



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

Circuit Court
(New Candidate)

Full Name: John O. Williams II

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

I desire to be a public servant and to improve the administration of justice in our state. I believe that fair trials are a cornerstone of democracy, which must be protected. However, like all other processes, there are ways to improve the judicial system and I would enjoy working diligently to determine what those ways are.

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

Yes.

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

I have no plans, but I would not remove it as an option.

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?

Never communicate with only one party to a case unless it involves an immediate danger, irreparable harm, or if there is a scheduling question.

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

If the relationship is such that the judge does not believe he can be impartial, or if he has any financial involvement with either party, then he should recuse himself. However, if the relationship is such that the judge believes he can be impartial, then he should disclose the relationship to all parties and ask if there are any objections. If there are objections, the judge should consider the arguments and make a determination on the merits of the arguments.

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?

Each judge should be able to determine their ability to be impartial; however, if an argument is made for recusal and recusing one's self would not impact the administration of justice then the judge should strongly consider it. I would likely grant such a motion if it would not create any adverse impacts.

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

Financial involvement by close family members should always be given the highest level of scrutiny. If there is any doubt, a judge should recuse himself. The social involvement of a spouse or a close relative would have to be determined on the facts. Again, full disclosure should be provided to all parties and all arguments considered.

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

A judge should not accept any gifts or social hospitality from any lawyer or firm with any cases pending before that judge or likely to appear before that judge. Rule 3.13 of the ABA's Model Code of Judicial Conduct provides a good outline for the acceptance of gifts.

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 it is related to drug or alcohol abuse and no other person or party had been affected, I would report the lawyer or judge to Lawyers Helping Lawyers. If the misconduct is directly related to the honesty, trustworthiness, or fitness of a lawyer or judge then I would notify the proper professional authorities.

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. (other than a men's group at church)

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

I organize the Josh Swicord Memorial Golf Tournament for the Moncks Corner Lions Club every year, which raises money for scholarships for students of Berkeley High School. I have participated in two fundraisers for Healing Farms, their Walk and Roll event and their golf tournament. I have helped organize about six fundraisers for the Berkeley County Clemson Club, which raise money for scholarships for Berkeley County students attending Clemson University. I attended two fundraisers for Representative Sylleste Davis in the spring of this year. I made a \$100 donation at the first fundraiser.

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 believe a judge and his law clerk should be active in the drafting of most orders, while allowing the parties to submit draft orders for review and additional information.

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

I would implement regular staff meetings and electronic calendaring of all events, especially deadlines.

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

Judges should simply interpret the law. At the trial level, there is very little opportunity for judicial activism and it should remain that way. Our forefathers created three branches of government for a reason.

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 would like to expand the mentoring program to law students, so they have more legal and courtroom experience when they graduate. Also, I am very much interested in working on the court controlled docket in General Sessions and exploring new options for case resolution. Extra-judicially, I plan to maintain my current involvement in all of my civic and religious organizations.

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?

No. I currently work two Monday evenings each month for county council meetings, which routinely last until 9:00pm or 10:00pm. Additionally, the political nature of dealing with a dozen or more elected officials on a regular basis creates a fair amount of pressure. I believe the somewhat regular schedule of a judge would allow for more opportunities to spend evenings with my family. While the pressure of serving as a judge is not insignificant, I believe that qualified members of the bar must be willing to run for judicial positions where they will make serious decisions that impact people's lives. I have improved my ability to balance work-life and home-life and I am confident that I can maintain separation of these two important aspects of life.

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:

If it is clear that an offender is unable or unwilling to be rehabilitated, then society must be protected. Sentencing for an adult repeat offender would likely be longer than average.

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

For juveniles in the Circuit Court system, this may be the government's last chance at rehabilitation. All available programs and opportunities should be evaluated while balancing the rights of the victims.

- c. White collar criminals:

While each case should be determined on its own facts, white collar criminals should not receive minimal sentences because their crime is not considered violent or serious. It is common for white collar criminals to have above average levels of education and to have full knowledge of their crime they are committing. The *mens rea* element of the crime is typically well established in

these cases and it should be reflected in the sentencing.

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

The fact that a defendant has a disadvantaged background should not be immediately dismissed. Depending on the crime and circumstances, a defendant's upbringing and environment can be fair mitigating evidence.

- e. Elderly defendants or those with some infirmity:

Extra care should be taken to ensure that these defendants are not taken advantage of and that their attorney has fully advised them of the charges, the consequences, their rights, and that they fully understand them. Requests for reasonable accommodations in their sentencing, while balancing any need for retribution, should be fully evaluated.

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

No. (other than normal brokerage activity in stocks, mutual funds, and retirement accounts)

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

I would fully disclose any financial interest my family member or I had in a party to determine if either party has any reasonable argument for recusal. However, to the extent that the party is simply an insurance company, bank, or an investment brokerage company that I have an account with, I would not be likely to recuse based on this *de minimis* financial interest.

- 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?

I believe that a soft answer turns away wrath and that an even temperament is paramount as a judge. Shouting and condescension are not necessary, even to maintain "control" of the courtroom.

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

No.

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: _____