



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

Circuit Court
(New Candidate)

Full Name: The Honorable W. Stephen Harris Jr.

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

Since I was a teenager, I have been fascinated with our court system, specifically our civil and criminal courts. After working for six years outside of the legal system, I followed my dream and attended law school. During school, I grew more and more interested in trial courts and becoming an active part of the court system. As a Public Defender, a private practice attorney, and a judge, I have seen and understand the inner workings of our judicial system and know that I want to play a greater role in making this the best judicial system in the country.

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

Absolutely

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

No.

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

Yes

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

being tolerated?

Ex Parte communications will not be tolerated or considered. There may be rare exceptions such as scheduling, which will obviously be disclosed, but ex parte communications can only cause appealable issue, possible mistrials, and other problems that would slow our judicial system.

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

My philosophy on recusal is to first notify all parties of any and all potential conflicts of interest. I would then find out if the parties, knowingly advised of the potential conflict, would like to move forward or have me recuse myself. In certain situations, I would automatically recuse myself from a case, but it would be on a case-by-case basis.

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?

As a judge, I have always erred on the side of ultimate transparency and fairness. Unless a motion to recuse is truly frivolous, I would probably grant the motion to avoid the appearance of bias and to avoid creating issues that cause a near automatic appeal.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If my spouse or close relative was involved financially in a case before me, I would disclose the fact and recuse myself. It would depend on the social involvement, but I am always going to err on the side of caution when it comes to the appearance of impropriety.

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

Gifts and social hospitality are not proper for a sitting judge from anyone but his or her family. Again, I will always avoid the appearance of impropriety.

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?

If information were given to me that a possible violation or appearance of a violation of conduct by an attorney had occurred, I would take appropriate action. Addressing the allegation with the lawyer and if necessary reporting this to the proper authority agency or body. If I have actual knowledge of the misconduct, I am bound to report it to the proper authority. This would hold the same for a fellow judge who had violated one of the Canons. This is based on information from another party given to me versus actual knowledge. In the later case, it is my duty to report the Judge to proper authority.

11. 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.

12. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

No

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

No

14. If elected, how would you handle the drafting of orders?

I prefer to draft my own orders. If a party would like to submit a proposed order to the court, I will consider the order and draft the final version for the record.

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

I am habitually early for everything. Missing a deadline is unacceptable. In my practice and on the bench currently my staff understands the importance of being prompt and on time for any deadline or proposed dates for any filings. Methods I currently use and would continue to use are making it abundantly clear to the staff to default to being early on all deadlines. If you are early, and something needs to be changed or edited, you can do it before the deadline and then there is no need to beg forgiveness from other parties or the court.

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

A judge’s duty is to decide cases based on the law as it stands at that point. A Circuit Court Judge has discretion on length of sentence, fine, or probation. Our Supreme Court and our Legislative body determine the laws. It is not a Circuit Court Judge’s job to amend or interpret differently those laws because he or she may not agree with them. I am not running for Circuit Judge to change the law, I am running to faithfully maintain and respect the law.

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

I will speak if invited at CLE and other conferences regarding advancement and changes in our legal system. I will happily field and answer any questions and suggestions about our current court system. An open dialogue with the local bar on case management, docketing and judicial economy will be an important role I assume as a Circuit Judge.

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

I do not believe it would strain my personal relationship with my spouse or children. My spouse knows this is what I want to do for my career and my children are the most important part of my life. They all know that I may have to be away on occasion more often, but are also getting to an age where they understand that I have to work and am doing everything that I do for them. I am truly not concerned about how my

career affects my friends. If it does, they probably were not a very good friend anyway.

19. 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:

My philosophy on repeat offenders is that they have had their first chance. I do however take them on a case-by-case basis. For example a person with a problem with addiction or mental health who is a repeat offender for the same non-violent drug charges will be viewed differently than a person charged for the second or third time with drug trafficking or domestic violence. I will also listen to mitigating factors brought by the defendant or their attorney.

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

Juveniles waived up are always tricky. I look at the family situation, school attendance or lack of, drug and alcohol issues, and juvenile history (if available). I also consider the severity of the charge and the juvenile's involvement (principal vs. accessory before or after the fact, etc..). In the case of gun violence, murder, etc...I would take into account the person's age, but do not have a hard line on whether or not to send a child to prison.

c. White collar criminals:

A white-collar defendant is treated just like anyone else. I take every defendant on a case-by-case basis. The larger white-collar cases are heard in Federal Court but as in all cases, I would consider the severity, the economic loss, the victims, and the defendant's role in the case. Mitigation also plays a major role in sentencing.

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

Defendants are taken on a case-by-case basis. I was a public defender for years and have personally handled hundreds of cases involving this type of defendant. That being said, I do not and will not sentence someone differently than another defendant solely based on wealth or lack thereof. For example, a person charged with theft of baby formula

or diapers for their child is sentenced differently than a person charged with stealing a purse or car. This is a prime example of a way a person with an economic disadvantage would be treated differently.

e. Elderly defendants or those with some infirmity:

It would depend on the situation. If a person is too infirmed to go to a regular prison or if it would be dangerous or too costly to house an elderly or infirmed, I will always consider alternatives to a straight sentence, including mental health court, drug court, and alternative placements in facilities suited to handle such defendants.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No

22. Do you belong to any organizations that discriminate based on race, religion, or gender?

No

23. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes

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

A judge should be patient, courteous, and dignified at all times.

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

Anger has no place in the courtroom. No one can say that they never get angry, but showing anger on the bench or getting angry with a party in court is not ever appropriate.

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: _____