121:3,4
discovered 91:21 194:20	disturbing 147:5 194:11,12	draft 11:2,17	earned 116:13	efficiency 78:23
discretion 194:12	division 65:23	draining 79:4	ease 41:24 127:8	efficient 121:24 140:1 142:15 215:25
discuss 11:21	docket 99:8 103:22 143:11 210:11 211:10 213:18	drawer 199:17	easy 36:15 149:10	efficiently 137:13 143:10
discussed 77:12	dockets 46:25 137:12 142:17 143:7	drawing 162:23	easygoing 127:8	effort 24:15 200:17 219:10
discussion 184:24	doctor 47:4,5 76:22,25 77:2,6	drew 172:23	eat 203:15	efforts 94:25
discussions 211:22	doctor's 47:4	dropped 154:1 156:11	echo 102:9 131:25	eighteen 91:14
disgruntled 112:7	documents 15:7,11,20 22:24 23:10 30:24 45:2 57:17 58:13 65:7 74:9 88:17 103:2 104:16 108:14 112:10 118:20 134:12 188:25	due 99:2,23,24,25	echoed 98:12	elaborate 46:23 77:15
dish 132:12	dog 19:11	duly 15:1 22:20 30:11 44:17 57:24 64:21 74:6 88:14 108:10 118:17 134:9 144:9	economic 16:15 24:4 32:3 45:21 59:8 66:10 75:10 90:1 110:4 119:22 135:23	elect 25:21
dishonest 193:2	domestic 47:2 81:18	Dustin 10:21	edited 74:12 88:22 118:24	elected 13:4 53:15 65:20 70:12 73:4,17
disinterested 36:12	Dot 146:24	duty 33:21 187:13	edits 108:19	election 11:5 12:9 16:17 24:7 32:5 45:23 53:6 59:10 66:13 73:7 75:12 90:3 110:6 119:25 136:2 214:18
dismissed 24:8 111:21 112:7 122:6,15 137:19 138:3 224:15	double 9:15	E		electronic 91:19
display 101:17		e-filed 152:15 154:10		
disposed 121:20		e-filing 152:20,23 153:2,3,5,8,12, 15 169:17 203:4		
disposition 18:10 137:18				
dispute 130:2				

Garber Reporting
info@garberreporting.com

86:14 108:6 118:12 133:23 202:15 223:17 executive 11:21 12:5,6 86:16,23,24 223:19 224:4,8 exhibit 12:23,24 16:1,4 23:16,19 31:4,7 45:7,10 58:19, 22 65:11,14 74:21,24 88:19 89:6,9 109:2,5 119:9,12 135:1, 4 exhibits 12:13,21 92:25 exists 134:17 expect 12:9 22:5 107:18 117:22 133:9 222:23 expectations 19:19 expected 146:15 158:18 expecting 103:7 expects 29:17 expensive 79:3 experience 20:13 27:21 37:6 42:4 51:8 60:7,24 62:2 69:25 73:17 82:12 96:21 103:11 115:24 123:20 126:3	130:1 137:9 139:10 154:9 193:14 222:11 experienced 26:25 41:20 43:6 82:14 109:20 113:9 experiences 216:3 expert 95:11,14 expire 73:18 explain 17:20 18:12 25:6 26:10 91:7 110:25 121:6 137:1,18 161:10 170:9 200:17 explained 81:5 185:25 211:14 exponential 137:12 143:6 exponentially 142:18 203:10 express 19:7 36:10 expressed 19:18 20:1 49:22 61:2 68:23 79:13 93:3 113:17 124:2 138:16 205:18 expressing 62:24 extend 114:3 extent 142:12 205:6 207:10	extra 141:18 extremely 123:23 146:2 184:5 187:12 eyes 145:13 <hr/> F <hr/> face 136:16 185:1 facilitate 27:14 facilitated 169:6 facility 25:17 fact 27:14 46:7 71:10 103:15 112:8 114:17 122:13 152:2 162:24 167:6, 14,20 168:17 175:15,25 177:5 200:11 201:10, 15 209:5 213:4 214:13 217:15, 25 218:3,19 factor 130:24 factors 130:21 facts 17:16 80:8,9,10, 14 84:21 157:4 193:8 failed 27:15 191:6 failure 172:9	fair 36:8 48:22 49:20 50:13 56:12 68:11 78:10 79:7 92:8 99:17 103:3 112:20 114:21 123:19 138:6,7, 14 140:9,13,20, 25 143:2 147:6, 8,9 152:11 160:17,19 163:4 164:9 169:5,8 176:2 185:16 188:20 191:17 206:8 211:7 213:22,23 fairly 36:3 49:1,8 79:6 80:13 113:10 211:18 fairminded 92:24 101:7 fairness 78:23,24 112:16 false 146:2 187:15 192:17 201:12 familiar 21:2 28:8 43:11 66:3 89:15,16 95:21 115:2 125:6 221:11 familiarized 220:3 family 13:4 14:13 46:5, 21,22,24 47:18 48:9 50:1 52:25 54:1 55:9 56:9 59:22 60:3 63:24 64:1 67:6,	9 69:7,15 77:13, 16 78:20 79:3 81:6 84:23 128:23 146:4 151:10 156:25 157:12,15,16 204:14 206:12 214:17 217:1 220:1 fan 49:12 105:24 fancy 169:17 fans 105:20,25 fantastic 18:24 fast 34:22 78:19 fastidious 141:15 142:13 father 105:17 106:2,6, 9 fault 167:21 favor 11:11,24 13:12 87:11,22 140:16 223:22 224:25 favorable 100:6 favorite 105:7 favorites 43:10 favoritism 26:15 140:15 February 11:6 federal 81:23 122:14
---	---	---	--	--

fee 85:21	fifty-fifth 71:7	169:13 175:9 190:19 197:2 212:19	Finney 213:24	127:3 129:4
feedback 42:15	figure 67:24 82:1	fill 14:3 34:1 52:15, 16 73:18 144:20	firm 10:4 138:6 140:13	follow 22:5 29:17 63:18 79:20 107:19 117:23 133:9 155:8 222:23
feel 17:21 25:7 35:14 40:4 41:24,25 42:5 47:9,10 53:5 60:5 69:9 91:4,8 111:1,8 112:23, 24 114:16 121:7 127:8 129:18 130:23 136:19 137:2 140:19,25 150:8,13 151:18 185:11 206:8, 14,16 219:19	figured 130:12	fill-in 33:17 34:14 52:11	fit 186:23 193:3	
	file 35:25 137:23 146:11 149:4 150:12 158:6,20 165:11 175:21 179:1,8 195:3 196:23 199:9 204:16 206:22	filled 157:15	fitness 20:12 27:20 37:5 51:6 62:1 69:24 82:11 96:19 115:23 126:1 145:1 193:12,19 194:1 222:10	fond 39:15
	filed 16:16 24:7 30:19 32:4 45:22 73:20 75:11 81:17 82:1 110:5 111:18 119:24 122:3,11,12 136:1 137:16 144:23 146:3,12 151:9 156:1,24 157:5,11,23 159:2,25 168:6, 9,18 171:1,20 173:10 174:8,13 179:20 188:2,22 189:7 190:4 192:19 198:20 199:12,18,21 200:3 201:12 204:11,15 205:4,6 207:11 209:2 215:5 220:20 224:13	filling 33:20,22,23 52:2	Fitzlee 13:3,11	fondly 106:12
feels 42:2		final 106:5 142:14	five-minute 69:11	foot 123:7 175:12
feet 42:3 151:7		finally 37:10 151:15	flattered 63:16	forensic 95:14
fell 114:4		find 17:17 63:5 66:14 76:1 82:1 87:7,18 106:10 110:22,23,24 112:18 127:5 137:20 141:7 157:8 169:25 194:11 195:4 208:24 219:1,3 224:13,15	flattering 126:24	forget 98:23 159:17
felt 41:18 145:24 186:4 187:12 189:25 203:11 205:2 207:22,23 208:3,7 215:7 216:20		finding 20:15 40:12	flies 16:23	Forgive 145:12
field 138:23 140:22		fine 51:21 62:14 162:5	floor 59:11	forgotten 189:10
Fields 139:2		finest 123:18	focus 78:22 135:18 169:12	formal 13:10 22:10 29:23 107:24 118:4 133:14 144:23 223:5
fiercely 140:7		finish 83:18 104:13	focused 16:9 23:24 31:23 45:15 59:3 66:5 75:5 97:23 101:6 109:23 119:17	formally 122:12
Fiffick 10:15	files 91:20 122:22	finished 38:13,14 55:25 188:8	focus 102:12 168:15	formed 75:21
fifty 194:2	filing 91:19 151:5		folks 11:8 13:21 49:13 56:14 70:19 109:9	forms 55:18
				fortunate 70:22 76:4
				fortunately 117:19
				forum 18:18
				forward 67:15 70:10 72:6 90:20

145:25 146:1 213:16 Foster 10:21 110:15 115:20 116:8 120:17,18 125:24 found 12:9 13:8 20:11 27:22 32:24 33:3 37:3 51:3,5 52:12 61:22,25 69:20,23 82:7, 10 94:14 96:19 113:11 127:5 193:25 222:9 224:20 Foundation 38:21 fourteen 69:9 113:16 133:1 fourth 141:5,7 Fox 137:17,20,24 Fraley 57:20,24 58:5, 10,15,21,24 59:14,18,21 61:22 63:23 64:10,13 87:4 frame 53:3 187:2 Franklin 10:20 frankly 98:22 130:18 213:17 fray 148:10	frequently 124:15 210:21 Friday 50:20 153:25 162:6,12 220:2 friend 141:11 142:2 147:4 165:25 166:1 194:10 friends 97:16 198:10 214:16 217:23 front 42:20 63:7 71:22 80:7 81:21 98:10 101:3 102:11 124:7 127:2,4, 13 176:22 179:5 180:13 181:4 185:8 186:8 189:18 200:24 201:4 210:23 215:19 217:2,9, 20 219:13 fulfilling 33:9 full 31:15 53:12 112:21 219:16 full-term 53:11 full-time 180:4,6 function 206:23 207:10, 18 fuss 170:12 future 25:20 39:22 90:21 91:24	92:1 133:16 163:11 167:8 <hr/> G <hr/> G-O-L- 144:14 Gable 44:11,12,16,22, 25 45:4,9,12 46:3,19 48:18 50:16 51:3 54:19 55:8 57:6, 10,13 87:4 gain 19:3 Gamecock 105:18,20 Gamecocks 105:17,22 gang 9:12 gauge 48:2 gave 56:18 68:8 92:22 95:12 156:12 170:5 Geathers 14:22 15:1,9,14, 18,22 16:3,6,20 17:3,6 18:11 19:1,3 20:11,19 21:25 22:14 23:12 29:11 87:3,7 general 17:10 21:3,12 28:9,18 37:25 38:4 79:18 95:22 96:6 106:22,24	115:3,12 125:7, 16 141:4 168:8 183:13 215:19 216:1 221:12,21 generally 38:2 50:3 79:18 80:15 94:24 generated 57:17 gentleman 36:8 62:8 70:20 71:23 86:21 120:8 122:9 206:9 gentleman's 159:17 204:11 Gentlemen 132:21 Gentry 10:17 get-go 114:13 girls 105:16 Gist 88:13 89:8,11 224:18 give 26:17 36:12 47:12 56:11 60:5 79:17 80:9, 10,14 86:4,5 92:9 100:23 102:23 103:3,8 104:19 110:8 112:21 124:10 144:17 146:21 150:17 180:8,12 186:17 188:14 191:13,16 193:10 194:7 206:5	giving 30:4 35:19 46:11 190:19 glad 9:3 54:23 73:21 147:7 152:17 181:24 204:4 gladly 90:7 glass 76:25 glasses 77:4 145:13 Glynndeavin 137:17,20 goal 17:12,22 25:8 75:23 76:18 91:9,24 92:4 111:2 121:8 137:3 goals 17:11,24 18:10 104:19 God 172:1 195:5 godspeed 44:8 57:11 85:12 Goldsmith 33:24 Goldstein 136:1 143:19, 20,21 144:9,14, 18,22,23,25 145:2,12,16 147:23 148:23 149:3,9 151:13 160:20,24 169:12 181:12 190:14 195:5 196:12 202:12,
---	--	--	--	---

14 204:8,24 205:14,18 206:7 208:19 212:1 213:3 215:4 220:24 224:14 Goldstein's 209:12 good 10:11 15:9 16:21,24 17:3 19:15 32:12 34:7,18 35:12, 14 36:9 37:22, 23 39:25 40:1,4 44:9 47:9 51:20, 21 52:18 57:1 59:16,25 60:1,6, 19 61:17 63:11 65:23 66:23 67:1,13 71:17 72:13 79:19 83:19,21 84:13 85:8,20 88:5,8 90:13 100:11,13 106:16,18 107:10 110:12 117:17 120:5 122:20 126:13, 15,23 127:13,24 128:1 129:4 131:7,9,23 133:25 135:10 138:14 153:7,21 161:15 208:13, 14,15 215:22, 23,24 224:11 good-looking 132:23 Gooding 219:7 goodness 50:21	Goodstein 145:12 gosh 135:9 government 146:13 Governor 71:10 graceful 92:25 gracious 63:8 94:18 graciously 33:2 graduated 9:24,25 grandchildren 106:17 grandfather 73:13 grant 24:7 166:8 178:2,3 granted 178:1 gravitating 38:1 grayer 83:4 great 25:24 30:2 49:14,21 51:1 54:12 56:7 68:19,20 71:2 86:6 92:11 129:18 167:16 207:24 222:13 greatly 98:2 Green 50:15	Greenville 33:19 40:16 42:17 Grey 9:12,21 grievance 146:3 158:6,20 159:2,25 162:19 175:9 188:22 189:1 190:4 195:3 199:12, 20,21 200:2 201:13 204:11 207:11 grievances 188:1,2 199:4,9 200:6,8,12 201:16 204:14 206:4 207:3 218:3,7,9 ground 42:4 grounds 84:23 175:19 group 25:12 42:18 136:20 139:8 grouching 151:19 grow 146:23 grown 142:18 203:10 growth 137:12 143:6,11 grudge 215:12 guess 17:15,18 18:7 33:4 36:24 37:25 39:20 40:12 42:14	52:20 54:10 55:11 70:23,24 79:24 91:11,12 92:1,4 102:18 116:17 131:10 147:9 149:11 152:14,25 157:7 160:3 170:20 175:18 177:10 183:23,24 185:19 186:2,10 190:5 197:19 199:11 200:24 201:7 212:2 guessing 114:17 guidelines 96:11 115:17 125:21 222:2 Guilty 38:19 guy 192:19 guys 165:23 gym 40:4 <hr/> H <hr/> Haley 10:19 half 75:20 90:20,25 145:13 hand 22:18 23:14 30:8 36:25 44:14 45:6 57:22 58:16 64:18 65:9 74:4, 18 88:11 89:4	90:10 108:8 109:1 118:14 119:6 134:6,24 144:7 handed 162:7 164:3 175:11 handing 15:25 handle 95:13 102:1 113:14 127:14 128:18 178:23 198:5 handling 39:1,4 hands 9:2 47:10 168:18 188:19 happen 143:8 146:10, 15,17,18 158:1, 4,8,21 163:11 happened 91:20 142:1 149:19 150:22 151:2 158:13 161:7,9 162:13 164:11,25 185:14 187:5 190:10,11 194:10,11 204:10 209:25 happier 14:18 happy 25:25 44:4 46:15 57:8 93:11 148:5 193:5 hard 33:16 41:22
--	---	---	---	---

42:22 48:1 61:13,16 69:5 78:11 110:14 112:19 122:21 124:13 135:9 136:8 138:8,13 hard-working 113:8 hardest 145:19 Hardworking 215:25 harsh 24:22 Hashanah 164:12,16 170:11 181:15, 22 hastily 113:1 hate 19:20 199:11 hats 142:21 Hayes 70:7,8,9 82:25 83:25 84:2,7 he'll 132:8 head 83:9 84:18 209:3 health 20:16 27:24 37:8 40:1 51:5 55:15 60:6 61:24 66:23 67:13 69:21 76:8 82:9 96:18 116:1 126:5 222:8	healthy 40:7 53:12,13 76:11 117:10 hear 11:9 72:8 83:7 94:4,5 99:10 144:19 152:5 158:13 161:6 167:1 176:12,13 198:5,15 208:5 211:17 213:14, 16,20 219:17,21 heard 36:16 38:9 39:3 40:13 87:18 99:9 100:16 104:14 106:21 112:22,25 113:24 114:14 121:19 129:14, 16 131:22 151:8 161:6,22 184:7 196:16 202:20, 23 208:2,17 211:25 213:2 hearing 12:18,19 13:10, 16 21:24 29:5 43:16 56:15 57:3 64:6 86:19 87:14,25 97:6 105:7 116:10 154:18 155:13 158:10 160:5 170:2 174:9 187:11 196:7 201:24 202:4,7, 11 213:4,12 225:4 hearings 14:7 heart 53:25 84:18	Heather 10:15 heaven 72:21 heavy 22:8 29:20 107:22 118:1 127:10 133:12 223:2 hell 72:21 helped 71:16 helpful 197:20 helping 10:23 56:9 helps 83:11 111:12 196:14 212:16 Henry 10:23 hesitation 159:23 Hey 163:14 164:24 165:22 166:4 187:6 high 36:3 55:3 86:10 129:17 183:13, 15,17 highest 20:4 highlighted 159:22 highly 19:2 113:12 hike 48:15 Hill	9:25 Hinson 10:19 hinted 130:18 Historically 150:6 hit 83:9 151:15 Hitchcock 87:17 97:10,12, 13,19 169:10,11 181:7 205:9,10 hitting 64:2 hold 39:8 66:24 87:1 129:5,15 131:15 188:7 204:22 209:1,19 210:2, 5,8 213:10 214:13,19,20,21 215:12 holding 132:15 210:7 216:21 holds 175:6 183:6 holiday 99:25 136:8 170:13 219:1 220:8,9 holidays 48:9 220:7 home 48:16 49:2,3 67:14 106:11 hometown 132:15 honest 211:11	honestly 69:13 110:19 honor 20:9 25:2,3 60:2 120:12,13,24 121:12,15 174:23 Honorable 13:3,11 15:1 16:3,5 22:20 23:18,20 30:10 44:16 45:9,11 57:24 58:21,23 64:20 65:13,15 74:6,23,25 88:13 89:8,10 108:10 109:4,6 118:16 119:11, 13 122:14 134:8 135:3,5 224:14, 16,17,18,19 honorably 71:24 honored 102:7 hope 30:1 33:10 46:12,13 47:20 48:21 61:6 66:23 68:10 83:23 112:15 127:24 138:6 204:22 209:1,19 210:1,5 216:13 hopeful 83:13 hostage 214:21 Hot 68:8 house 10:18,24 68:3
--	--	--	--	--

70:14 81:11,13, 15 107:5	impact 91:5 168:19	incident 164:7 178:11 204:7 210:20 220:25	212:4,5 218:4	inquire 173:1,5
housekeeping 20:22 28:2 95:16 114:23 125:2 220:15,17	impartial 140:25 141:1 176:2 206:8	incidents 145:3	indexing 184:25 187:7 212:1	inquiry 14:4 16:9 23:24 31:22 45:15 59:3 75:5 109:23 119:17 164:10
How's 88:6	impartiality 18:19 175:23 177:13 183:18	include 109:24 166:11 200:9	indicative 101:1 168:16	inside 88:8
huge 93:16	impetus 216:19	included 16:10 23:25 45:16 59:4 92:23	indicted 111:16 122:2 137:15	insight 68:19
humor 117:7,9,18 133:20	important 43:3 78:24 80:12 81:2 100:21 111:4 126:24 127:17 139:6 220:10	includes 31:23 66:6 75:6 89:19,21 119:18 135:19	individual 185:23	instance 18:1 80:20 207:20
hundred 76:11,22 103:1 104:16 137:22 160:15 173:18, 21	impossible 93:17	including 21:2 28:8 36:7 50:16 95:21 115:2 125:6 166:2 221:11	individually 185:22	instill 18:18 111:5
hurricane 33:22	impressed 83:5 128:13	inconsistency 83:12	individuals 20:3 56:14 138:2	instructed 156:13
husband 53:13 90:4,8,16 97:8,15 106:6,9 216:23	impression 36:12	incorporated 21:19 28:25 37:14 51:11 62:6 70:4 82:18 97:2 116:5 126:8 222:16	inference 162:23 163:1,3, 20 164:7 166:15 168:12 172:15, 18,23	instructions 48:25
hybrid 198:1	impropriety 22:7 29:19 107:21 117:25 133:11 190:1 223:2	inconsistency 83:12	infinite 203:18	insurance 152:19
<hr/> I <hr/>	improvement 139:13	incorporated 21:19 28:25 37:14 51:11 62:6 70:4 82:18 97:2 116:5 126:8 222:16	information 53:15 113:1 145:14 152:3 176:25 207:7	integrity 18:19 19:2
idea 19:15 27:7 75:21 79:20 124:19 157:9,19	improves 18:25	incorrect 81:7 199:5	informative 127:6	intellect 19:21
ignore 126:21	in- 179:5	index 158:14,19 198:18	infrequently 213:6	intellectual 17:15
ill- 123:1	in-house 9:22	indexed 151:8 157:20 158:16 159:2,13 188:1 199:1,2,3 200:6,12 201:11,16 202:1 205:14,15	initial 17:6	intelligent 26:25
imagine 25:4 27:9	inaccurate 208:24		initially 24:25 48:6	intend 83:15
immediately 114:6 218:1	inappropriately 189:19		initiative 158:23	intended 212:4
	incarcerated 122:10		inmates 206:4	intent 20:23 21:6 28:4, 12 95:17,25 114:24 115:6 125:3,10 204:17 221:7,15
			input 18:25 211:15	

intention 78:13 205:7	inundated 142:17	48:25 79:21 85:3 91:21 94:10 95:4 99:9 102:19 152:6,10 154:19 155:19 156:14 157:22 159:10 160:24 184:25 197:15 210:1 211:25 219:15	23 135:3,6,9,13 136:6,12 137:1, 14 138:4,9 143:14,16 146:22 148:5 149:13,21 151:8 152:12,13 154:19,23 155:1,15,22 156:10,12,21, 23,24 157:11,24 158:24 162:3 169:6 170:4,18, 19,20 172:11 173:19 177:17 178:15 179:5 180:12,20 184:14 191:12 196:20 197:3 200:5 202:16,20 205:11 208:11 214:23 215:3, 18,23 216:11 220:16,19 221:4 222:6,13,19 223:10,16 224:14,16	Johanna 10:16 JOHN 15:1 16:3,5 joke 92:17 Joseph 108:10 109:4,7 224:19 JR 30:10 31:6,9 57:24 58:21,24 judge 13:4 14:22 15:9, 14,18,22 16:7, 20 17:3,6,7,12, 20 18:11,14,15, 20,24 19:1,3,4,7 20:11,19,22 21:25 22:14,17 23:1,3,6,12,22 24:12,18,24 25:1 26:9,12,14, 19 27:1,5,6,13, 14,17,19,23 29:8,11 30:3,7, 16,18,22 31:1, 12,14,18 32:10, 13,16,17,19,22, 23 33:6,12,15, 20,22,24 34:4, 16 35:15 36:4,9 37:3,22,24 39:4, 8,20 40:20,24 43:17,22 44:1,5, 7,9,11,12,22,25 45:4 46:3,5,13, 19,20,22 47:18, 19,22,23,25 48:13,18,21 49:15,16,20 50:14 51:1,3,20 52:6,18 53:1,17
intently 26:14	investigate 109:22 135:17	issued 223:6		
interaction 184:2	investigated 16:8 23:23 31:21 45:14 59:1 66:4 75:3 89:20 119:16	issues 20:22 46:25 47:2 55:16 56:17 69:15 84:24 85:5 93:4 95:17 98:23 104:25 105:2,6 114:23 125:2 141:8 149:22 202:7 211:25 214:11		
interchange 200:19	investigation 21:18 28:24 37:13 51:10 62:5 70:3 82:17 97:1 116:4 126:7 146:9 222:15	issuing 93:21		
interest 16:15 24:5 32:3 38:21 45:21 59:8 66:11 75:10 77:23 90:1 110:4 119:23 121:22 135:24	investigators 95:15			
interested 77:20	investiture 78:13			
interesting 17:18 73:13 110:23	invite 42:16 45:24 90:5 202:16			
interests 200:23	invited 110:8			
interrupt 193:9	involved 70:25 93:7 94:22 140:7 152:12 159:16 218:10			
interrupted 158:17 159:14	involvement 70:21			
intervene 21:13 28:19 96:7 115:13 125:17 221:22	involves 14:6			
intervening 221:25	involving 38:21,22 183:12			
intimated 29:6	ire 218:17			
intimidated 55:24	island 63:21			
introduce 10:12 90:5,7	issue 27:7 42:16			
introductory 168:12 174:4				
		J		
		J.J. 10:17 JAMES 57:24 58:21,23 January 11:4,5 80:9 91:25 103:21 107:2 203:20 January- through-march 67:22 Jefferson 133:24,25 134:4,8,15,18,	Jefferson's 145:1 146:14 161:8 162:14,15 173:1 Jimmy 10:19 job 20:8 25:25 46:6, 9,15 47:4,9 54:7,12 55:14 56:7,8,22,23,24 76:1 77:18 91:3 110:21 123:6 127:19 215:24 jobs 35:2	

54:19 55:8,12, 13,19 56:19,21, 24 57:4,6,10,13, 20 58:5,6,10,15, 25 59:14,18,21, 22,24 60:3,9,11, 17,20,25 61:7, 20,22 62:13,15, 23 63:17,23,24 64:10,13,15,16 65:1,4,8,19 66:1,15,17,20 67:5,6,9,16,18 68:5,11,15,20 69:18,20 70:18 71:6,13,15,21, 25 72:16,19,24 73:2,5,8,12,16 74:1,2,13,17,20 75:2,17,20,21 76:24 77:6,8,12, 13,16 78:2,4,8, 10 79:6,8,12 80:13 81:3,16 82:4,6,7,14 83:19 84:6,8,10, 14,16,19,21 85:8,9,14,17,19, 23 86:1,5,9,12 87:3,7 88:3,4,5, 7,9,19,23 89:3, 14,18 90:7,14, 18,25 91:2,7,13, 19,25 92:2,6,18, 20,24 93:8,22, 25 94:13,24 95:16 96:16,23 97:9,13 98:3,8 100:11,13,19 101:2,3,7,8,9, 10,14,20,21,24 102:2,5,16,22, 25 103:9,12,17,	22 104:6 106:20,25 107:7,11 108:4, 16,18,21,24 109:8,12,16,20 110:10,16,18, 21,25 111:4,5 112:2,8,12 113:2,9,11 114:22,23 115:21,22 116:11,19,22 117:16 118:8, 11,14,22,25 119:5,8,15 120:2,8,11,19 121:6,25 122:17 123:13,17,22,23 124:6 125:1,25 126:13,15,16 127:21 128:2,5, 6,7,19 130:1 131:5,7,15 132:1,5,7,10,13, 21 133:3,5,19, 21,24,25 134:4, 15,18,23 135:7, 9,13 136:3,6,12, 14 137:1,14 138:4,9,14,15 139:2,25 142:19,20 143:14,16,17,25 144:25 146:13, 14,22 147:3,15 148:5 149:13,21 151:8 152:11,12 154:2,4,19,23 155:1,15,22 156:9,10,12,21, 22,24 157:11,24 158:24 161:3,7, 21,23 162:3,14,	15 163:13 165:25 166:2,4, 6 167:9 168:9, 14 169:6 170:4, 18,20 172:11,25 173:19 174:11, 12,16,17,18 176:1,2,12 177:4,5,11,17 178:15 179:5 180:12,20 183:14 184:4,14 187:15 191:12 194:9,14,22 196:20 197:2 198:14 200:5,24 201:5 202:16,20 203:11,12,17,21 205:11 208:4,5, 11 213:13,20 214:8,15,23 215:3,18,22,23, 24 216:11,22 217:7,10,15,16, 21 219:5 220:15,19 221:4 222:6,12,13,19 223:10,16 judge's 69:7 142:1 167:11 175:23 judge-shop 42:23 judged 41:14,15 judgement 14:2 102:20 182:3,22 judges 14:16 18:25 30:5 32:24 37:25 41:20 42:9,12,21,22,	23 51:24 52:10, 11 60:14 61:7,8, 11 67:21 78:21 80:6,7 83:8 85:2 87:4,18 104:5, 11 113:6 123:17,18 129:6 137:7 139:10 141:10 159:16 161:3 177:14 191:3 214:2 218:13,21 judgeship 54:4 55:9,10 200:1 judgeships 217:22 218:8 judicial 12:8,16 13:21, 24 16:1,4,7 20:3,14 23:16, 19,22 27:22 31:4,7 37:6 43:2 45:7,10,13 49:20 51:8 58:19,22,25 62:2 65:11,14 66:3 69:25 74:21,24 75:2 82:12 89:6,9,17 92:11 93:1 96:21 101:7 109:2,5 111:11 114:7 115:24 119:9,12,15 124:3 126:3 135:1,4,16 136:17 139:9,22 145:1 147:6 154:14 161:24 176:18,19 182:17 191:8 193:14,17	194:3,15 222:11 224:2 judiciary 41:18 80:12 111:6,14 113:7 Julia 10:21 July 48:1 52:13,20 53:2,24 54:6 80:10 jump 204:1 jumping 203:2 juncture 20:1 June 62:19 73:19 junior 70:23 jurisdiction 84:24 jurist 26:23 jury 95:5 130:16 132:17 justice 60:13 66:23 67:20 76:16 92:2 103:7 203:11,18 213:24 Justice's 137:6 juvenile 56:16 juveniles 47:1 49:4
---	---	---	--	--

K	knew	25:16 26:2,5,6	lawyers	legacies
Karen	81:23 158:22	29:18 41:17	18:17 27:3 34:7	68:9
50:15	163:21 170:19	42:24 46:10	35:16 36:17	legal
Kate	204:19	49:6,7 60:2 63:1	42:19,25 43:11	11:21 27:11
10:24	knocked	75:22 79:21	63:9 78:14 79:1	35:19 47:12
keen	150:22	84:3,21 93:7,18	102:3 103:3	56:11 91:5
19:21 101:6	knowing	94:9,10 95:7	130:22 141:3	128:23 145:19, 23
keeping	124:12 166:24	101:18 105:10	145:23 167:18	legally
138:25 206:22	knowledge	107:19 117:23	204:15 216:16	186:5,22
Kershaw	44:25 50:19	128:3 129:1	217:19 218:7	Legare-putnam
104:7	137:19 138:18	133:10 136:16, 24 138:18 145:2	219:20 220:2	10:24
Kevin	145:2 157:10	146:25 157:15	lay	Legion
112:5	knowledgeable	172:16 179:18,	167:13	178:25
Key	49:8 63:25	22 180:5,6	layer	legislative
81:4,8	kudos	222:24	130:10	148:17
kids	190:18	laws	lead	legislator
76:12	L	13:23 16:13	194:17	21:7 28:13 96:1
kind	lack	24:2 32:1 45:18	leader	115:7 125:11
55:24 56:19	50:9 138:17	59:6 66:8 75:8	139:8	221:16
63:8,17 68:21	175:19	89:24 107:20	leadership	legislators
75:22 76:9,18	Ladies	110:1 117:24	72:9	52:19
94:18 102:3	62:8 86:21	119:20 135:21	leading	Legislature
104:24 120:22	120:8 132:20	222:25	216:25	25:23 42:2
123:11 126:21	lady	lawsuit	49:12	63:10 75:18
130:17 146:22	58:17 65:10	81:17 112:4	learn	length
158:7 169:2,14,	74:19	122:3 137:16,18	84:15 93:7	113:18 214:12
17 184:21	lake	lawsuits	137:8	lenient
185:21 186:1	154:1	111:17 137:22	learned	42:22
188:19 198:14	landmark	Lawton	124:6 140:19	Lets
203:14 206:17	85:6	118:16 119:11,	learning	215:24
210:3 215:1	large	14 224:17	42:4	letter
kinds	48:9 111:8	lawyer	leave	20:23 21:6 22:6
206:18	late	42:19 43:5,6,7	29:9 112:22	28:4,12 29:18
King	92:15 181:22	50:5,6 61:8	218:19 219:16	95:17,25 107:19
161:3	laugh	110:21 120:10	223:4,14	114:24 115:6
Kippur	158:6	128:25 130:9	leaving	117:23 125:2,10
170:11	law	139:1 146:13	86:10	133:10 145:11
kitchen	9:24,25 14:14	164:14,15,24	left	146:15 147:21
123:10	17:10,16 18:2,3,	166:4 167:13,14	53:24 58:17	149:12 157:23
	7 19:2,12 22:6	179:24 184:3,4	65:10 74:19	158:9,12,24
		8	89:5 119:7	195:7,11,12,14,

17,20 215:4,6 221:7,15 222:24	10:24	lives 49:11	loss 178:25	Maddox 131:14 132:7
letters 56:19 112:9	lines 19:6 79:19	living 49:2 132:25	lost 77:23 163:6 182:21 189:9 219:25	Maddox' 133:19
level 56:1 138:23 140:22 151:5 190:18	lis 81:5,9	LLC 183:5		made 12:5,12 20:14 30:18 58:17 65:3 80:17 86:24 89:1 106:5 108:23 112:25 113:23 121:24 134:17 142:10 146:8 148:21 157:24 158:15,24 159:10 160:12 163:1 166:23 169:7 170:15 186:2 187:7,15 188:21 203:19, 24 204:1 211:8, 12 214:7 224:4
Levity 117:10	list 10:13 35:5 70:11 94:3 99:4 131:18 140:3 197:13 199:7,8 205:19 212:23 218:9,10	loaded 55:10	lot 14:18 34:6,8 35:4 36:3 39:25 48:9 49:5,13 54:22 55:2 56:8, 20 60:7 62:21 83:4 98:1 105:16 114:13 130:14,20 142:21 148:15 169:18 172:18 180:2 200:17 212:12 216:1 219:10	
Lieutenant 71:10	listed 81:17 178:12 182:16	lobby 223:14	love 46:9 110:19 136:16,24	mail 122:9 147:14 152:24 191:4
life 25:2 33:9 101:22 219:20 220:9	listen 26:14,16,17 107:5 138:7 140:11	long 39:23 40:7 53:3, 4,8 55:21 56:2 71:3 83:1 97:16 113:13 129:1 143:3 153:3,5 172:16 197:13 209:4 210:13	loved 56:21	mailed 147:16 156:1,3 166:22
light 24:21 41:8	listened 68:12 140:10	long- 18:9 76:17	Low 12:14 222:5	maintain 123:21
lighter 117:5	listening 128:15	longer 46:14 47:17 79:5 96:24 98:22	luckily 208:6	maintaining 91:17
lights 123:10	litigant 36:2 43:7 47:3, 6,7 79:1	longest 71:25	lucky 18:24 113:12	majority 25:22 26:21 98:11 100:5 113:17 124:2 193:24,25
likes 33:5	litigants 18:16 36:17,18 47:7,8,13 60:25 63:25 68:6,21 69:16 78:14 79:4 83:10 91:4 123:20 129:6 141:3 216:4	longevity 111:11	lucrative 97:24	make 16:18 24:10 27:13 32:7,10 40:2 46:1 47:10 58:8 59:12
likewise 100:20 108:4 190:16	litigation 38:15 111:7 140:7 204:14	looked 79:25 80:17 101:5 208:21 209:4 211:11	Lucy 9:12,21	
limitation 28:9	litigious 137:21	looming 40:5	luxury 145:25	
limitations 21:3 95:22 115:3 125:7 221:12	live 10:5 76:10 79:23 216:24	lord 36:2 39:25	M	
limited 52:9		lose 121:22 176:21	Madame 15:24 23:14	
Linda 10:25		losing 69:10		
Lindi 11:19 45:6 89:5 119:7 134:24				
Lindy				

66:18 75:14 76:22 90:14 92:9 94:12 99:15 107:3,9, 12 108:20 120:6 123:4 127:13 136:4 139:17,20 140:11 141:22 142:3 146:10 147:5,21 149:10 155:10 158:10 159:4 161:24 164:9 170:12 172:19 180:2 186:23 189:25 190:2 197:6 198:23 203:25 207:6,20 214:22 215:2 219:7 220:16 223:18 224:12	137:13 manner 93:1 140:13 149:23 Manning 39:10 217:8 March 67:25 80:10 marked 12:21 Maroney 10:24 Master-in- 14:15 Master-in- equity 14:15 materially 187:6 materials 16:12 24:1 31:25 45:17 59:5 66:7 75:7 89:23 109:25 119:19 135:20 math 135:10 matrimonial 85:4 matter 81:6 112:3 145:23 147:25 148:1 149:17,18 150:22 151:2 156:15 160:8 173:13 179:4,18 180:24 184:23 190:24 205:13 211:6 212:10 221:1 matters 11:21 35:5	93:14,24 99:12 143:3 150:2,7, 10,16 151:21 174:4 Maura 10:16 Maxine 10:23 mayor 90:9,12 216:23 Mccormick 40:11 Mccoy 147:25 151:2,3 211:6 212:10 Mcdaniels 111:25 112:5 Mceachin 13:3,11 Mcgee 10:23 Mcintosh 118:16,22,25 119:5,8,11,14 120:2,8,19 121:6,25 122:17 123:13,18,22 125:1,25 126:15 127:21 128:2 131:7,15 132:1, 10,13,21 133:3, 21 224:17 Mciver 9:12,13,14,15, 16,17,21,22 Mcivers 9:16 Mcmahon 165:25 166:6 Mcquillin 198:3	means 44:1 176:1 meant 212:3,6,19 meantime 64:4 meat 201:21 mediated 39:13 mediating 76:17 85:21 mediation 85:15 mediators 85:24 medicinal 77:7 meet 91:4 183:14 meeting 9:4 94:14 meetings 50:1 member 9:11 17:10 206:12 members 11:13,16,25 13:14 15:10 16:21 18:12 20:24 21:3,12 26:11 28:5,9,18 29:4,14 51:14 87:12,23 95:18, 22 96:6 97:5 114:24 115:3,12 116:9 125:3,7, 16 126:12 133:22 143:14 145:7,17 221:8, 12,21 223:23	225:2 memorandum 183:22 memory 146:7 178:4 182:25 197:19 206:18 memos 103:3 mental 20:16 27:24 37:8 51:5 55:15 61:24 69:22 82:9 96:18 116:2 126:5 193:13 222:8 mentally 53:8 mention 38:10 204:10 213:7 218:3 mentioned 220:23 mentored 130:23 merit 13:21 16:1,4,7 23:16,19,22 31:4,7 45:7,10, 13 58:19,22,25 65:11,14 66:3 74:21,24 75:2 89:6,9,17 109:2, 5 119:9,12,15 135:1,4,16 191:8 194:15 218:22 224:2,24 merits 168:2 169:1 messing 116:18
---	--	--	---	--

met 128:2 207:23 213:21	miscalculated 148:13	month 33:13,19,20 47:23 48:8 60:10 67:17 78:3,7 94:6 99:24 100:1 139:3 220:1	Mosley 84:25	MUA 35:5
Metero 147:25 149:18 150:22 156:15, 16 212:10	misfits 9:12		mother 25:3 81:8 106:13	Mullins 10:2
meticulous 142:13	misinformed 35:21		mother's 81:11,15 146:23	multi-day 80:21
mic 141:18,21	mislead 204:17	monthly 99:1,2,5	motion 11:8,9 87:5 160:12 169:25 170:1,2 174:2,5, 20 175:8,15 182:2 196:23 197:2,6 198:5 211:8,9,12 223:19 224:6, 13,23 225:1	multiparty 38:14
Michael 10:19 17:5	misleading 205:8	months 48:7 52:5 54:8, 10 67:11,21 68:3,8 91:14 93:24 94:6 139:4		multiple 165:10,12
Michelle 10:23	misplaced 163:8			Murphy 11:10,23 143:24 144:2,5 181:8,9, 11 183:8 215:14,15,17 216:8 224:10,21
mid-august 203:5	misreading 188:4,5	MOORE 44:16 45:9,12		Murrell 9:20 10:4
middle 105:15 114:21	missed 82:15	Morehead 64:15,16,20 65:1,4,8,13,16, 19 66:1,15,20 67:5 69:20 71:6, 15,21 72:16,19, 24 73:2,5,8,12, 16 87:4	motions 105:1,8 113:14 182:18,19	
Midlands 12:14 20:10 37:3 51:2 82:7 96:16,22	mistake 146:8,10 168:13		motivation 180:16	<hr/> N <hr/>
military 60:4,5	mistaken 190:7 195:4	morning 10:11,17 15:9 16:21 17:3,4	Mottel 10:20	name's 200:13
mind 11:15 40:7 56:4 117:16 124:23 128:16 129:12 159:18 177:21 210:12	mistakes 139:20 161:24	morning's 87:2	mouth 69:3 83:21 211:20	named 111:18 122:4
mind's 210:11	mixed 39:10 151:11	Morris 74:1,2,6,13,17, 20,23 75:1,17 76:24 77:6,12 81:5,8,18 82:4, 7,25 84:6,8,10, 14,19 85:9,14, 17,19,23 86:1,5, 9,12 87:4	move 11:10,20,23 13:9 66:20 86:15 87:7,17 88:2 92:16 104:19 143:9,10 170:12,14 173:12 224:8	nation 26:7
mine 166:1,2	mixing 189:5		moved 78:19 79:1 143:3 171:6	National 139:9
minority 69:14 170:13	mixture 123:11		moving 34:25 35:3 92:5 103:15 123:8	nature 56:20 69:17 94:21 137:18
minute 189:13	mixup 153:12			neat 73:16
minutes 177:24,25	model 61:12			necessarily 42:6 139:15 184:9
	moment 24:19 186:15,17 223:14			neck 101:22
	Monday 9:4 40:18 181:18			needed 30:20 52:15 60:15 66:25
	money 130:14,15 180:2	Mosier 84:25		

150:10 183:15 207:14 negative 36:24 41:7,12 83:18 84:13 93:9 94:1 102:12 124:13 126:20 negatives 100:18 neglected 47:1 neighbor 39:17 neighboring 39:16 Nelson 10:2 newer 99:7 Newman 33:22 39:4 166:2 newspaper 16:13 24:3 32:1 45:19 59:6 66:9 75:8 89:24 110:2 119:21 135:22 nice 64:16 75:25 118:11 night 42:18 58:11 76:25 77:5 103:4 nine-day 178:24 ninety 114:3 ninety-nine 173:20	nitty-gritty 169:2 nomenclature 206:22 nominated 13:9 87:8 224:16,18,19,20 non-jury 94:5 210:8 nonetheless 152:9 nonexistent 162:19 noon 11:4,6 normal 167:4 North 50:23 notarize 209:7 notarized 205:5 208:20 209:6,12 notary 209:12 note 20:10 21:17 22:9 27:18 28:23 29:22 37:2,12 51:2,9 61:21 62:4 69:19 70:2 82:6, 16 86:11 94:12 96:15,25 107:23 115:20 116:3 117:5 118:3 125:24 126:6 133:13 190:21 222:5,14 223:4 notebook 11:7 12:10	175:12 notebooks 103:1 noted 37:10 notes 56:14 80:1 204:1 205:22,24 212:6,9,10,13, 22 notice 169:23 noticed 39:6 159:9 notified 153:14 notifies 152:22 notify 152:19,23 notifying 152:20 notion 185:20 205:2 November 43:24,25 48:10 number 33:1 34:10 46:9 52:9 55:18 63:8 65:18 67:11 72:8 93:24 103:14 117:8 121:17,18 161:2 163:12 182:5 193:20 194:1 numbers 91:16,17 92:3,5 numerous 110:14 126:23	<hr/> O <hr/> oath 9:20 148:7 171:22 213:5 object 15:19 23:9 30:23 45:1 88:25 119:2 objection 15:22 23:12 58:13 65:6 74:15 108:23 134:20 142:10 objectionable 219:2,3 objections 12:17 obligation 145:24 obliged 186:22 189:25 observe 220:8 observed 220:11 obtained 55:1 occasion 27:6 occasions 63:8 71:23 217:6 occur 36:24 October 144:24 147:12, 13,14,17 152:7, 24 156:2 166:23 168:4 169:23 181:13,18,20	ODC 220:20 odds 79:19 offer 12:12 14:1 24:9 36:14 49:24 59:11 61:4 68:25 75:15 79:15 113:19 114:9,10 124:4 133:18 138:19 139:24 140:16 141:9 142:16 147:17 offered 148:6 178:23 180:17 offering 22:12 29:25 80:3 118:7 148:14 223:8 office 13:24 50:4 55:19 122:14 151:9 152:13 156:8,11,12 158:14 161:8,25 162:6,14,15 164:10 168:10, 13 170:5,6,22 171:13 173:1,4 176:18,19 208:7 officer 171:17 offices 206:2 official 111:18 122:4 146:13 153:8 officials 46:11
---	---	--	--	--

oftentimes 130:19 140:18	opportunity 10:7 18:5 24:10 29:15 32:7 40:11 45:25 47:21 50:13 55:16 67:9,10 75:14,19 76:5, 19 90:14 91:4 94:10 97:17 112:22,25 120:6 124:11 150:1,18 219:8 222:21	163:6,14,21 164:25 165:17 166:5,17 169:13,19 172:10 173:1 182:21 183:13, 14 189:25 190:24 194:23 216:18 218:25 220:5	<hr/> P <hr/>	participate 136:22 139:7 191:2,5,6,25
older 41:20 84:3 99:6 109:17	opposed 186:23	orders 79:21 93:14,17 153:9 154:17 161:2,4 165:8 166:2 167:9 219:19 220:2	p.m. 86:20 223:25 225:7	participated 9:8 139:8 193:22
oldest 105:14	opposing 211:15	organized 142:15 143:7	packrat 205:20 218:12	participating 43:18 111:7 117:20 222:21
Olds 181:16 182:1,2, 24 183:2,4	opposition 13:15 16:17 24:7 32:5 45:23 59:10 66:12 75:12 86:18 87:13,24 90:2 110:6 119:25 136:1 225:3	ou 171:20	pages 103:1 104:16 200:22	particulars 124:12 144:20
one-on-one 56:9	optimistic 12:11	outcome 21:8 28:14 96:2 115:8 125:12 221:17	panel 117:12 132:17	parties 21:11 28:17 42:17 84:25 96:5 97:20 113:10 115:11 123:24 125:15 142:2 200:20 221:20
online 50:22	option 52:4	outcomes 80:11	panels 25:18	partner 157:15
open 14:10,11,13,15 22:10 29:23 81:1 107:24 118:4 133:14 151:7 177:1,2 223:5	orally 197:6	outlier 150:23	paper 169:18 196:16 212:12	party 111:18 122:4 198:6 207:13
open-minded 138:7	order 81:14 85:2 103:6 107:8 123:21 146:6 147:12 152:5,6, 9,15,23 153:11, 25 154:1,11,20 155:7,9,13,23, 25 161:1,5,10 162:2,3,24	outstanding 79:12 82:23 114:6	paperwork 122:13 130:10	pass 206:12
open-mindedness 79:14		overbearing 123:22	par 163:16	passed 81:15 162:25
opening 16:18,20 24:10 32:8,11 46:1 59:12 66:17 75:14 90:14 110:8 120:6,22 123:9 136:3,6 171:12		overcome 42:5	paraphrasing 117:8	passing 131:11
opinion 19:1 55:3 77:4 93:21 94:11 114:11		overwhelmed 42:3	part 15:21 23:11 30:24 45:2 47:16 57:5 58:13,17 65:7 74:15 89:1 105:8 108:23 117:22 119:3 134:21 136:22 152:25 154:16 172:11,24 180:15 190:9 206:14 217:24	past 34:19 60:14 69:8 71:6 76:9 94:23 102:11 114:3 183:22 197:16
opinions 18:25 27:2		overwhelming 63:22 193:24,25	partial 43:12	patently 192:17
opportunities 17:25 18:8		owning 180:16	partially 148:11	patience 36:19,20,21 41:1 49:3,5 105:16

patient 36:8 49:1 123:4 124:8,10,23 140:1,2,11	penalty 38:13	194:1,2	216:3	81:9 123:25 197:24 198:2
pattern 150:21,25 151:3,23 172:24 176:9,10 184:14 185:20,23 190:15,21	pendens 81:5,10	perception 139:14 140:6,8, 18 143:12 159:24 177:22 207:25 213:23	personality 101:17 123:20 213:1	plan 83:24 85:14
patterns 190:25	pending 21:8 28:14 33:1 34:3 38:16 96:2 115:8 125:12 221:17	perfect 138:14 139:12, 19	personnel 92:13 112:14 122:19	planned 32:10
Paul 217:7	penny 38:17,19,20	performing 19:8	perspective 80:13	plant 39:12
Paula 10:15 22:20 23:18,20	people 36:21 39:21 41:23 42:23,25 47:10 54:22 55:2,14,20 56:7, 10 60:4 68:11 72:8 75:18,22 78:12 79:22 80:24 93:10 110:20 114:13, 16 121:5,21 127:2,12,17 136:15,20 139:14 140:3,6, 19 142:6 143:2 167:13 170:14 180:18 193:22 199:8 206:16 219:25	period 11:4 63:1 67:24	peruse 131:20	play 219:22
pay 93:12	perjury 172:2,3	permit 27:6	Phoenix 106:3,7	played 43:10 212:16
paying 85:21 93:8 130:14	permits 139:4	perjurer 172:2,3	phone 159:4 195:8,14	player 9:11
PCR 38:6,13	person 19:2 41:7 63:21 70:21 83:17 101:10 113:22 136:15 175:25 184:22 205:4,5 206:19	perjury 172:2,3	phrase 171:5	playing 138:23 140:22
PDQ 30:14 44:20 57:18 58:6 64:24 88:17 108:14 111:16 122:2 134:12 137:15	persons 199:8 206:16 219:25	permits 139:4	physical 27:24 37:8 51:5 61:24 69:21 82:9 96:18 116:1 126:5 193:13 222:8	playoff 219:22
Pearce 10:20	person's 209:7	perjury 172:2,3	physically 53:8	plays 147:1
Pearle 81:4,8	personal 14:6 15:5 16:2 19:3 22:23 23:17 30:14 31:5 44:20 45:8 58:2,5,20 64:24 65:12 74:10,22 88:17 89:7 108:14 109:3 118:20 119:10 134:12 135:2 159:23 197:15, 16,22 198:22 200:18 206:8	perjury 172:2,3	physician 20:16	plea 38:8 116:13
Pee 12:14 69:19	peoples' 136:17 207:24	perjury 172:2,3	picked 61:10 128:10	pleadings 81:25
peers 41:14,15,19 127:12	perceive 139:16 142:7	perjury 172:2,3	pictures 146:24	pleas 38:1,5 154:7 205:25
pen 63:21	perceived 43:12 49:23 50:10 116:12	perjury 172:2,3	Piedmont 12:15	pleasant 20:20 42:18 101:24
	percent 160:15,16 173:18,21	perjury 172:2,3	pilot 130:9	pleasure 72:5 102:10 113:7 118:8 120:9 145:18 147:2
		perjury 172:2,3	place 145:20 147:6 165:12	pledge 21:7 28:13 96:1 115:7 125:11 221:16
		perjury 172:2,3	places 19:2 165:10	pledging 96:11 115:17
		perjury 172:2,3	plaintiff	

125:21 222:2	portion	78:17 80:5 92:7	preparing	89:25 95:7
Pleicones	13:20 22:1	101:18 105:10	163:1	110:3 119:22
217:4	29:12 43:19	112:13 122:18	present	135:23 171:11
pneumonia	57:8 64:8 72:14	138:5 157:12,16	12:8 16:17 18:8	previously
9:6	85:12 107:15	180:4,6	24:9 32:5 45:23	95:6 173:19
point	133:5 159:21	practiced	66:13 75:13	174:9 178:8
15:24 18:7 20:6	208:20 223:13	63:1 129:1	85:6 90:3 94:15	primarily
23:14 25:22	portrayed	169:16 172:16	119:25 136:2	106:24
34:12 35:20	208:25	practices	presented	primary
66:2,17 71:16	posed	106:24	18:1 85:2	130:24
77:22 100:17,	217:12	practicing	preservation	prior
21,25 109:9	position	42:24 61:10	148:2	19:8 21:8 28:14
110:7,13 126:23	128:14 194:16	130:8 139:2	preserve	96:2 114:12
145:24 150:15	198:4	179:22	141:8	115:8 119:1
158:18 160:4	positions	praise	preserved	122:22 125:12
170:3 174:19	14:2,3	84:17	141:22 142:11	174:9 218:5
179:2,25 183:24	positive	praises	preserving	221:17
185:5,10 186:8	18:23 26:21,22	90:16	142:7	Prisoner
187:14 189:14	36:6 49:19	praising	preside	35:23
190:5,21 197:20	60:23 68:18	192:4	38:11 201:5	private
198:3,25 203:3	79:11 92:23	preassigned	presiding	9:9,23 10:3
205:25 208:1	113:5 123:16	52:5,14	148:9	78:17 85:24
213:11,16 215:6	126:21 127:11	precedent	presume	97:23
pointed	138:12 191:18	94:22,23 217:18	38:11 153:17	privilege
76:10	positives	predict	155:15 156:12	67:12 69:6
points	100:21	83:10	197:24 200:5	pro
133:8	possibility	predictable	213:15	35:17,18,24
policy	26:1	111:10,13	pretty	63:25
55:17	post	prediction	34:22 76:11	pro-
polite	112:3	39:23	77:24,25 78:10,	116:15
48:23 123:23	potential	prefer	14 79:7,19	pro-defendant
politeness	192:4	9:5 24:17 48:16	80:15 93:18	116:17
112:16	potentially	104:21 107:13	114:20,21	pro-state
political	22:7 29:20	204:2	128:24 129:11	116:22
19:3	107:21 118:1	prejudice	168:19 183:13	probate
poor	133:11 223:2	26:15	184:1,8	47:19 55:9,12,
61:7 139:22	practical	prejudice	prevent	13,18,25 56:19,
205:16 206:3,4	79:21 80:4	180:21	155:2	21,24
212:18	practice	prepared	previous	probation
pop	9:23 10:3 34:17	98:11 122:23	16:14 24:4 32:2	122:10
182:7	41:17 48:19	130:13	45:20 59:7	problem
	54:19 60:18		66:10 75:9	63:10 79:12

123:23 165:15 200:12 205:3 problematic 185:1 problems 215:13 procedure 50:2 138:22 procedures 167:5 proceed 13:20 32:8 202:17 proceedings 57:8 190:23 process 13:10 21:13 22:2 28:19 29:12 35:19 42:3 43:20 55:23,25 81:14 89:16 91:18 96:7 98:17 115:13 125:17 128:3 133:6 197:13 201:8,9 203:6 206:15 221:22 222:20 profession 27:11,13 91:6 professional 14:6 20:12 27:20 37:5 51:7 62:1 69:24 82:11 96:20 115:23 117:7 126:2 193:12 222:10 professionalism 27:4 proffers 142:3	profile 36:3 program 71:7 130:9 prohibiting 192:10 prominent 85:4 promised 77:18 promote 111:5,12 promotes 111:13 prompt 34:21 98:10 159:4 pronounce 201:3 proof 167:7 proof's 42:14 proper 198:5 properly 111:20 122:6 property 183:6 proposition 148:8 prosecution 114:8,14 140:16 protect 92:10 148:2,3 protected 154:13 protection 107:8 124:18 147:13 152:6,8, 9,15,24 153:11,	18,20,23 154:18,20 155:7,9,14,24 161:10 162:2, 19,24 165:8,17 166:2,5 167:9 170:16 172:24 173:2 216:18 218:25 219:1,19 220:5 protections 154:11 protective 160:25 161:2,4, 5 190:24 194:23 protects 141:24 protesting 190:19 protocol 168:8 proud 70:15 84:5 101:12 132:14 137:5 prove 183:14 proven 20:7 124:22 provide 137:3 205:4 209:6 220:19 provided 18:22 20:18 142:15 156:8 158:11 209:15, 17 220:22 proximity 210:20 prudent 208:3,8	public 9:9 12:21 14:7 38:21 97:22 111:8 114:18 136:23 141:4 210:10 pudding 42:14 purchased 23:8 Purgatory 72:23 purge 205:25 purpose 13:24 184:13 purposes 14:8 112:9 pursuant 13:22 22:4 29:16 107:17 222:22 push 80:21 put 24:15 123:7 124:6 163:3,19 164:7 172:7 182:5 191:15 193:15 211:19 puts 50:21 219:3 putting 119:3 puzzled 186:2	23:24 27:24 29:24 31:21 37:8 45:15 51:4 59:2 61:23 66:4 69:21 75:4 82:9 96:17,18 107:25 109:22 113:8 116:1 118:5 119:17 126:5 133:15 135:17 191:24 222:8 223:6 qualified 13:9 14:3 20:11, 15,20 27:19,23 37:4,7,11 51:3,6 61:22,25 69:20, 23 82:8,10,15 87:5,8,19 88:2 96:17,19,23 113:12 115:22, 25 126:1,3 138:15 148:24 149:1 168:17 194:1,2,3,4 215:22 222:7,9 224:16,17,19,20 qualify 132:17 qualifying 95:11 132:19 quality 26:25 27:2 102:16 question 34:2 40:12 41:4, 22 52:20 53:14 55:10 61:13 62:17 152:18 153:7 155:8 162:13 163:19 168:3 173:16 175:10 176:5,7,
--	--	---	---	---

24 181:10 184:21 185:19 193:5 194:6,18 195:19 198:18 204:6 209:8,10 questioned 19:13 144:25 175:23 183:18 questioning 21:19 29:1 36:11 37:14 51:11 62:6 70:4 82:18 97:2 116:5 126:8 222:17 questionnaire 15:6 16:2 22:24 23:17 30:14 31:5 44:20 45:8 58:3,20 64:24 65:12 74:10,22 88:17 89:7 108:14 109:3 118:20 119:10 134:12 135:2 questions 16:25 17:6 21:21,23 24:21 28:2 29:2,3,13 32:9 37:16,17 39:7 43:15 46:2 51:12,13,22 59:17 62:7,9,15, 22 64:5 67:2 70:5,6 71:18 77:9 82:19 85:11 90:23 97:3,4 110:14 116:7,9 117:14 120:17 126:10, 11 129:24 131:18 136:10 147:7,19 171:17	181:7 183:11 190:14 195:2 202:18,24 203:2 204:3 214:25 217:12 220:13, 15 221:5 222:18 quick 17:6 181:9 183:11 193:9 quickly 16:22 111:21 122:6 143:9 quipped 63:20 quote 41:19 <hr/> R <hr/> race 148:19 180:21 rain 9:6 128:1 rainy 88:7 raise 22:17 25:14 30:8 44:13 57:21 64:17 74:3 86:5 88:10 90:10 108:7 118:14 134:5 144:6 149:22 150:18 153:1 218:17 raised 21:18 28:24 37:13 51:10 62:5 70:3 79:17 82:17 97:1 116:4 126:7 157:22 160:24	192:16 222:15 raising 26:7 ran 33:8 147:23 149:25 152:2 175:5,16 177:11 179:21 198:9 199:25 200:1 206:11 211:4,5 214:13,15 217:1,7,8,11 Rankin 9:1,14 10:9 11:8,11,14,18, 24 12:1,3,17,19 13:1,12,15,17, 21 14:21 15:4, 13,16,19,23 16:7,24 21:22, 25 22:17,23 23:2,4,9,13,22 24:17,20 29:3,6, 10 30:7,13,17, 20,23 31:2,10, 13,17,20 32:12, 14 37:17 40:23 43:14,17,24 44:2,6,8,11,13, 19,23 45:1,5,13 46:17 51:13,16 54:15 55:6,7 57:2,4,7,11,16, 21 58:2,7,12,16, 25 59:16 62:8, 11 63:17 64:7, 12,15,17,23 65:2,6,9,17,24 66:2,16 67:1 70:6,18 71:13, 17 72:13,17,20, 25 73:23 74:1,3, 9,14,18 75:2	76:21 77:3,8 82:3,20 83:25 84:9,11,17,20 85:10,15,18,20, 25 86:3,6,10,17, 21 87:9,11,13, 15,20,22,24 88:1,6,8,10,16, 21,25 89:4,12, 15,19 90:9,13, 22 97:4,7,11 98:5 100:8 102:7 103:19 106:19 107:12 108:7,13,17,19, 22,25 109:8,14, 18,21 110:12 116:8,11,21,24 117:13,17 118:10,13,19,23 119:2,6,15 120:5,16 126:11 127:22 129:24, 25 131:3 132:2, 4 133:2,4,24 134:2,5,11,16, 20,24 135:7,12, 15 136:9 143:17,20,22 144:1,4,6,12,16 145:5,7,11 147:20 148:21 149:2,5 160:22 167:24 169:10 176:5 181:8 183:9 188:7 190:13 196:10 202:10,12,16 204:5 205:9 208:9 215:1,14 216:9 220:12 222:19 223:12, 20,22,24 224:1,	9,11,25 225:3 rare 75:22 184:5 Ray 81:4,8 re-sentencing 38:15 reach 17:13,17 reached 73:19 77:22 react 36:23 read 13:7 34:18,19 63:22 81:12 122:21 124:20 139:3 145:8 159:12 160:10 181:19 187:19, 22 188:6 189:20,21,23 196:16,17 199:3,6 216:12 218:24 reading 93:18 157:3 159:8,20 160:12 174:17,18,20,21 175:11,14 197:17 211:16 ready 14:23 53:22 130:13 207:6 real 25:25 136:15 156:14 193:9 reality 139:14 140:6,18 177:22 207:25 213:23
---	--	--	---	--

realize 26:3 170:13	96:1 110:5 112:9 113:2 115:7 119:24 123:13 125:11 135:25 138:9 143:15 145:22 147:24 151:6 169:19 215:5,21 221:16	133:13 134:22 141:11,16,20, 23,25 142:1,4, 13 144:13 151:17 159:22 182:17 184:15, 24 186:11 188:24 189:1,18 192:19 194:8,9 199:12 215:24 219:9 222:14 223:5,25 224:3, 22 225:7	198:11 211:23 213:11 214:8 219:14 recusing 185:12 201:9 202:6 reelected 91:10 111:3 121:9 137:4 reelection 14:9,11,12,13, 14 22:13 30:1 65:21 89:21 118:7 200:7 reenforce 205:1 reference 40:24 157:24 158:15,24 159:9 167:8 214:7 references 197:18 referencing 208:18 referred 83:6 reflected 127:1 reflection 76:7 reflective 102:2 103:15 refused 148:17 regard 25:21 27:11 42:13 72:9 85:5 148:25 regarded 149:1 191:20 regular 32:25 52:11	99:19 122:24 217:5 regularly 169:15 reiterate 216:2 related 11:21 68:24 202:7 relates 154:19 155:6 Relations 81:18 relationship 158:7 release 22:10 29:23 107:24 118:4 223:5 released 133:14 relevant 146:22 190:22 relief 112:3 relieved 220:4 religious 219:1 220:7,9 remain 22:10 29:23 107:24 118:4 133:14 223:14 remained 121:19 remaining 20:15 27:23 37:7 115:25 126:4 remains 190:18
realized 76:3 80:23 148:18				
reappointed 47:24				
reason 17:19 93:25 150:12,20 151:10 155:14 180:10,11,17 203:17 204:20	receiving 155:23 recent 186:3 recently 23:6 26:4 39:15 205:22 206:12 209:11,23 recess 69:11 recognize 126:24 170:14 recognizing 217:13 recollection 183:2 208:24 211:2 record 12:2,3,4,13 15:21 21:17 22:9 23:11 28:24 29:22 30:25 37:3,12 45:2 51:9 58:18 62:4 65:7 70:2 74:15 82:16 86:20,22 89:1 90:17 92:10 96:25 99:14 107:14,23 108:23 116:3 117:19 118:3,13 119:3 126:6	recorded 88:2 recording 141:16 records 158:5 recoup 219:24 recovered 76:9 recreational 77:7 recusal 174:5 175:3,8 183:13 184:10 185:17 207:23 218:2 recuse 160:4,8 173:19, 23 177:13,18 183:15 185:5,16 186:14 189:16 196:23 197:7 198:5 201:6 207:15,21 213:25 217:10, 13,16 218:2,18 recused 177:23 192:23		
reasonable 183:20				
reasonableness 183:21				
reasoned 92:25				
reasoning 211:14				
reasons 33:5 111:22 148:11				
reassure 209:20				
recall 63:2,4 106:12 183:6 192:5 204:7 214:18				
receive 103:1 169:23 172:10 191:4				
received 16:16 18:20 21:7 24:6 26:19 28:13 32:4 36:4 45:22 49:16 56:13 59:9,25 60:20 66:12 68:15 75:11 79:8 90:2 92:20				

remanded 94:16	12:16,20,21,23, 24 20:19 22:10	150:15 160:23 165:14 170:17	120:7 136:4 186:5	202:22 215:8 216:20 219:11
remarks 168:12 171:12	29:23 99:1,2,5, 11,22,23,25	173:17 181:8,9, 11 183:8	requirement 184:10 186:15	respondents 194:4
remedy 192:22	107:24 111:16 118:4 122:2	187:17,21,25 188:9,12,15	requirements 207:23	response 19:10 36:13 49:24 61:3 68:25 79:15 113:18 114:9 138:19 139:23 140:16 141:9 142:16 170:17 195:7 220:22,25
remember 17:9 56:3 71:10, 13 83:4 84:4 101:18 128:7 130:9 166:5 177:25 204:25 209:22 213:8 219:6	133:14 137:15 223:5 reported 27:19 96:16 115:21,22 125:25 148:24 222:6	194:21 196:10, 11 206:21 208:9,10 215:14,15,17 216:7,9,10 221:2 223:18,21 224:10,21	requires 34:8 114:1 requiring 13:23 requisite 20:14 138:18 research 93:14,20 94:13 95:2 114:1	responses 191:8,10
remembered 204:20	15:24 23:15 141:13,21 151:7 194:9 212:16	represents 101:10	residence 104:6	restore 158:7
remind 22:3 29:15 107:16 222:22	reporters 48:3 52:10 141:12	reputation 20:13 27:21 34:17 35:7 37:6 42:10,21 48:19, 21 51:7 54:20 60:18,19 62:2 63:12 68:6,13 69:25 78:9 82:12 92:7,8,12 96:20 112:12 115:24 122:17, 20 126:2 138:5 193:13 219:10 222:11	resident 104:5 resolution 130:2 resolve 56:17 83:11 resolved 85:1 150:10 152:10	result 17:17 95:12 122:11 147:24
reminded 216:24 217:4	reports 12:14	request 11:2 32:13 162:18 172:23 189:4 218:2	respect 41:13,24 42:7, 12 93:2 129:7 216:4	results 102:13
reminds 217:5	represent 165:6	requested 32:14,21 163:18 217:10 218:1	respected 41:19 49:15 respectful 35:16 60:24 63:24 92:8	RESUMED 183:10 188:13
rendering 93:23	Representative 11:10,23 12:25 13:2 14:20 37:18,19,21 51:15,16,18,19 62:10,11,12 63:20 71:19,20 72:23 73:3,6,10, 14 86:7,15 87:6, 21 100:8,9,11, 14,20 101:15,21 102:9 106:19,20 107:1,10 117:12 126:12,13,16 129:3 131:2,3,5, 9,17 132:3,5,11 143:24 144:2,5 149:5,7,8	require 34:6 195:24 218:13 220:8 required 59:13 66:18 75:15 90:15	retire 64:4 76:17 retired 14:16 32:18 33:3,6,15 34:20 37:10 39:21,24 46:13,20,22 47:23,25 48:1 51:24 52:3,10, 20 53:1 58:6 59:22,23 60:10, 14 62:16 67:6, 17 77:13,16 78:4 87:4,18 retired-active 31:15 32:24	
Renya 145:23 148:12 156:15,17,18 173:13,15 177:17 180:24 184:23 187:6 190:24 205:13				
repealed 95:6				
rephrase 52:21				
replacement 53:16 73:10				
reply 143:18				
report 11:2,3,7,17				

33:14 37:24	91:23 92:3	roster	200:7 204:21	167:24,25
retirement	93:16 94:4	169:25 170:1	217:15,19	183:9,10
46:12 64:3	103:24 104:3,6,	182:4,8,17,20	running	188:11,13
72:17	7	rosters	25:11 73:20	201:15
retirement's	rigid	105:1	148:14 154:17	sale
33:4	77:25	rotating	183:12,24	81:13
retiring	Riley	40:14	197:21	Salem
54:23 62:19	10:17 136:11	rounded	runs	50:23
63:23 66:21	144:16,23	19:9	176:1 177:14	Sales
76:6	145:6,10	route	215:25	38:17
return	202:17,19	149:24	rural	sample
154:1 162:8	220:12,14 221:3	routinely	55:13	19:7 26:22
revealed	222:5	52:1 141:15	Rutherford	sat
81:4	ring	163:12 167:3	106:22 107:3,8	55:20 122:25
reveals	26:6,8	210:23	131:2,4,5,8,9,17	146:23
146:1 148:12	rises	rub	160:22,23	satisfaction
revenge	190:17	206:11	170:17 173:17	56:8
132:12	risk	rude	187:17,21,25	satisfied
reversed	130:16	61:18	188:9,12,15	146:18
94:15,23 95:7,8,	Rivers	rule	194:21 198:19	Saturday
10	118:16 119:11,	84:21 93:13	199:4 216:9,10	42:17
revert	14 224:17	94:9 98:21	223:21	Saul
203:19	road	113:18 129:16		171:5
review	66:24 107:17	ruled	S	save
13:24 94:10	robe	50:15 81:22	S.C.	174:17,21
95:1 100:15	127:7,9	98:16,20 208:2	115:17 125:21	175:11,13
103:8 151:13	Robinson-	rules	Sabb	SC
205:22	campbell	138:19,21,22	87:10 224:7,12,	12:20
reviewed	26:7	139:3,18 154:17	23	schedule
55:19 58:10	Roland	165:13	sacrifice	13:3 34:10
96:10 115:16	10:20	ruling	223:11	53:19 67:22
125:20 209:11	role	103:4 142:6	sacrificed	77:24 78:2
211:7 222:1	53:1	rulings	97:25 98:1	80:24 92:16
reviewing	room	69:17 93:11	sad	scheduled
103:5 209:23	69:2 139:13	139:15	63:23	11:6
rewarding	rose	run	Safe	schedules
76:2 110:24	151:4	20:23 28:4	118:10	34:6,9 80:21
Richard	Rosh	53:10,25 78:15	Safran	school
10:20	164:11,16	83:12 130:16	82:20,21 102:8,	9:24 10:1 18:3,4
Richland	170:11 181:15,	147:22 161:3	9,23 103:6,10,	60:2 69:7 75:22
38:8,17 40:18	22	176:3,13 177:3,	13 127:22,23	84:3,15 105:15
50:21 84:22		6 180:10,12		141:10 146:25

147:1 198:9	45:19 59:6 66:8	23:16,19,23	182:21	129:22 168:9
schools	75:8 89:24	31:4,7 45:7,10,	sending	194:16
26:5,6	110:2 119:21	14 58:19,22	132:7 153:9	served
score	135:22	59:1 65:11,14	sends	24:13 50:22
20:4	seasoned	66:3 74:21,24	33:25 34:14	60:4 63:7,12
scores	43:6 96:24	75:3 89:6,9,17	seniority	71:24 81:19,20
20:2	seat	109:2,5 119:9,	131:11	82:4 111:20
screen	14:10,13 20:23	12,16 135:1,4,	sense	112:6 121:5
12:9 14:9	28:5 143:18,23	16 191:8 194:15	18:18 117:7,9,	122:6,12 131:12
screened	157:7 175:6	224:2	17 133:19	132:12
13:8 32:18	177:1,2 214:15	self-	176:16 203:24	serves
46:20 53:15	seated	148:1	214:22	96:24
59:21 67:5	73:22	self-addressed	sensitive	service
77:13	seats	156:7 162:7	99:8 165:8	22:13 24:13,16
screening	12:8 14:9,11,12,	self-represented	167:4	30:1 32:18
10:14,18,23	13,14,15	47:7,13	sentencer	33:10 40:21
12:11 13:5,6,10	secondarily	selfish	42:22	46:6 54:13
14:8,23 19:14	167:8	148:11 180:15	sentencing	57:12,14 59:2
21:4,9 22:1,8	secretary	selfishly	42:22	64:9 66:5 70:15,
28:10,15 29:12,	138:1 205:21	212:15	sentiment	16 71:19,22,24
20 31:17,18	219:25	sell	20:1	72:15,18 75:4,
43:20 46:4	secretary's	81:14	separate	12 78:13 81:13
53:19 54:11	208:22	selling	153:23 203:9,16	84:7 85:11,13
64:8 72:14	section	81:10	205:4	97:14,22 98:8
85:12 95:23	21:2 28:8 95:21	semester	September	100:4 108:3,5
96:3 107:16,22	96:12 106:10	18:4	152:8 153:8	109:23 111:11,
111:17 115:4,9	115:2,17 125:6,	semesters	162:1 181:16,	12 129:19
118:1 122:3	21 221:11 222:3	18:3	21,23 182:8,14,	133:18 135:17
125:8,13 133:6,	sector	seminars	19 203:5	138:1 215:22
12 137:16	97:24	138:24	serve	216:6,7 223:8
147:10 148:22	seek	Senate	17:7 25:3 33:2	Servicing
149:21,22	14:3 218:8	10:14,22 86:7	39:23 43:19	50:15
150:2,6,11	seeking	107:5	46:14 52:4,25	serving
221:13,18 223:3	20:3 192:22	Senator	53:4 54:25	24:25 32:20,21
screenings	Segars-andrews	54:15,17,18	62:18 64:9	46:21 51:25
16:14 24:4 32:2	159:15	59:15 70:7	67:15 71:4,8	53:5 59:23 60:3
45:20 59:8	segue	82:25 83:25	72:7 75:20	67:7 77:16
66:10 75:9	35:14	87:10 98:5,6,7	76:14 89:21	90:20,25 91:2
89:25 110:3	selected	100:16 160:22	92:13 108:2	110:16,17
119:22 135:23	19:7	224:7,12,23	118:7 120:10	120:19,21
search	selection	send	121:10,14	136:12,14
16:13 24:3 32:1	13:22 16:1,4,8	67:20 132:21	123:20 127:17	session

11:21 12:5,6 86:16,23,24 223:19 224:4,8 sessions 37:25 38:5 106:22,24 215:19 216:1 set 17:24 34:9 40:6 53:3 80:9,10 147:8 177:5 185:20 217:18 sets 80:8,14 settled 38:14 132:18,20 219:15 seventeen 46:4 47:17 56:12 71:8 178:15 seventy 78:21 sexual 95:12 shade 106:9 shame 133:2 share 157:14 159:3 sharp 63:21 117:7 Shaw 9:16 she'd 177:19 she'll 162:4 sheets 49:7 138:25	Shield 9:22 shifted 116:14 shirts 106:10 shocked 148:25 short 197:19 217:7 short- 123:1 shortage 141:12 shorter 12:11 shortly 201:4 show 9:2 26:15 102:13 117:9 129:7 140:14 146:24 150:21 155:21 158:16 159:13 163:20 165:2 166:16 184:13 showed 165:4,6 166:11 187:7 showing 122:15 shown 41:13 shows 11:3 side 24:17,18 26:15, 17,18 41:2 43:13 91:18 141:24	sides 68:10 83:20 138:14 216:14 sign 36:20 41:1,3,5 147:15 161:4 162:4 165:25 166:2,3,7 167:18,20 192:1 218:25 signal 164:13 signature 11:16 167:10,11 209:13 signed 155:25 156:9 163:23 164:3 166:17,20 167:6,16 168:4 169:19 192:6 220:24 significant 33:5 218:10 signing 163:25 192:10 silence 29:7 silly 218:5 similar 13:7 42:1 98:12 similarity 55:9 Simon 10:21 simple 26:5 sing 90:16 single 191:5	sir 14:24 15:14 21:1 30:8 33:15, 18 34:13,16 35:10 36:4 37:1 44:8 51:16 57:20 58:11,15 59:17 64:18 65:1,5,8 73:6 74:4 84:8 85:17, 19 86:12 88:23, 24 102:22 109:18 118:22, 25 119:5 120:2 127:25 128:12, 20 129:1 131:1 132:1 134:15, 18,23 135:13 143:21 144:6,22 149:14 152:14 156:7 163:4 191:11 205:12 207:1,4,8,19 208:12,16 209:15,18 210:3 211:12,24 212:25 213:8,13 sister 81:9,12 sisters 104:2 117:14 sit 67:10 120:9,23 121:21 sitting 67:12 184:4 186:21 187:15 191:3 199:16 217:6,12 218:14,16 situation 48:3 69:16 169:3 183:12	185:16 188:21 189:24 situations 35:18 185:24 six-month 73:18 six-year 65:22 sixteen 90:8,12 sixth 110:7,9 sixty 194:2 sixty-dollar 204:6 sixty-one 84:9,10 size 106:13 skin 84:16 Slambrook 200:24 201:1,2, 5 208:4 slate 87:2,16 SLED 81:4 111:16 122:2 137:15 slogan 71:14 small 55:13,20 56:25 103:14 217:9 smart 97:19 132:24 138:13 Smith 9:13 10:4 12:25 13:2 14:20
--	--	--	---	--

37:18,19,21,23 40:22 51:15,17, 18,19 62:10,11, 12,14 63:20 71:19,20 72:23 73:3,6,10,14 81:17,21 86:7, 15 87:6,21 100:8,9,11,14, 20 101:15,21 106:19,20 107:1,10 117:12 126:12,13,16 129:3 132:3,5, 11 149:6,7,8 150:15 165:14 196:10,11 206:21 208:9,10 221:2 223:18 225:5 Smith's 102:10 snap 102:20 sneak 69:3 social 46:25 solely 201:10 solicitor 114:12,18 116:20 123:24 solution 80:3 solver 79:12 123:23 somebody's 219:22 someday 132:9	someone's 55:15 101:1 191:23 something's 171:1 son 56:15 70:22 106:11 sort 17:16 76:8,17 80:6,17 114:2 164:12 210:6,11 211:19 sorts 197:19 sought 21:7 28:13 96:1 115:7 125:11 211:15 221:16 soul 180:16 sounded 199:7,8 South 9:22 12:15,24 13:23 14:10 18:2 19:5 22:13 26:24 30:1 60:1 64:9 68:13 75:18 96:11 108:3 114:19 117:24 123:19 133:18 184:4 222:2,25 223:9 space 206:1 Spartanburg 114:13 124:6 speak 15:2 22:21 30:11 44:17 49:9 57:25	64:21 74:7 88:14 108:11 114:18 118:17 134:9 144:10 speaking 78:2 162:21 speaks 211:21 specific 79:17,25 specifically 138:18 140:15 146:2 222:24 speech 46:12 spell 9:16 spend 33:12 35:4 47:23 97:17 219:10 spending 60:10 67:17 78:3 spent 33:19 40:10 203:1 spirit 22:5 29:17 107:19 117:23 133:9 222:23 Spivey 50:15 split 203:8 spoke 94:14 spoken 133:8 spots 64:2	spouses 97:18 spring 32:23 stab 158:23 stability 20:17 27:25 37:9 51:5 61:24 69:22 82:9 96:19 116:2 126:5 222:8 stacks 208:23 staff 10:22,24 15:10, 24 16:22,25 17:16 52:19 67:2 110:13 stage 39:22 stamped 156:7 162:7 168:6 169:20 stand 10:14 93:19 205:7 standard 95:13 175:24 standing 9:5 71:1 90:10 145:20 146:19 151:7 158:3 start 61:10 68:1 104:13,16 112:4 123:10 128:14 142:23 185:21 started 42:24 46:22 53:2 55:23 70:11,14 89:12	121:16 139:2 152:20 171:13 200:22 starting 128:3 189:9 203:20 starts 197:10 212:14 state 12:4 16:13 18:24 22:13 24:2 31:25 40:15 45:18 46:14 59:6,25 66:8 70:22 71:4, 9,11,24 72:7,8 75:7 85:21,22 86:4,23 89:24 90:21 95:10 98:1 101:9 108:3 110:1 114:19 116:13, 16 117:1 119:20 120:25 121:17 133:18 135:21 144:12 162:17 172:4 218:7,13 224:3 stated 25:11 51:25 82:14 159:1 175:20 186:12 217:19,23 statement 15:6 16:5 22:24 23:20 24:11 30:15 31:8 32:8, 11 44:20 45:11 46:1 57:19 58:3, 6,23 59:12,14 64:25 65:15 66:17 74:11,25 75:15 88:18
---	--	--	---	---

89:10 90:15 108:15 109:6 110:8 118:21 119:13 120:7, 15,23 134:13 135:5 136:7 149:12 155:18 169:8 192:18 201:12 202:25 205:5 209:7 220:17 statements 136:3 171:24 191:23 201:25 209:18 215:2 states 20:19 27:6 186:11 stating 124:5 159:22 status 36:22 39:24 142:22 statute 65:21 95:5 stay 48:16 50:3,4 79:4 90:9 99:16 103:3 106:7 124:5 step 50:7 174:23 186:25 190:1,9 stepped 187:8 Steve 90:8 stick 196:4 sticker 124:7	sticks 210:11 Stilwell 33:21 Stimson 10:21 stipulate 178:16 stood 26:13 stopped 162:6 storage 206:1 store 206:13 story 133:1 stressful 27:12 Strickland 111:25 112:1 strike 163:2 164:6,7 strive 124:9 strong 136:17 structure 77:24 stuck 159:17 study 16:11,14 24:1,4 31:24 32:2 45:17,20 59:5,7 66:7,9 75:6,9 89:22,25 109:25 110:3 119:19,22 135:19,23 stuff	15:4 98:19 104:18 169:17 214:21 stunned 150:23 Subject 172:2,3 submission 29:7 submit 99:19 161:2,20 162:3 163:11 167:9 189:2 submitted 15:7,12,15 22:25 131:18 134:13 149:14 153:11 154:23, 25 161:5 162:24 165:16 166:5,19 167:14 188:1 submitting 20:23 21:6 28:4, 12 95:17,25 114:23 115:6 125:2,10 184:1 221:7,15 substitute 78:23 succeeded 73:13 successful 91:15 124:9 suck 170:11 sued 112:1 suffering 133:19 sufficient 20:7 67:25 68:4 183:25 185:11	suggest 11:20 163:10 194:5 219:21 suggested 215:7 suit 122:6,7 suits 111:21,23 137:23 summary 144:17,19 145:8,9 182:3, 21 summoned 181:13 Sumter 10:3,6 39:7,9, 11,14,15,20 63:3,7,12 104:9 153:4 sunshine 128:1 super 102:16 Superior 113:8 support 204:16 209:6,16 supported 84:25 suppose 50:8 supposed 168:10 185:3 187:1 199:13 Supreme 67:12 94:17,22 99:2,20 surely 69:15	surgery 48:14 surprise 174:23 175:2 surprised 79:24 surprising 63:6 survey 16:11 24:1 31:24 40:25 42:15 45:17 49:18 59:4 60:22 66:6 68:17 70:20 75:6 79:10 89:22 109:25 113:4 119:19 123:15 135:19 138:11 142:15 191:3,25 surveys 18:21 26:20 36:5 49:17 60:21 62:24 63:13 68:16 79:9 83:6 92:21, 22 100:16 113:3 123:14 138:10 191:4 swan 150:24 swear 57:17 90:11 171:25 switched 67:20 sworn 13:5 15:2,6,21 16:5 18:12 22:21,24 23:11, 20 26:10 30:11,
--	--	---	--	--

14 31:8 44:17, 20 45:2,11 57:19,25 58:3, 13,23 64:21,25 65:15 74:7,11, 16,25 88:14,17 89:1,10 108:11, 15,25 109:6 118:17,21 119:3,13 134:9, 13,21 135:5 144:9 149:12,14 171:24 sympathetic 36:1 sympathy 36:1 system 78:20 79:2 136:16,17,20,25 147:6 193:21 203:20,23 212:19	15,16,20 talked 50:1 55:20,22 68:9 97:18 157:18 190:23 talking 83:7,20 94:18 157:4,17 190:16 198:17,19 200:22 204:25 210:16 talks 197:20 tall 9:14 tantamount 205:18 taught 18:1 tax 38:17,19,20 Te 209:10 teach 141:10 teaching 69:7 teased 49:12 technical 91:21 technically 150:17 teetering 55:24 telling 83:17 106:13 193:7 209:13 tells 194:10 temperament	20:14 27:10,22 36:11 37:6 41:13 43:2 49:20 51:8 60:25 61:3,8,9, 11,17 62:3,24 63:5,10 64:1 68:19,20,24 69:6,14 70:1 82:13 92:11 96:21 101:1,4,7, 17 102:15,16 114:8 115:25 124:3 126:3,25 127:14,18 129:8 139:22 145:1 193:14,17 194:3 222:12 tempered 19:4 123:2 ten 10:5 14:19 16:22 20:8 44:6 48:7 75:20 133:1 200:21 tend 47:10 49:8 142:6 206:19 tenth 99:24 100:1 tenure 17:22 91:9 111:2 121:8 137:3 tenured 71:25 term 18:10 25:8,9 31:15 34:20 38:6 53:12,23 65:22 73:18 76:18 104:13,17	terminology 167:15 terms 15:5 104:12 122:10 128:15 137:11 168:19 210:8 test 183:17,20 203:22 testament 101:15 126:25 127:12 tested 36:19 testified 210:22 212:14 testifies 15:3 22:22 30:12 44:18 58:1 64:22 74:8 88:15 108:12 118:18 134:10 144:11 testify 16:18 24:9 32:6 40:13 45:24 59:11 66:13 75:13 90:3,4 110:7 120:1 136:2 178:16 202:21 testifying 213:5 testimony 15:21 23:11 45:3 58:14 74:16 89:1 108:25 119:4 134:21 192:17 202:22 209:24 212:14 220:23	testing 19:17 text 122:14 textile 39:12 Thanksgiving 48:13 52:17 themselves 217:10,17 There's's 105:5 thick 84:16 175:12 thing 73:13 76:13 78:24 83:21 102:18 114:2 117:10 128:7 145:19 147:10 174:5,6 187:5 188:19 191:19 203:7 213:2 218:9 things 24:24 25:10,15 36:24 48:10 49:10 55:18 56:2,6 58:10 69:3,17 76:12, 13 80:5 83:11 84:14 92:16 99:7 103:5 104:18 120:25 121:1 123:8 126:17 128:18 131:23 137:5 140:7 141:10 143:8,9,10 168:2 169:1,17 171:11 173:7,8, 9 176:6 185:22
<hr/>				
T				
<hr/>				
Tab 11:7 12:10 table 63:2 takes 41:18 62:21 128:17 taking 33:24 138:24 talented 26:23 talk 47:10 68:8 86:7 90:17 100:17 148:17 156:22 185:3 199:13,				

187:2 197:19 201:19 205:23 206:14,18 209:21 211:11 212:17 214:19 219:7 thinking 80:2 128:15 130:9 182:9 thirteen 47:18 179:10,12 thirty 75:24 94:7 113:24 thirty-five 94:7 thirty-fourth 65:22 thirty-or-so 56:5 Thirty-seven 73:8 thirty-three 66:22 67:10 69:1 thirty-year 41:17 Thomas 22:20 23:1,3,6, 18,21 24:12,18, 24 26:9,19 27:1, 5,19 29:8 30:3, 10 31:6,8 87:3,7 136:1 144:9,14 224:14 thought 19:15 55:8 61:11 63:6 75:23 76:1,3 80:18 102:24 117:6 146:17 148:1,7 150:23,	25 151:3 158:1, 3,4,14 159:3 161:23 184:3 197:13 198:11 211:19 218:5 thoughtful 60:25 92:24 95:2 three-day 40:17 three-month 67:24 threw 205:22 thrilled 39:8 thoroughly 119:16 135:16 throw 148:10 thrown 152:21 Thursday 11:3 107:4 Tiffany 33:25 34:14 till 73:18 Tim 122:14 time 11:1,13,20,25 12:7,20 13:14 15:17 17:12,23 19:18 20:2 22:2, 11,15 23:5 24:9, 14 29:24 30:21 31:3 33:9,12 34:8 35:4,17 42:18 47:2,5,22 48:24 53:3 55:25 56:4,18	60:9 61:15 63:1, 11 67:14,16,21 68:1 70:12 78:1, 3 83:22 87:12, 23 92:9 93:7,15 94:12 97:16,17, 23,24 99:8,20 103:8 104:15 105:6 107:25 108:1 109:13,14 110:7,9 113:18 118:5 120:3 129:1,12 133:16 136:7 139:4 141:20 146:13 148:20 151:16 154:4 157:16 158:21,22 159:18 160:1,7 161:24 162:1,25 164:3 165:9 170:15 172:16 173:22 176:19 179:22 184:2 185:14 186:3,4, 16 187:2,6 189:7 190:8 201:22 203:1 204:21 206:11 210:19,20 211:2 213:5,6 217:3, 14,19 219:10,24 223:7,10,23 225:2 timeliness 93:23 times 31:12,13 35:21 36:18 46:8 61:16 65:18 80:23 89:13,14 94:16,17 97:17 107:17 109:11	110:20 131:22 135:8 142:9,20 146:24 166:25 170:11 Tips 68:8 tired 104:25 title 13:23 183:6 Toal 32:22 today 9:8 10:7,13 14:9,17,18 21:20 29:1 35:13 37:15 62:13 74:16 78:21 84:20 87:19 90:19 97:2 106:23 107:2,6 109:1 116:6 119:1 126:9 127:24 131:8,18 145:18 147:2 149:9 150:13 152:10 154:20 158:3 168:15 186:21 187:15 190:3 195:20,23 196:1,7 202:21 219:23 220:23, 24 222:17 223:11 today's 51:11 62:6 70:4 82:18 99:24 190:23 225:6 told 32:25 34:4 51:25 76:22,25	77:1 78:12 92:10 114:5 147:3 194:9,19 208:22 Tommy 39:10 tomorrow 99:2,25 tone 215:6 tongue 36:22 131:16 top 99:16 140:2 149:15 total 29:7 totally 63:21 tough 36:9 79:6 157:3 217:12 town 217:9 track 99:14 206:18 209:21 212:19 tracking 220:2 train 137:7 transcript 145:22 146:1 147:3,4 148:12 157:25 158:11, 15,25 159:10 173:24 174:3,16 177:25 178:4, 18,24 194:8 196:14 197:11 205:13 211:8,21 214:12 216:15
--	---	---	---	---

transcripts 196:17	10:20	turning 121:17	128:11 149:11, 18,25 150:19	unseated 73:22
transition 19:22 203:6	trips 76:13	twelve 69:8 179:11	156:22 157:2	unusual 78:17
transitioned 203:4	trouble 19:22 169:14	twenty 60:3 105:3	158:10 163:17	up-to-date 35:6 138:24,25
travel 104:8,9 106:7	troubled 216:22 217:25	twenty- 110:16	170:3 183:12,23	upcoming 25:9 72:17
travels 118:10	troubling 146:2 187:12	twenty-five 78:18 113:10	185:20 186:12	update 23:7,8
treat 127:3,18 129:6	true 26:23 36:8	twenty-nine 14:12 138:16	188:20 190:5	updated 15:17 23:5,6
140:3 141:2	47:15 101:8	twenty-one 131:10	196:14 201:8	74:12 88:22
216:4	114:17 133:1	twenty-two 136:13 166:1	222:1	updates 30:20 108:20
treated 140:4	146:5 166:13	two-plus 203:9	understanding 50:16 93:4	upheld 95:1
treatise 18:6,7	167:15 189:17	type 19:11 68:13	111:20 122:5	upset 69:16
treatment 43:7,9 147:24	192:20,21	truth 15:2,3 22:21,22	151:21 157:3	Upstate 12:15 61:21
treats 27:3 93:1	194:19,24	30:11,12 44:17, 18 57:25 58:1	184:23	115:20 125:24
Tree 50:15	trust 203:18	64:21,22 74:7,8	understood 52:3	urge 9:9
tremendously 26:24	truth 15:2,3 22:21,22	88:14,15	undertake 14:4	USC 9:24,25
trial 99:8 113:9,11	30:11,12 44:17, 18 57:25 58:1	108:11,12	unfavorable 151:19	utility 206:23 207:10, 17
116:14 123:11, 18 124:16,17	64:21,22 74:7,8	118:17,18	unfit 168:17 186:23	
130:16 212:10, 13,22 215:24	88:14,15	134:9,10	190:2 194:15	
trials 34:9 105:9	108:11,12	144:10,11	unfortunate 169:3 215:4,11	
113:14 116:16	118:17,18	171:25 172:1	unfounded 224:24	
205:24	134:9,10		unique 46:24	
trigger 184:10	144:10,11	U	University 18:2	
triggered 189:13	171:25 172:1	ultimately 169:6 173:25	unknown 155:14	vacated 84:22 94:16
Triplett	truthfully 148:7	174:1 177:17	unmentored 130:22	vacation 33:24 162:18,25 167:19
	Tuesday 11:5 107:4	186:18 187:8	unnerving 199:21	vacations 216:16
	turn 34:21,24 110:12	193:1	unrecuse 219:14	Valenzuela 10:16
	turned 40:3 41:9 112:2	UNC- 9:24	unreported 94:20	
	121:18,23	undergraduate 60:2		
	137:25 138:1	understand 41:4 48:2 85:19		
		93:6 96:10		
		115:16 125:20		

valuable 19:4 136:21	virtue 124:23 175:25	26:13 33:1 40:6 77:19 80:24 97:14 126:22 131:21 211:16 215:3,20 216:2 219:16,17	164:20 170:1 203:14 219:25	wine 76:25 77:5
Van 201:1,2,5 208:4	visitation 80:21,22		weeks 14:19 52:4,7 78:6 104:20 142:25 205:23	Winston- 50:22
vast 26:21 35:2 98:11 100:5	visited 50:24			Winston-salem 50:24
verdict 179:11	voluntary 166:24	wanting 129:22	weigh 127:10 155:11, 19 156:14 194:5,7	wisdom 49:21 203:18
verification 16:12 24:2 31:25 45:18 59:5 66:7 75:7 89:23 110:1 119:20 135:20	volunteered 52:15	warranted 185:12		withdrew 148:19 178:25
verify 146:6,7 194:18	volunteering 52:16	watched 121:2 146:22 216:3 217:22	weighing 192:13	witnessed 209:12 216:3
versa 38:5	Von 137:20,24	wave 10:14	weight 22:8 29:20 107:22 118:1 133:12 146:21 150:18 191:14, 16 194:7 223:3	witnesses 16:17 24:8 27:3 32:5 45:23 59:10 66:13 75:13 90:3 95:11,14 110:6 119:25 121:22 178:15 212:13
versed 139:18	vote 11:2 87:1	Wayne 112:5	well- 20:19	witnessing 70:20
versus 39:11 183:2 194:8	voted 216:24 217:5,11	ways 112:11 129:2 193:6 195:21	West 71:16	won 176:23
veterans 9:5,7,9 30:2 57:9	votes 12:6 86:25 224:5	wealth 60:24	whatsoever 149:23	wonderful 25:25 29:8 30:5 46:10 54:7 55:14 56:25 63:24 139:10
vice 38:5	<hr/> W <hr/>	weapon 204:14	widowers 56:5	wondering 160:3 183:1 191:2
view 22:6 29:18 107:20 117:25 133:10 176:21 223:1	wait 121:21,22 143:2 189:13	wear 142:20	widows 56:3	Woody 219:7
viewing 12:22	waited 158:13	wearing 106:1	wife 33:5 67:13 68:1	word 9:20 48:22 50:9 175:20 206:11
violated 122:9	waiting 50:8	weather 88:6	willingness 43:19 108:2 118:6 133:17 136:22	wording 167:15
violations 22:6 29:19 107:20 117:25 133:10 223:1	waive 13:10 110:10	Wednesday 11:6 107:4	win 36:25 41:12 176:20 217:2	words 19:21 129:15 189:20 205:16
	waived 46:7 150:9,17	week 33:19,22,23 38:7 40:10,16, 17 48:8,13 52:13,16 68:3 77:18,20 94:6 98:20 104:11, 12,14,24 112:10 123:5 132:14 136:19 143:1	win-win 148:8	
	walked 218:1		wind 215:2 219:21	
	walking 17:5 42:1			
	wanted 10:12 25:11			

206:3 211:19 212:18 wore 210:20 work 10:2,7 25:13 26:1 27:1,2,16 30:4,5 33:17 34:4 40:4,9 46:13 48:4,5 53:8 56:16 61:16 67:9 77:25 78:11 92:4,14,15 98:9 99:6 101:16 112:14 122:19, 21 124:24 136:8 165:14 220:9 workable 79:22 80:4,23 worked 9:25 46:9 48:8 52:13,14 72:9 worker 138:8 workers' 105:3,4 working 34:7 48:8,12 52:9 72:5 103:4 106:10 130:6 136:8,23,24 137:6 workload 47:24 works 25:12 53:13 86:2 136:21 138:13 world 56:22,23,24 131:24	worrying 106:12 worse 145:13 154:10 worth 84:12 worthy 117:6 wound 34:10 wrap 188:19 write 93:14,17 126:19 writes 70:21 writing 174:13 written 36:10 48:25 49:22 56:3 61:2 68:23 79:13 113:16 124:1 133:9 138:16 152:16 174:19 195:10 196:23 220:22,23,25 wrong 27:7,9 41:2 55:12 69:11 124:22 148:24 189:8 193:1 wrote 157:23 158:11, 23 167:2 195:12 wwhen 139:1 <hr/> Y <hr/> y'all 86:5 104:2	105:17 196:19 200:16 211:22 year 13:4,8 20:4 48:7 52:13 53:2,24 54:6 62:20 65:22 66:21 70:12,25 71:1,6, 7 73:17,19 76:9 81:17 91:12 94:6 98:16 99:13 144:24 161:2 181:23 203:13 214:16 year-term 65:20 years 10:3,5 16:23 19:12 20:8 27:1 41:21,25 46:4 47:18 53:7 56:5, 13 60:3 63:14 66:22 67:10 69:1,5,9 70:16, 22 71:8,22 72:6, 10 73:8 75:20, 24 76:8 78:18, 22 85:5 90:8,12, 20 91:1 97:15, 16 110:17 113:10 120:20 128:6 131:11 133:1 136:13 153:4,5 166:1 203:9 206:25 209:25 210:14, 17 years' 215:22 yield 188:14 190:15 Yom	170:11 young 43:5 54:16,17, 18 58:17 65:10 74:19 98:5,6,7 100:17 131:12, 13 139:1 214:15 younger 130:22 132:22 youngest 105:14 <hr/> Z <hr/> zoning 183:3,5	
---	--	---	--	--