



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

**Circuit Court  
(Incumbent)**

**Full Name: Maite D. Murphy**

**Business Address: 5200 E. Jim Bilton Blvd.  
St. George, SC 29477**

**Business Telephone: (843) 832-0391**

1. Why do you want to serve another term as a Circuit Court Judge?  
I hope to continue to serve as a Circuit Court Judge to have a positive impact on our State. My career to date has afforded me an opportunity to gain valuable experience and insight of our judicial system. I strive to continue to learn from each case before me and use that experience to the benefit of our system of justice.
  
2. Do you plan to serve your full term if re-elected? **Yes.**
  
3. Do you have any plans to return to private practice one day? I do not plan to return to private practice.
  
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? **Yes.**
  
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

**Ex parte communications are improper and should not be allowed except in circumstances allowed and outlined in the Rules Governing the Judiciary. These exceptions include circumstances for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits provided that: the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and, that the judge makes provisions promptly to notify all other parties of the**

substance of the communication and allows the other party an opportunity to respond. A judge may also obtain the advice of a disinterested expert on the law if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. A judge may also consult with court personnel that aid the judge in carrying out his or her adjudicative responsibilities or with other judges. A judge may also meet separately with the parties and their counsel in an effort to mediate or settle matters before the court if all parties consent to said meeting. Any other ex parte communications may happen only if expressly authorized by law.

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

I would recuse myself in any proceeding where my impartiality might reasonably be questioned. I would recuse myself if I had any personal biases or knowledge regarding the evidentiary facts of the proceeding or had an interest in the proceeding. Two of my former law partners are within the third degree of relationship and I would therefore not hear any matters that they had pending before the court. In regards to former associates or lawyer-legislators, I would disclose the relationship on the record for the parties to consider relevant to the issue of disqualification and allow the parties to consider outside of my presence whether or not they would waive disqualification. Said agreement would need to be fully placed on the record. The fact that a person is a lawyer-legislator would not automatically require recusal. If that were the case, no member of the legislature would be able to practice law. All precautions should be taken to ensure that there is not a true conflict of interest or an appearance of bias or prejudice for or against either party. Parties should be satisfied that the court is fair and impartial.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

If there was an expression of bias or prejudice that was perceived by the parties, even though I believed I could be fair and impartial, I would give deference to a motion for my recusal. This decision would be based upon the fact that said expression of bias could potentially

cast a reasonable doubt on my capacity to act impartially in the proceeding.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?  
**If there is an appearance of impropriety because of financial or social involvement of my spouse or close relative, then that appearance applies to me as well. I would apply the same standard as if that appearance was due to my involvement in the situation.**

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

**Ordinary social hospitality is acceptable, but a judge must not accept gifts from anyone if they are likely to come before that judge. Such gifts would raise an appearance of impropriety. Gifts from relatives or friends are acceptable so long as the gift is commensurate with the occasion and the relationship.**

10. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?  
**I would report misconduct to the appropriate authority and I would investigate the appearance of infirmity of a lawyer or of a fellow judge to determine the proper course of conduct.**

11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.  
**I have engaged in fund-raising activities as a member of a Dragon Boat team which raised funds for cancer survivors and research. I have also participated in several work outs which were organized to benefit groups such as wounded warriors, breast cancer and like causes. I have participated in fund raising activities for my sons' football teams. At no time did I identify myself as a member of the judiciary in my fundraising efforts, nor did I solicit any funds from anyone that would likely appear before me.**

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

13. How do you handle the drafting of orders?  
**That depends on the type of order. The court has a duty to take reasonable measures for prompt disposition of matters. There are**

circumstances in which it would be permissible for the court to request that a party submit proposed orders, so long as the other party is aware of the request and afforded the opportunity to respond to the proposed order. There are many circumstances, such as bond reduction hearings, where the parties may have form orders that upon review by both parties, they can submit to the court for approval. Should the matter be of a complex nature, or involve a pro se litigant, I would draft the order myself or direct my law clerk to compose a proposed order for my review.

14. What methods do you use to ensure that you and your staff meet deadlines?

I ensure effective communication with my staff so that they understand what is expected and required of their service.

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

Judicial activism is improper. The role of the judiciary is to at all times comply with and apply the applicable law, not to make law, Based upon his or her own personal beliefs or agendas.

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

I would participate in activities and efforts through the bar association or other organizations which are dedicated to the improvement of the law. I have on several occasions had the opportunity to speak at my children's school to educate the students on our system of justice and how the court system functions. I believe in being an active member of my community and would continue to give of my time accordingly.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

Serving as a member of the judiciary has not strained my personal relationships. I am fortunate to have the full support of my family which enables me to manage my personal and professional responsibilities effectively.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders:

**Repeat offenders should be closely evaluated and each type of offender should be considered on a case by case basis. Violent repeat offenders pose a threat to the safety of our community and repeat offenses of a violent nature are taken very seriously and would typically warrant a harsher penalty. It is important to consider alternative sentencing options for different types of repeat offenders. For example, I may have before me a repeat drug offender that has never had the benefit of drug treatment, or an offender that has committed fraudulent acts to support his or her family, but has not been previously ordered to obtain a GED or had vocational training. The court should consider treatment options in certain cases that may be available to rehabilitate. The court should always be mindful that sentencing serves the purpose of punishment as well as a deterrent to other offenders.**

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

**In order for a juvenile to be waived to circuit court they must have been charged with a crime which allows such a waiver statutorily. Said crimes are not petty offenses, but serious in nature and are treated as such. The court has the responsibility to consider all aggravating and mitigating circumstances upon sentencing. Youth is considered a mitigating circumstance, but is not the sole determining factor of the sentence imposed.**

c. White collar criminals:

**White collar criminals can have an equally devastating effect on victims as any other type of criminal. The court should consider victim impact testimony and potential restitution issues in sentencing as well as appropriate punishment and deterrent factors for the community.**

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

**The court must be cognizant of all mitigating and aggravating circumstances in each case in order to fashion an appropriate sentence. Many defendants are from socially and/or economically disadvantaged backgrounds. This may be due to having dropped out of high school and not having employment opportunities. The court can impose educational and vocational requirements as part of a sentence to address those**

deficiencies. This can be done whether the sentence is one that calls for incarceration or probation.

- e. Elderly defendants or those with some infirmity:  
**An elderly or infirm defendant that commits a violent offense can pose the same danger as that of a healthy defendant. The court should consider the type of infirmity involved and how that affects not only the department of corrections ability to house and treat such infirmity, but also how said infirmity would limit the defendants ability to be a further danger to the community and what sentencing and treatment options are available that would be fair and just.**

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

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?  
**Yes, a de minimis interest denotes an insignificant interest that could not raise a reasonable question as to a judge's impartiality.**

21. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. **No.**

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period?  
**Yes.**

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

**A judge should always be courteous, respectful, patient and dignified to all litigants, jurors, lawyers, and anyone with whom the judge deals with in their official capacity.**

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

**A judge must not express emotions, to include anger, in all proceedings. The court shall require order and decorum at all times. The court is charged with remaining impartial and to not manifest any**

**form of conduct or reaction to include body language that would suggest an appearance of judicial bias.**

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

\_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)  
Notary Public for South Carolina  
My commission expires: \_\_\_\_\_