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PROCEEDINGS

November 14, 2018

STATE OF SOUTH CAROLINA JUDICIAL MERIT SELECTION COMMISSION TRANSCRIPT OF PUBLIC

REPORTER: Patricia Bachand

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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4 JUDICIAL MERIT SELECTION COMMISSION

5 TRANSCRIPT OF PUBLIC HEARINGS

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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 REPRESENTATIVE J. TODD RUTHERFORD

13 REPRESENTATIVE CHRIS MURPHY

14 MICHAEL HITCHCOCK

15 LUCY GREY MCIVER

16 ANDREW N. SAFRAN

17 ERIN B. CRAWFORD, CHIEF COUNSEL

18

19 * * * * *

20 DATE: November 14th, 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

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17 Court Reporter's Legend:

18 dashes [--] Intentional or purposeful interruption

19 ... Indicates trailing off

20 [sic] Written as said

1 CHAIRMAN RANKIN: All right. We're started.
2 Good morning. And on motion of Mr. Safran we're going to
3 go into executive session. Seconded by Ms. McIver. And
4 we'll go into executive session.

5 (Off the record from 12:33 p.m. to 12:44 p.m.)

6 WHEREUPON,

7 MEREDITH L. COKER, being duly sworn and
8 cautioned to speak the truth, the whole truth and nothing
9 but the truth, testifies as follows:

10 CHAIRMAN RANKIN: You've got the same forms
11 you did last year, the PDQ and the sworn statement before
12 you. Any changes that need to be made to those?

13 MS. COKER: There were a few minor changes.
14 But I have already given the originals, and I believe they
15 are right there. There was a slight amendment to the
16 personal data questionnaire, I just had some civil appeals
17 that are moving through the system. I updated that
18 information. And then I had inadvertently omitted a "not
19 applicable" on the statement of economic interest. So I
20 supplemented that form.

21 CHAIRMAN RANKIN: As is, do you now object
22 to them being made a part of the record?

23 MS. COKER: I do not.

24 CHAIRMAN RANKIN: And that will be put in.

25 (EXHIBIT NO. 4 - JUDICIAL MERIT SELECTION

1 COMMISSION PERSONAL DATA QUESTIONNAIRE OF
2 MEREDITH L. COKER)

3 (EXHIBIT NO. 5 - AMENDMENT TO PERSONAL DATA
4 QUESTIONNAIRE OF MEREDITH L. COKER)

5 (EXHIBIT NO. 6 - JUDICIAL MERIT SELECTION
6 COMMISSION SWORN STATEMENT OF MEREDITH L. COKER)

7 CHAIRMAN RANKIN: You remember this well,
8 I'm sure, But we have the task of evaluating your
9 candidacy. And the Commission looks at nine evaluative
10 criteria, including the ballot box survey, a study of your
11 application materials, verification of your compliance with
12 the state ethics laws, a search of newspaper articles in
13 which your name appears, a study of previous screenings --
14 again that was last year -- and then a check for economic
15 conflicts of interest.

16 We have no one who has filed an affidavit in
17 opposition to your campaign. No witnesses are here to
18 testify against you. I will now allow you, if you'd like
19 to introduce your guest that is behind you. But you don't
20 have to.

21 MS. COKER: Well, I feel like I should.
22 This is my husband Cooper Coker. He has been nice enough
23 to accompany me, to drop off our daughter at school this
24 morning, and then we came on up here.

25 CHAIRMAN RANKIN: He wasn't with you last

1 year, was he?

2 MS. COKER: No. We actually had a -- he was
3 taking care of said child last year while I was here.

4 CHAIRMAN RANKIN: You now have the
5 opportunity to make a brief -- ever so brief, very brief,
6 brief, brief opening statement if you'd like. But you do
7 not have to.

8 MS. COKER: I appreciate that. I would just
9 like to thank everyone for their time here today. And I'm
10 happy to answer any questions you all may have.

11 CHAIRMAN RANKIN: Great. Thank you. Maura.

12 MS. BAKER: Thank you, Mr. Chairman. I note
13 for the record that based on the testimony contained in the
14 candidate's PDQ, which has been included in the record with
15 the candidate's consent, Ms. Meredith L. Coker meets the
16 constitutional and statutory requirements for this position
17 regarding age, residence and years of practice.

18 EXAMINATION BY MS. BAKER:

19 **Q. Good morning, Ms. Coker. How do you feel that**
20 **your legal and professional experience thus far renders you**
21 **qualified and will assist you to be an effective circuit**
22 **court judge?**

23 A. Well, as I have stated in the PDQ, and as some of
24 these folks have heard previously, I have had a very
25 diverse legal background. I started up in -- I was

1 originally a Virginia attorney. I clerked for two years at
2 the Virginia Court of Appeals, doing primarily criminal
3 appellate work. Judge Willis, who I worked for, had been a
4 prior commonwealth's attorney -- a solicitor here, and had
5 worked his way up through the system.

6 I then went to a firm in the District of
7 Columbia, still practicing mostly in Virginia, and in the
8 federal court system there, that did all sorts of
9 interesting things. A lot of international business law,
10 some bankruptcy, some patent work. All over the board. We
11 did that.

12 And then I got smart and moved farther south. I
13 got cold. Had about three feet of the snow on the ground
14 and decided to move to South Carolina. I took the Bar
15 here. I practiced with a firm that did mostly commercial
16 litigation work. And now I am a -- one of two partners in
17 a small firm in Charleston, practicing primarily in civil
18 litigation. But I also do substantial transactional work
19 as well.

20 I think that the different things that I've done
21 through my professional background has enabled me to build
22 a skill set of getting to the right answer quickly and
23 getting the solution without becoming personally invested
24 in what that solution really is.

25 I think that while I do not have the criminal

1 background a solicitor may have, the fact of the matter is,
2 is that the criminal laws in South Carolina are well
3 codified, their sentencing guidelines, there's favorably or
4 unfavorably significant legal precedent. And I have had
5 the ability, and I think the success, in being able to find
6 issues quickly, address the solutions and move forward.

7 **Q. Ms. Coker, the Commission received 75 ballot box**
8 **surveys regarding you, with three additional comments. The**
9 **ballot box survey, for example, contained the following**
10 **positive comments:**

11 **"Meredith Coker has the experience and**
12 **disposition to be an excellent jurist. She has a keen**
13 **intellect and strong analytical skills required to be a**
14 **successful judge."**

15 **One of the written comments expressed concerns.**
16 **The comment stated, "Meredith Coker takes unreasonable**
17 **legal positions as an advocate."**

18 **What response would you offer to this concern?**

19 **A. Well, again, not knowing what unreasonable**
20 **position that may be, I will say that I have represented**
21 **creditors in the past, and have had several debtors that**
22 **thought it was unreasonable, for instance, to pay any**
23 **portion of any outstanding debt.**

24 **I had a very contested case that went on for**
25 **several years, where we said, "This is the amount you owe.**

1 How much can you pay?" And they said, "Zero. And you
2 should pay us."

3 I myself do not believe I take unreasonable
4 positions. In fact, I pride myself on being able to see
5 both sides. And quite frankly, most of my cases end up
6 resolving out prior to or even after a judicial verdict.

7 **Q. Ms. Coker, what have you done since your last**
8 **screening to prepare to serve as a circuit court judge?**

9 A. Well, there was some concern last year at this
10 time just about, with regard to my current criminal
11 background. I have -- I know very well, a solo
12 practitioner in Charleston County, who has allowed me to
13 shadow him in some -- in some serious felony cases this
14 year.

15 I have as my own work schedule permitted, gone
16 through that process with him, gone through jury trials
17 with him, argued criminal motions with him, and have made
18 an effort to keep up a little bit better with that side of
19 the advance sheets.

20 **Q. Ms. Coker, why do you want to be a circuit court**
21 **judge?**

22 A. Well, obviously, it is -- it would be a great
23 honor. It is an important civic duty that I believe that I
24 would fulfill, and fulfill well. And I think that my --
25 both personality and particular skill set would mesh well

1 with the needs of being a jurist.

2 I think it's incredibly important for not only
3 the Bar, but for the people -- the regular citizens who
4 come into a courtroom, whether they be civil litigants,
5 criminal defendants, or victims, be able to be comfortable,
6 or as comfortable as possible, with a jurist who is -- has
7 a calm, consistent, yet strong demeanor. And I believe
8 that I would be able to provide that.

9 Q. Ms. Coker, I just have a few housekeeping issues.
10 Are you aware that as a judicial candidate you are bound by
11 the Code of Judicial Conduct as found in Rule 501 in the
12 South Carolina Appellate Court Rules?

13 A. Yes.

14 Q. Ms. Coker, since submitting your letter of intent
15 have you contacted any members of the Commission about your
16 candidacy?

17 A. No.

18 Q. Since submitting your letter of intent have you
19 sought or received the pledge of any legislator either
20 prior to this date or pending the outcome of your
21 screening?

22 A. No.

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

1 A. Yes.

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

6 A. I have not requested that. And I am unaware of
7 anyone speaking.

8 Q. Have you received and do you understand the
9 Commission guidelines on pledging and South Carolina Code
10 Section 2-19-70(E)?

11 A. Yes.

12 MS. BAKER: I would note that the Low
13 Country Citizens Committee reported that Ms. Coker was well
14 qualified in the evaluative criteria of ethical fitness,
15 professional and academic ability, reputation, experience
16 and judicial temperament. The committee reported that Ms.
17 Coker was qualified in the evaluative criteria of physical
18 health, mental stability, and constitutional
19 qualifications. The committee stated and signed that Ms.
20 Coker is intellectual, poised, and has good experience.

21 Mr. Chairman, I would note for the record
22 that any concerns raised during the investigation by staff
23 regarding the candidate were incorporated into the
24 questioning of the candidate today. Mr. Chairman, I have
25 no further questions.

1 CHAIRMAN RANKIN: Questions by members of
2 the Commission? Mr. Hitchcock.

3 EXAMINATION BY MR. HITCHCOCK:

4 Q. Good morning, Ms. Coker. I'd like to commend you
5 for the efforts that you've taken to go get criminal
6 experience. I think there's many times when we -- I think
7 we see candidates and we imply that, that might be a good
8 thing for them to do when they lack experience either on
9 the criminal or the -- or the civil side. And it's not
10 necessarily often that we see somebody taking the
11 initiative to go do that. So I would commend you on that.

12 And I know that you indicated that you've been
13 working with Mr. -- I believe it's Mr. Falk, helping him
14 with some of his criminal practice. Could you give us kind
15 of a -- maybe get into that a little bit deeper, and give
16 us an idea of the types of cases that you've been assisting
17 him with, and some details regarding your level of
18 participation in those cases.

19 A. Certainly. And again it's -- it has been,
20 obviously, not a full-time participation, and it's been
21 voluntary on my behalf. With regard to jury trials, I
22 assisted him from the discovery process through pretrial
23 and through sentencing on a robbery matter.

24 With regard to a co-defendant murder trial, I
25 again worked primarily with the pretrial discovery. I

1 wrote most of, if not all of the pretrial motions. I
2 argued the motion to sever the co-defendants, which I was
3 actually successful in so doing. And that particular trial
4 ended up in, for our defendant, a plea agreement. The co-
5 defendant was convicted last week of -- with a life
6 sentence.

7 I have also periodically assisted him with regard
8 to jury instructions, selections of juries, pretrial
9 motions, drafting, research and that sort of thing.

10 Q. Thank you.

11 CHAIRMAN RANKIN: Any questions? Any
12 further questions?

13 REPRESENTATIVE SMITH: Mr. Chairman.

14 CHAIRMAN RANKIN: Representative Smith.

15 EXAMINATION BY REPRESENTATIVE SMITH:

16 Q. Ms. Coker, I remember you from last year. So
17 normally, I ask a lot of questions about criminal
18 background, and I think we discussed that a lot last year
19 about how you would handle lawyers. I presume what you
20 testified -- and I looked through the transcript, also, you
21 would -- that would still be the same philosophy you would
22 hold if you were elected as a circuit court judge.

23 A. Yes, sir. My philosophy hasn't changed. I
24 continue to try to evolve in my knowledge and maturity
25 level, but other than that I haven't had much time to

1 change much.

2 Q. So I'm not going to take fifteen minutes or so to
3 go through that with you, if it's the same questions. So
4 thank you -- thank you again for offering.

5 A. Understood. Thank you.

6 CHAIRMAN RANKIN: Very good. Mr. Safran.

7 MR. SAFRAN: Thank you, Mr. Chairman.

8 EXAMINATION BY MR. SAFRAN:

9 Q. Just a couple quick questions. As far as your
10 current civil practice -- I mean, I know what the
11 highlighted points are as far as from your information.
12 But just give me a general breakdown of what primarily
13 you're doing. I mean, is it collection work? Is it
14 foreclosure? Is it transactional? I mean, what mainly are
15 you doing? Because, you know, you see kind of a very broad
16 swath of things in circuit court, but then again there's
17 kind of a core that I'm sure you recognize that a lot of
18 it's personal injury, you do have commercial litigation.
19 So I'm just trying to get a sense of what your primary
20 background is.

21 A. That's a more difficult question to respond to
22 than at first. So many people nowadays, while they don't
23 specialize, they certainly concentrate in, for instance,
24 foreclosure defense and personal injury. I will say I do
25 not -- I don't think I have any personal injury cases.

1 Over the course of the last thirty days, I have
2 dealt with commercial transaction deals, purchasing of
3 loans, a couple residential matters. I have two or three
4 heirs property cases that are currently pending -- or suits
5 to quiet title based on heirs property.

6 I have an Article 9 UCC matter pending a
7 decision. We just came to a settlement in a multimillion
8 dollar bad faith insurance claim. I think I've been in
9 eight different courts in the last thirty or forty-five
10 days. So it's difficult -- generally speaking, most of my
11 practice stems from property or the things that get built
12 out of it.

13 **Q. Right.**

14 A. We're basically doing a lot of construction work,
15 a lot of ownership disputes, easement disputes and that
16 sort of thing, contract work. And then of course the bank
17 representation, I do basically whatever the banks ask me to
18 do.

19 **Q. Business-oriented type of stuff for the most**
20 **part?**

21 A. Primarily.

22 **Q. And the firm that you worked with in Virginia**
23 **back -- the law firm back then?**

24 A. Yes, sir.

25 **Q. Where was that located?**

1 A. That was located on M Street in Georgetown. And
2 I will say, 'cause Maura brought this up, the Jim Falk I
3 used to work for in D.C. --

4 **Q. Yes, ma'am.**

5 A. -- is not the Jim Falk that's here. Although,
6 they went to college together and were in the college
7 class.

8 **Q. Right.**

9 A. One was from Kentucky and one was from Arizona.
10 So I just wanted to clarify that. But we were -- in the
11 District of Columbia, but obviously my practice was
12 primarily the Court of Federal Claims, or federal and state
13 court in Virginia. And that was a significant amount of
14 either corporate work.

15 We had some liability issues we looked into for
16 folks. Had a lot of, again, business-type transactional --
17 excuse me -- litigations spurring off of transactions. And
18 strangely enough, negotiated the collective bargaining
19 agreement for the minor league hockey teams at the time.

20 So again, it was a very diverse and strange
21 practice. But I get to do a lot of different things, and I
22 get to learn a lot about different things.

23 **Q. And there's no question -- and I think, you know,**
24 **candidly, to be able to do those type of things, you**
25 **obviously have to be intelligent, you obviously have to be**

1 very industrious. Because I'm sure some of that type of
2 work is very time-intensive.

3 And I guess the question that I've got, and I've
4 asked somebody else this, is it's kind of the old notion to
5 be careful what you wish for in that -- you know, we heard
6 Judge Kelly in here the other day, talking about, "When my
7 civil court breaks down, I'm pulling general sessions in
8 because we just have such a need to deal with it."

9 And, you know, obviously, you wouldn't be here if
10 you didn't have a sincere interest in doing this. I
11 understand that. But I mean, are you aware that you see
12 that kind of thing happening, where you may be going in
13 with the idea that I'm going to be doing things -- and
14 certainly anticipated it's not all going to be exactly what
15 you're doing now, but where you may be spending the better
16 part of your time hearing guilty pleas, and, you know,
17 during these lulls where you're effectively shutting down
18 civil court, bringing over everybody from the jail just to
19 make sure you're relieving the numbers over there. I mean,
20 is that something that you really feel in the long run is
21 something you're really up to doing?

22 A. I appreciate that question. I think most people
23 -- and again, it's be careful what you wish for. Most
24 people have the ability to see grand concepts, grand
25 schemes, handle, for instance, large complex civil matters.

1 And some people really like the minutia of the day-to-day,
2 for lack of a better term, grind. I mean, listening to a
3 hundred discovery motions, listening to a hundred guilty
4 pleas in the course of a few days.

5 And I have always been -- based on both my
6 professional background and my personality, I'm one of
7 those people that gets in there and gets the job done. I
8 am more than happy to do what needs to be done. And I
9 think that a lot of those smaller tasks, because nobody
10 really wants to do them, get pushed back or build up and so
11 there becomes a backlog.

12 I think that if you -- if you deal with and take
13 seriously the pretrial motions, the guilty pleas, various
14 and sundry other day-to-day almost administrative or
15 procedural matters, then it enables the larger more complex
16 things to get more focused upon.

17 Q. And I guess I understand the questions have been
18 asked several times, about not being somehow sucked into
19 ruling out of empathy. But I guess the question is maybe
20 more from just purely the legal and the experience
21 standpoint, obviously you've got a tremendous amount of
22 background dealing with a lot of the more -- and I use this
23 very, very poorly, probably -- but kind of the cold
24 transactional stuff.

25 You know a lot of the stuff that comes really

1 deals with human beings. You know, the personal injury
2 things, you know, they have a little different flavor to
3 them. And I guess do you feel like the fact that you maybe
4 haven't handled as much of that type of stuff, you know,
5 may have an impact in terms of how you address those kinds
6 of cases?

7 A. Well, I think that my primary philosophy, and I
8 alluded to this earlier, is that the -- whether it be the
9 criminal code sentencing guidelines, procedural and
10 evidentiary rules, I believe very much in there being a
11 framework. And the judge is the -- I don't want to say the
12 ringmaster of the circus, but certainly the guardian of
13 that framework.

14 And I think if you create a consistently applied
15 framework, the lawyers, the litigants, the defendants
16 understand what that framework is going to be going
17 forward, it makes their job easier.

18 And, therefore, I have no problem with not
19 substituting my own judgment for the judgment of the
20 Legislature -- legislators whose job it is to create what
21 is a serious felony, how much time that somebody is to be
22 serve -- is to serve and that sort of thing. That's not my
23 job. My job is simply to apply the facts that are given to
24 the law, that has been given to me.

25 Q. And I appreciate the answer. And, you know, I

1 guess the last thing I'll ask you is this: If you go back
2 and you look in pretty much any area, both in the civil
3 side as well as on the criminal side, case after case talks
4 about this extreme amount of deference that's given to the
5 discretion of the trial judge when it comes to so many
6 issues, including sentencing, evidentiary issues many
7 times.

8 So again, I guess that's really what I'm getting
9 at is that sometimes it's just not right there in the book.
10 You know, it's going to have to kind of fall on you. And I
11 think one thing we've all talked about in the past is
12 having experience, you know, in several areas in order to
13 basically say "been there done that."

14 And I understand, you know, you get what comes in
15 the door. And you got to more or less focus on what's
16 there for you to do. So I guess the only question I'm
17 asking is: Do you seem to feel like you're capable of going
18 into maybe some of these unchartered waters that you
19 haven't ventured to in the past?

20 A. I think my husband is probably standing --
21 sitting behind me, trying to laugh at how empathetic I can
22 be. Honestly, with regard to solving -- I have no problem
23 making decisions. I have no problem -- if there's a
24 reasonable logical basis for that decision, I am
25 comfortable with that decision.

1 I certainly understand your concern. And I think
2 that there are certainly times that, that is a valid
3 concern. But, likewise, it's the same thing with dealing
4 with a career solicitor, are they going to be sympathetic
5 to defendants? You don't know until you -- I mean, you
6 all's job is to figure out that person's character and see
7 if they're up to the task. Or on the other side, a career
8 public defender, are they going to be harder on solicitors
9 just in that criminal area?

10 And again, I will say that certainly that's an
11 issue. The days of one horse/one lawyer towns where the
12 guy did everything -- I mean, nobody really has that kind
13 of background anymore. There are certainly exceptions.
14 But I think you have to pick somebody who is going to be --
15 who has shown the ability to jump into different things and
16 rise to the challenge.

17 **Q. Thank you very much for your responses.**

18 **A. Thank you, sir.**

19 CHAIRMAN RANKIN: Any other questions?
20 Senator Young.

21 SENATOR YOUNG: Thank you, Mr. Chairman.
22 EXAMINATION BY SENATOR YOUNG:

23 **Q. Mrs. Coker, thank you again for offering to serve**
24 **on the circuit court in South Carolina. Like**
25 **Representative Smith, I recall the screening that we did**

1 last year when you were a candidate in a prior race. And
2 some of the questions that were asked of you then, I would
3 assume your answers would be the same. One of which is you
4 were asked in that screening about your sensitivity to the
5 challenges that face lawyers who practice in small firms,
6 and being pulled from one court to the next. Do you
7 remember that line of questions?

8 A. I believe we did. And I think my response
9 centered around the fact that I am one of those lawyers in
10 small firms. And I think it about a year or two ago, I had
11 -- I was number one in three different counties in multi-
12 week juries, so I'm certainly sympathetic to that.

13 Q. And you did tell us about that. And I think you
14 also did qualify with your comments, and said that you also
15 would be sensitive to making sure that attorneys did not
16 abuse any deference they might be given due to their
17 smaller practice and being pulled from one place to the
18 next. And I assume you still stand by that.

19 A. I do. And unfortunately there are folks that
20 like to kick that can down the road as long as possible.
21 and I don't think that's fair to the system or the parties
22 on the other side. Or their client, quite frankly.

23 Q. Thank you.

24 CHAIRMAN RANKIN: All right. Very well.

25 EXAMINATION BY CHAIRMAN RANKIN:

1 Q. My question -- a couple of them. I recall and
2 checked the transcript as well, but you are still licensed
3 in Virginia, or an associate?

4 A. I still am licensed in Virginia. I took
5 voluntary associate status because none of my -- quite
6 frankly, none of my CLEs here transferred there. And they
7 require eighteen or twenty. And I was spending a very long
8 time, and a lot of money, trying to stay active in both.
9 Certainly, reactivating in Virginia is a week and a hundred
10 bucks.

11 Q. As Mr. Hitchcock noted, you have brushed up on
12 South Carolina criminal practice, you testified to working
13 with and shadowing Mr. Falk. But in your initial practice
14 in Virginia, you did a lot of criminal work, correct?

15 A. With regard to -- the Virginia Court of Appeals
16 is set up slightly differently than the court of appeals
17 here. The Supreme Court basically gets to pick what cases
18 it wants directly. Most of the civil appeals go directly
19 to the Virginia Supreme Court.

20 So I would say well over 90, if not 95 percent,
21 of the appeals that I saw and that I researched and drafted
22 opinions upon and bench briefs were criminal in nature.
23 There were some divorce cases, some administrative things
24 that went directly to the Court of Appeals. But basically
25 all I did was criminal work for two years.

1 And I would also like to point out that while in
2 South Carolina, I also taught mock trial at the collegiate
3 level, which was one year seminar -- excuse me -- one year
4 criminal, one year civil, off and on each year.

5 **Q. But you also did that in D.C. with the police**
6 **department.**

7 A. Correct. In a manner of speaking, I taught a
8 class at the D.C. Metro Police Academy, that was kind of
9 towards the end of the academy. It was in a mock trial
10 type of environment to teach new -- or, hopefully, upcoming
11 police officers how to conduct themselves in a courtroom,
12 some of the evidentiary law -- evidentiary rules that they
13 would be coming up against, and how to answer questions,
14 what information they needed to know.

15 So it was in part, a mock trial environment. But
16 also it was kind of a witness training-type class, for lack
17 of a better term.

18 **Q. Your husband, who is with you, you've introduced,**
19 **is he an attorney?**

20 A. No.

21 **Q. And he is happy about that, it appears.**

22 A. Yes.

23 **Q. Let the record reflect he's smiling broadly. The**
24 **last question: Who fed the horses this morning?**

25 A. I actually paid a friend of mine to feed the

1 horses this morning, because it has been raining so hard
2 that I've been having to go out there at nighttime. And I
3 said, "No."

4 **Q. Very well.**

5 CHAIRMAN RANKIN: All right. Unless there
6 are other questions.

7 (Hearing none.)

8 CHAIRMAN RANKIN: Ms. Coker, thank you again
9 for coming up and participating in this process in your bid
10 for this position. You are reminded of the rules that we
11 have here, that any violation of the spirit of the letter
12 of the ethics laws will be deemed very serious and given
13 heavy deliberations. This record will remain open until
14 the report of qualifications has been issued. And if
15 necessary we would call you back for clarification and
16 questions, etc. And we trust that will not happen with
17 you. But you're aware of that rule, correct?

18 MS. COKER: Yes, sir.

19 CHAIRMAN RANKIN: Thank you and your husband
20 very much for coming, and for the friend for feeding the
21 horses this morning.

22 MS. COKER: Yes, sir. Thank you. And thank
23 you all for your time and your service to this Commission.

24 (Candidate excused.)

25 WHEREUPON,

1 MICHELE PATRAO FORSYTHE, being duly sworn
 2 and cautioned to speak the truth, the whole truth and
 3 nothing but the truth, testifies as follows:

4 CHAIRMAN RANKIN: You have got two documents
 5 before you.

6 JUDGE FORSYTHE: Yes, sir.

7 CHAIRMAN RANKIN: Your PDQ and your sworn
 8 statement. Any additions? Deletions? Anything that needs
 9 to be changed on those?

10 JUDGE FORSYTHE: No, sir.

11 CHAIRMAN RANKIN: If you'll hand those to
 12 Lindi. You have no objection to those being made part of
 13 the record of your sworn statement?

14 JUDGE FORSYTHE: I do not.

15 (EXHIBIT NO. 7 - JUDICIAL MERIT SELECTION
 16 COMMISSION PERSONAL DATA QUESTIONNAIRE OF
 17 MICHELE PATRAO FORSYTHE)

18 (EXHIBIT NO. 8 - JUDICIAL MERIT SELECTION
 19 COMMISSION SWORN STATEMENT OF MICHELE PATRAO
 20 FORSYTHE)

21 CHAIRMAN RANKIN: You were screened here
 22 when?

23 JUDGE FORSYTHE: Three years ago, sir.

24 CHAIRMAN RANKIN: And that was for what
 25 position?

1 JUDGE FORSYTHE: Family court.

2 CHAIRMAN RANKIN: Family court. And that
3 was your first screening?

4 JUDGE FORSYTHE: Yes, sir.

5 CHAIRMAN RANKIN: So you are familiar with
6 this, but I have to put in the record each time. We have
7 thoroughly investigated your qualifications for your
8 election to a new position, the circuit court position.
9 And our inquiry is focused on nine evaluative criteria,
10 which includes a ballot box survey, a check for economic
11 conflicts of interests, a thorough study of your
12 application materials, a study of previous screenings, and
13 a search of newspaper articles in which your name appears.
14 And lastly, a verification of your compliance with the
15 state ethics laws.

16 We have received no affidavits filed in
17 opposition to your campaign or your election. No witnesses
18 are present to testify, though I know you have brought two
19 bodyguards with you. Would you like to introduce those
20 bodyguards?

21 JUDGE FORSYTHE: Certainly. This is my
22 husband, Rob Forsythe. And this is my dad, Joseph Patrao.

23 CHAIRMAN RANKIN: Welcome to both of you.
24 Patrao is spelled P-a --

25 JUDGE FORSYTHE: P-a-t-r-a-o. And the tilde

1 over the "a" makes it o-n.

2 CHAIRMAN RANKIN: The court reporter will
3 appreciate that.

4 JUDGE FORSYTHE: Yes, sir.

5 CHAIRMAN RANKIN: All right. Judge, you
6 have the opportunity to make a brief opening statement.
7 And you're not required to, you're not encouraged to. But
8 if you'd like to, you're certainly welcome. If not, Ms.
9 Riley will ask you questions. You certainly are welcome to
10 do so if you like.

11 JUDGE FORSYTHE: I'm just grateful to be
12 here. I really appreciate you all taking the time. I know
13 that this is going to be a long set of days. And I'm just
14 grateful for your service, so thank you.

15 CHAIRMAN RANKIN: You're welcome. Ms.
16 Riley.

17 MS. RILEY: Good morning, Judge Forsythe.

18 JUDGE FORSYTHE: Good morning.

19 MS. RILEY: I will note for the record
20 before we begin, that based on the testimony contained in
21 the candidate's PDQ which has been included in the record,
22 with the candidate's consent, Judge Forsythe meets the
23 constitutional and statutory requirements for this position
24 regarding age, residence and years of practice. And with
25 that, I will start with the first question.

1 JUDGE FORSYTHE: Yes, ma'am.

2 EXAMINATION BY MS. RILEY:

3 Q. Judge Forsythe, how do you feel your legal and
4 professional experience thus far, including your recent
5 experience as a family court judge, renders you qualified
6 and will assist you to be an effective circuit court judge?

7 A. Well, I think I'd like to start at the beginning,
8 and talk a little bit about my experiences as an attorney.
9 I think I had the fortune of working in a small practice
10 that's one of -- I guess what former Chief Justice
11 Pleicones calls the last of the general practitioners,
12 where you really handled as many types of cases with a
13 variety as you could, because you were a small-town
14 practice.

15 And in light of being able to do that, I
16 certainly spent a great deal of time in court such as the
17 magistrates court or the court of common pleas, the court
18 of general sessions, in the federal district court. And I
19 had this opportunity to do a variety of work, including my
20 work on the family court.

21 And that certainly gives you an idea of all the
22 variety of issues you might come across. But it's also a
23 time for education and a time to learn the areas that you
24 know you can master, the areas where you know you need good
25 co-counsel. But it was a great education. And I'm very

1 grateful to have had that type of experience in my
2 practice, and to do it for twelve years before I took the
3 bench.

4 And then to be able to transition over to the
5 family court and to utilize those experiences, to also know
6 what it takes to sit on the bench, to have the demeanor
7 required to handle complex issues, to know how to navigate
8 those issues, and also to know how to navigate the
9 litigants and the lawyers.

10 Candidly, I didn't know what kind of judge I
11 would be when I first started, or what my temperament would
12 really be. And over time I've learned that the calm
13 demeanor is the best way to go with lawyers and litigants
14 alike. And I feel that all of those experiences combined
15 led me to file for this seat.

16 **Q. Thank you, Judge. Do you enjoy serving as a**
17 **family court judge?**

18 A. I love it. I love the work. And it comes really
19 from working with people, starting to understand that
20 really people are the centerpiece of the judicial process.
21 The law comes next, of course, and being well versed in the
22 law is important. And I love the work that I do on the
23 bench.

24 And I've been lucky that the Chief Justice has
25 allowed me to participate in other areas working with the

1 Language Access Task Force, serving on the National Council
2 of Juvenile and Family Court Judges, and doing those other
3 types of work that allow me to sort of have a complete
4 picture.

5 **Q. Thank you. So my next question would be: Why do**
6 **you want to transition from the family court bench to the**
7 **circuit court?**

8 A. Well, this is not what I would have anticipated
9 to happen at all. And this is a moment in time for me,
10 that took some soul searching, deciding whether it was
11 something that I was willing to do.

12 One of the things about the circuit court that is
13 a little bit different from the family court is that you
14 give up even more anonymity as a citizen. And so I really
15 took some time to think about that, and I talked to my
16 family about it.

17 But it really comes down to service. And three
18 years ago when I was here, I talked about my commitment to
19 serving a state that had given me so much. And I continue
20 to stand by that. I am so fortunate to be here. Daina,
21 you know, you and I talked about this, but I have to pinch
22 myself that I am a lawyer, a judge.

23 I'm a first generation American. And, you know,
24 my dad is here sort of trying to get a lay of the land. He
25 had a hard time processing that I was a judge. I remember

1 at my investiture, him looking at me and saying, "I don't
2 understand. This is for you?"

3 And I can appreciate where I've come from, but I
4 also appreciate how much I need to give back. And this is
5 the state and the place that has given me so many
6 opportunities, so I don't want to waste opportunities. And
7 I'm grateful to be able to just put myself out there.

8 Q. Thank you. Judge Forsythe, the Commission
9 received 323 ballot box surveys regarding your candidacy,
10 with 45 additional comments. The ballot box survey, for
11 example, contained the following positive comments:

12 "Judge Forsythe is a wonderful family court judge
13 and would make a valuable addition to the 9th Circuit
14 bench. Utmost integrity. Effective member of the
15 judiciary as a family court judge and would carry forward
16 in the same way as a circuit court judge."

17 And finally, "In the short time that Judge
18 Forsythe has been on the family court bench, she has shown
19 that she is competent, engaged and willing to take all
20 matters very seriously. She has made a difference in the
21 lives of many families, and her interests in DJJ cases has
22 affected the lives of many children in a positive way."

23 I believe that may -- and I believe they meant to
24 say "she may actually be better suited for the circuit
25 court bench, as she will bring that engagement to some of

1 the most difficult criminal and civil cases that are
2 processed through our court system. It would be a loss to
3 the family court but a benefit to the people of South
4 Carolina at large."

5 Ten of the written comments expressed concerns.
6 The first concern indicated that you lack the requisite
7 experience for this seat. How would you respond to this
8 concern?

9 A. I can appreciate that concern. I'm not sure that
10 the person knows my background, perhaps. I think it's
11 really easy to paint the picture of a lawyer in family
12 court, and not know that you can transition from having a
13 family court hearing on a Monday morning, to a plea in
14 general sessions on a Monday afternoon.

15 I've tried murder cases. I've tried wrongful
16 death cases. I've gone to the 4th Circuit Court of Appeals
17 on cases. I've tried forfeiture cases in the Federal
18 District Court of Appeals.

19 And so I feel pretty confident in my strengths.
20 But I have to honor that, that person has their opinion.
21 And I have to respect that. I'm always working to improve.
22 I don't think you ever stop learning in this profession,
23 and certainly not on the bench where the law is apt to
24 change any day.

25 Q. The second group of concerns questioned your

1 **timeliness and organization. What response would you offer**
2 **to this concern?**

3 A. We talked about that. I think there was some
4 concern about court having a delay. That is not a surprise
5 to me. I don't have a designated court reporter, so I have
6 on any given week about four to five court reporters coming
7 from all over the state to sit with me.

8 Just last week, my court reporter came from
9 Greenville. She was running behind, of course, stuck on I-
10 26. I had another court reporter from the Pee Dee the next
11 day. So we will start late because we're waiting for the
12 court reporter.

13 As far as organization, that is -- I'm not sure
14 what they mean. I'm probably a little over the top in
15 being organized in my daily life and -- I have to be. We
16 have a 9-year-old, my husband's in law enforcement, we have
17 elderly parents, and we have to juggle it all with a
18 schedule. So we try to be really organized and concise.
19 And my husband sometimes says "to a fault."

20 **Q. Thank you, Judge. A final concern indicated your**
21 **prejudice against pro se litigants. What response would**
22 **you offer to this concern?**

23 A. I was really surprised by that. I have thought a
24 lot about that, and I have to honor that thought process as
25 well. When I first started on the bench, particularly in

1 family court, and I was trained by some of the older judges
2 the idea was that pro se litigants who are involved in
3 their cases really run at their own peril, and should have
4 attorneys present.

5 And so the thought process was to just let them
6 try their case, and if their case didn't meet the burden
7 then you just didn't honor their case. Over time, I came
8 to learn that, that wasn't really productive. And that's
9 not really giving people access to justice.

10 Last year at the National Judicial College, when
11 I went to the General Jurisdiction School we had a lot of
12 discussion about pro se litigants. And what I've come to
13 sort of conclude on my own is, that you really have to
14 stretch as a judge in order to give pro se litigants access
15 to justice. That doesn't mean that you perform their case
16 for them, but you certainly work hard to make sure they
17 understand the process.

18 And also within your code of conduct -- within
19 the judicial code of conduct you're making sure that you
20 are educating them, as well as moving the case along
21 efficiently. And that's a real key.

22 I think that one of my strengths often is being
23 able to communicate with the litigants so that they don't
24 have frustration, they're well educated by the time they
25 leave, they know what they have to do if they don't get the

1 result or if they don't have finality to their case.

2 But I'll also say that all of the pro se
3 litigants that come in front of me are usually having final
4 divorces. I write their orders for them just to eliminate
5 any confusion.

6 Q. Judge Forsythe, you indicated in your PDQ and
7 your SLED report indicated that a lawsuit was filed against
8 you in 2016, I believe in the magistrates court of
9 Charleston County, by Stephen Albenesius. Please correct
10 me if I mispronounced that. Could you please explain the
11 nature or disposition of this lawsuit?

12 A. Sure. My dad owns a house on Folly Beach, and
13 Mr. Albenesius was a tenant there. That lease had been in
14 existence for probably about -- I'd say eight years. Mr.
15 Albenesius was maybe not the best tenant. He was one of
16 many within the house. He shot a hole through a window.

17 And so he -- the rental company moved for
18 eviction. And which they did, they proceeded with the
19 eviction. He never really got to see my father, but it was
20 my father's decision to evict him. And he assumed, knowing
21 that we live out towards Folly Beach, that my husband and I
22 were the owners.

23 And so he filed a lawsuit which was subsequently
24 ended just because he realized we were the wrong party and
25 there was no need to continue. It was resolved essentially

1 by agreement. And there was no money paid of any kind. It
2 was dismissed.

3 MS. RILEY: I will note that the Low Country
4 Citizens Committee reported Judge Forsythe as well
5 qualified in ethical fitness, professional and academic
6 ability, character, reputation, experience and judicial
7 temperament, and qualified in constitutional qualifications
8 of physical health and mental stability.

9 The Low Country Citizens Committee commented
10 that Judge Forsythe is happy, well adjusted, self-aware and
11 empathetic.

12 BY MS. RILEY:

13 Q. Now, I'm just going to ask you a few housekeeping
14 questions.

15 A. Yes, ma'am.

16 Q. Are you aware that as a judicial candidate, you
17 are bound by the Code of Judicial Conduct as found in Rule
18 501 of the South Carolina Appellate Court Rules?

19 A. Yes.

20 Q. Since submitting your letter of intent have you
21 contacted any members of the Commission about your
22 candidacy?

23 A. No.

24 Q. Since submitting your letter of intent have you
25 sought or received the pledge of any legislator either

1 prior to this date or pending the outcome of your
2 screening?

3 A. No.

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

7 A. Yes.

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

12 A. No.

13 Q. Have you received and do you understand the
14 Commission's guidelines on pledging and South Carolina Code
15 Section 2-19-70(E)?

16 A. Yes.

17 MS. RILEY: Mr. Chairman, I would note for
18 the record that any concerns raised during the
19 investigation by staff regarding the candidate were
20 incorporated into the questioning of the candidate today.
21 And with that I have no further questions.

22 CHAIRMAN RANKIN: Thank you. Representative
23 Smith.

24 REPRESENTATIVE SMITH: Thank you, Mr.
25 Chairman.

1 EXAMINATION BY REPRESENTATIVE SMITH:

2 Q. Judge, good morning.

3 A. Good morning, sir.

4 Q. Let me just talk to you a little bit about -- I
5 think what I was hearing is, obviously you've been in
6 family court and you've been on the bench for about three
7 years. And I know there's criminal practice that comes
8 along with that. But I think you said -- kind of help me
9 with what criminal practice you had in private practice
10 before you took the bench.

11 A. Yes, sir. In private practice I represented
12 criminal defendants in cases such as DUIs all the way up to
13 murder. You'll see in my PDQ that one of my last cases was
14 a murder case. I think I was the fifth attorney appointed
15 to that case.

16 That case was ready to go to trial. It was two
17 co-defendants who were charged with murder in a drug deal
18 that had gone wrong, and my client was facing serious time.
19 He had a previous criminal history in Florida, that
20 included an attempted murder charge. During the course of
21 that case, he decided to cooperate with the state and
22 ultimately did testify against his co-defendant.

23 He ended up, I think, being sentenced to five
24 years suspended to three. And ultimately he was released.
25 He had spent his entire time incarcerated at the Charleston

1 County Detention Center, because he was not eligible for
2 bond in light of his previous criminal history.

3 I've also represented -- I had another murder
4 case that did go to trial in Berkeley County, that was a
5 case where we commenced the trial. Ultimately, the
6 evidence was pretty compelling; my client left his cell
7 phone at the scene and he ended up entering a plea.

8 At that point he was sentenced pretty seriously.
9 He received sixty years on the murder and twenty-five on
10 the burglary first. Ultimately, those were initially
11 consecutive sentences. After a motion to reconsider, they
12 were concurrent.

13 I've represented folks in federal court.
14 Including here in Columbia, Grady Query and I represented -
15 - unbelievably, I didn't even realize they were still
16 around when I was younger -- the Hells Angels. We had a
17 client who was one of the head of the Hells Angels in the
18 Low Country area, and he had very stiff penalties and
19 ultimately entered a plea, not before having left the
20 United States and then returning.

21 So I've had a variety. Sometimes they're just
22 DUIs. Sometimes they're the more complicated cases. I've
23 also represented folks in criminal sexual conduct cases.
24 Sometimes those blend into Department of Social Services
25 cases as well, there's usually two actions that come with

1 that.

2 Q. How would you balance your sentencing in criminal
3 cases? I mean, obviously, you approach it from the -- your
4 experiences in the defense side. But, you know, I think
5 everyone who does any type of work, whether the solicitor
6 or the defense, obviously knows how the courtroom works.

7 But how are you going to balance your sentencing
8 with, you know, first time offenders or nonviolent
9 offenders and -- you know, against -- you know, with the --
10 I guess what I'm concerned about is, you know, you're
11 sentencing first time nonviolent offenders, where it
12 relates to, you know, victims who are demanding -- as
13 you've probably seen, is victims who have something stolen
14 from them and they want them to go to jail. And, you know,
15 sometimes I see pressures on judges to satisfy victims and
16 satisfy newspapers as opposed to what I think, you know,
17 all of us know something has to be -- you know, the
18 sentence that's appropriate for the crime.

19 And, you know, it seems to me, sometimes it's
20 getting more and more difficult for judges who face
21 scrutiny, either in the newspapers or through criticisms
22 within the law enforcement or victim community or vice
23 versa on the defense side, if you give out too harsh
24 sentences. You know, how are you going to balance all that
25 if you're elected to this position?

1 A. Well, I think first and foremost it starts with a
2 law. And, you know, we're an -- we're an interesting
3 state, the way we balance our sentences. You're always
4 looking at mitigation. I sort of come from a varied
5 approach. You know, my husband's a law enforcement officer
6 and I was a criminal defense attorney. I've always had
7 that thought of balance.

8 I'll tell you, just as an aside, you know, when I
9 was a little kid -- my dad had spent a lot of time trying
10 to leave Spain. So when I was a little kid he would shake
11 when we would get pulled over for speeding. And so I
12 always think about those complexities. For just people in
13 general, I try to look at the person and balance the
14 person.

15 But when you're looking at the law in this state,
16 I mean, there are -- there are certain things you can and
17 cannot do. It comes down to honoring the victims and
18 letting them say what they need to say. Sometimes it's
19 just a question of saying what needs to be said at a
20 hearing, say it's at the sentencing, and then also looking
21 at the nature of the crime, the history of the defendant.

22 Judge Michael Duffy, who's the retired Federal
23 District Court judge used to always tell us how -- we don't
24 do this so much in circuit court, but when you look at the
25 sentencing sheets and when you're looking at the pre-

1 sentence investigation report, you're looking at the
2 history of the individual.

3 It's really the person that's committed the
4 crime. And you have to understand where they come from and
5 hear the evidence as it's been presented, hear the argument
6 from their counsel, respect all of the people that are in
7 the process because they really are there to be engaged.
8 That requires the judge to really be engaged in the
9 process, to really think about what's going on, and honor
10 the victims.

11 We don't talk about it very much, but in juvenile
12 court we have the same sort of issues where victims want to
13 be heard. They don't necessarily understand the nature of
14 juvenile court, and they don't understand the restorative
15 practices that go with it, but oftentimes they want the
16 fullest sentence. And it comes down to educating the
17 victim, putting it on the record, explaining what the law
18 provides for, and then following the law.

19 **Q. As it relates to recommendations -- obviously,**
20 **you have experience in this, and solicitor and defense**
21 **attorney generally get together and say, you know, "We'll**
22 **recommend a sentence of five years." And to the judge is -**
23 **- and, you know, it's not binding from the judge as you**
24 **know.**

25 **And so at that point, if you feel like the**

1 punishment -- the recommendation doesn't fit the crime, and
2 you have difficulty with the recommendation. whether you
3 want to sentence less or more, are you going to -- you
4 know, do you believe you should just sentence what you
5 feel? Or do you allow -- would you allow the defendant to
6 say, "I can't follow the sentence and allow you to withdraw
7 your plea. I just wanted to let you know"?

8 Will you give him some advance warning if you
9 have trouble with the sentence or the recommendation? Or
10 would you just sentenced them?

11 A. A lot goes into a negotiated plea. Generally,
12 the prosecution has talked to the victims, counsel for the
13 defendant has talked to the defendant. They've gone
14 through the colloquy, they know exactly what to expect.

15 And the last thing a judge wants to do is get in
16 the way. And I've certainly seen it happen in plea court.
17 If it were something that I would feel so strongly in a
18 certain way, I would definitely allow them to withdraw
19 their plea.

20 This is their process. This is -- you all are
21 elected by the people. I serve your people. And this is
22 the people's process. You can't take that away from them.
23 You have to honor the fact that you are simply there to do
24 your work. And I don't want to get in anyone's way, and I
25 don't think it's appropriate to blind-side lawyers when

1 they have negotiated a plea agreement.

2 Q. In regards to the civil aspect of it, you know,
3 if I recall, I think you and I discussed when you were
4 running for judgeship a few years ago, you practiced mainly
5 on the plaintiff's side?

6 A. That's correct.

7 Q. And you handled a number of cases from car wrecks
8 to medical malpractice, if I recall correctly.

9 A. Yes, sir.

10 Q. All right.

11 A. And some defense cases, too, we would represent
12 some small businesses. I had a case with -- two cases with
13 Judge Newman, one week we were -- we were the plaintiff,
14 and the next week I showed up as the defendant in a
15 construction litigation case. And he told me I was
16 standing at the wrong table. And I had to explain to him
17 that, no, I was not standing at the wrong table, I was
18 representing one of the sheetrocking companies.

19 And so on we went with our case. But we did a
20 little bit of both, but mostly it was plaintiffs practice.
21 That's correct.

22 Q. And you attended, I presume, sufficient motion
23 hearings and non-jury and everything in-between?

24 A. Yes, sir.

25 Q. As a family court judge, I'm sure you experience

1 this from time to time, you know, there's an order of
2 priority in the appellate court rules of courts, and -- you
3 know, but every once in a while somebody's got -- or
4 somebody's got magistrate court trial scheduled. How do
5 you balance that with the need to dispose of your cases on
6 your docket?

7 A. I actually have that same issue. The beginning
8 of December, I have been tasked with disposing of a
9 Beaufort County case. And one of the lawyers has conflicts
10 the first two weeks of that -- the first two days of that
11 week for trial he has a federal case and then he has a
12 state court case.

13 You just -- you have to honor it. You talk with
14 the lawyers and work through it, look at the clerk's
15 docket, talk to the clerk of court, and find out if you can
16 start the case. You have to accommodate the lawyers. You
17 know, they're working really hard.

18 You've got to balance that docket. They know
19 when you want to move a case, and they understand there are
20 going to be times where you have to. But for the most part
21 it should be fairly easy to navigate working your cases and
22 honoring that lawyers have other conflicts. Those are
23 unavoidable. And they have to protect their clients'
24 interests.

25 Q. So if in the priority list, I guess if you're in

1 circuit court or a family court case, and someone says,
2 "Judge, I have a magistrate court case, we've had it for a
3 while, I need to dispose of it, your court takes priority,"
4 how do you handle that? Do you always keep your case?

5 A. Well, I'd say, "What time can you get here?" You
6 know, sometimes on a motions roster in circuit court,
7 you've got a little bit of flexibility. If you've got a
8 trial set in circuit court, you kind of have to go with the
9 trial. It's going to have priority. It really depends on
10 what kind of case you have. If it's a magistrates --

11 Q. Certainly, you're aware that trials don't -- how
12 dockets fall through, and problems in trying to balance all
13 that. I mean, I guess that's what I'm trying to understand
14 is you're number ten on a roster, that generally --
15 sometimes you wake up Monday morning and find yourself
16 number one, or a Friday afternoon.

17 And how do you -- how are you going to balance
18 people who have got plans -- I've got to appear on Tuesday
19 that's been scheduled forever, I've got to go take a
20 deposition out of state? You know, is the court going to
21 take priority? Or are you going to work with the
22 attorneys?

23 A. I think it depends. And I think that's a fair
24 question. First of all if you're going to have cases on --
25 starting on Monday, on Friday you'll have gone through that

1 docket with a pretrial conference, and know what the first
2 fifteen to twenty cases look like.

3 Q. But they settle sometimes, don't they --

4 A. They do settle.

5 Q. You've experienced cases where there's no way in
6 the world it's ever going to settle, and Friday about four
7 o'clock the attorney in that case says, "Guess what, we
8 settled."

9 A. That's absolutely right. And the beauty of e-
10 mail nowadays -- and I've had that happen in family court,
11 where you've got a trial docket. You have a A case, a B
12 case and a C case, which means A has priority it starts; A
13 has settled on to B; B settles on Monday afternoon on to C.
14 You have to keep the lawyers informed. You have to keep
15 the lawyers informed so they know that this is happening.

16 But you're going to have to move that docket.
17 And it depends on what kind of case they have. It depends
18 on what opposing counsel says. It depends on the issues,
19 is there prejudice. You need to look at what the issues
20 are in the case. And people have experts they've lined up,
21 they've flown experts from out of the state into your
22 county, and you've got to respect the fact that sometimes
23 trial has to happen.

24 Q. If you have a case on the roster, how do you
25 handle attorneys who both agree we need a continuance or --

1 do you ever interject and say, you know, "This case is old
2 and we need to get it moving?" I know you've got a time
3 limit over in family court that you've got to dispose of
4 cases, but I guess that would be more appropriate for
5 circuit court.

6 Do you kind of supercede the agreement of the
7 parties as it relates to whether they want to continue the
8 case and ask to be scheduled next term?

9 A. I think it also depends on the issues too. If
10 they have an agreement it must -- you've got to find out
11 the details. And I always appreciated having the Friday
12 pretrial conferences. In Charleston County, people appear
13 by telephone, they appear online, or they appear in person.

14 I always thought appearing in person was more
15 effective, you could explain everything that's going on to
16 the judge. And it's your opportunity to start talking to
17 opposing counsel seriously about all of the other issues.

18 You know, if you've got a complex case, you've
19 got to move that case. Because you know that, that
20 requires significant court time. What you don't want is
21 for the docket to fall apart. Sometimes it does.

22 In circuit court, I think that happens more often
23 than in family court because we've got a daily docket, and
24 circuit court's docket runs a little bit differently.

25 Q. My experience of late is -- as the Chairman was

1 talking about with another candidate, is that, you know,
2 ADR is taking care of most of the trials these days. And
3 it seems like if when common pleas starts, it generally
4 falls apart Friday -- the Friday before or a Monday after
5 the roster meeting.

6 And so it's really depending whether the judge
7 says, "I'm here. The case isn't continuing. And although
8 you all have an agreement, we're ready to start."

9 And so, you know, I think you're going to face
10 some of those issues if you're successful in your
11 candidacy.

12 A. And I think you're right. And I think you've got
13 to weigh moving the docket with prejudice to the litigants.
14 Ultimately, they're the -- they're the reason that court
15 exists. And so you -- I think you establish that early on.
16 The lawyers, of course they need to move cases too. They
17 don't want things sitting forever.

18 And I think that's -- you weigh that balance in
19 making clear that the docket needs to move forward, but
20 also making clear that there are -- if there are agreements
21 between counsel, if there are certain scheduling issues, if
22 there are experts that can't come that week, you've got to
23 -- you've got to honor that too. You've got to make it
24 work.

25 Q. And lastly, you know, I think we have -- we

1 talked often enough here about quality of life for
2 attorneys, and we have these discussions with the court --
3 with the Supreme Court and, you know, we -- from time to
4 time we all have our personal conflicts where you get
5 called for a motion here, and you've got a child's soccer
6 game or an award ceremony or something to that effect.

7 Do you accommodate those attorneys who request
8 some leniency to leave court early or be a little late for
9 events like that? Or does the case again take precedence
10 over family events?

11 A. You mean, with other lawyers asking for
12 permission? I think that depends. There are always ways
13 to work in time. But you got to run court. You've got to
14 start it. But quality of life and mental health issues go
15 even beyond scheduling family events.

16 You know, there are attorneys who have issues.
17 If you know something is going on, you've got to
18 -- you've got to make the effort to reach out to them and
19 make sure they're okay.

20 I had a lawyer whose husband passed away last
21 year, and it was clear that she was struggling. I brought
22 her into my office, I followed the rules of judicial
23 conduct, and talked to her and also got her some services.

24 And I sit on the Commission for Mental Health in
25 Charleston County, we've started our own program dealing

1 with lawyers and mental health.

2 It's always a balance. But everybody knows that
3 you're here to do your job and that court comes first. If
4 there's something that doesn't necessarily need to be heard
5 at ten o'clock, and can be heard at 10:45 or eleven, I'm
6 there. I'm not going anywhere. So I can make
7 accommodations in certain instances, if it's something
8 that's really, really important. And that assumes that
9 opposing counsel agrees.

10 **Q. All right. Thank you, Judge. Appreciate your**
11 **responses.**

12 A. Yes, sir.

13 CHAIRMAN RANKIN: All right. Other
14 questions? Senator Young.

15 SENATOR YOUNG: Thank you, Mr. Chairman.

16 EXAMINATION BY SENATOR YOUNG:

17 **Q. Judge, thank you for being here.**

18 A. Thank you, Senator.

19 **Q. Thank you for you interest in continuing your**
20 **service to the state and to the judicial system, possibly**
21 **in a different capacity. One question I have is -- and I**
22 **know Representative Smith asked you some of this, and I**
23 **just want to be real clear for the record.**

24 Lawyers who practice in circuit court many times,
25 and actually in family court, come from smaller practices,

1 they appear in multiple courts in different counties, many
2 times on the same day when they have hearings. And
3 sometimes there is conflicts that arise and they're trying
4 to -- in their scheduling. And how sensitive are you to
5 that in working with the lawyers from the smaller firms to
6 try to schedule the matter to accommodate those conflicts?

7 A. I'm very sensitive to it. I certainly
8 experienced it coming from a small practice. And in
9 Charleston, of course, you know, you could be in Charleston
10 County, Berkeley County, and Dorchester County all in the
11 same day. You have to -- you have to make accommodations
12 for lawyers.

13 And it doesn't necessarily mean lawyers coming
14 from small practices. Lawyers are just going to have
15 scheduling conflicts. More and more in our court system,
16 we have more terms of court and not less. We have
17 different types of court going on, and it's just sort of
18 inevitable that there are going to be conflicts.

19 If I'm made aware of those conflicts, I always
20 try to fit people into my schedule. Even now if there's a
21 conflict on a hearing early on in the week, if I look at my
22 docket and find a way to make it work, we'll hear it at
23 another time.

24 Generally, I have found that most of the
25 attorneys do a great job of working together to discuss

1 those conflicts early on, and they make us aware early on
2 about the conflicts, so we're able to navigate more easily.

3 Q. Thank you for that response. And another
4 question I had is related to your current service on the
5 family court and your interest in moving to the circuit
6 court. It's my recollection that you were elected in the
7 2016 General Assembly?

8 A. That's correct.

9 Q. You ascended to the court after your election in
10 2016?

11 A. That's right.

12 Q. I went back and I read the transcript from the
13 2015 Judicial Merit Selection Commission screening, and one
14 of the questions that was asked of you in that hearing was
15 whether or not you were looking to use family court -- I
16 think it was -- frankly it was asked did you view the
17 family court as a stepping stone to the circuit court, and
18 your response was that you felt that the issues at the
19 family court were ones that you were passionate about, and
20 that you viewed those legal issues as being fascinating.

21 Has anything changed or -- just elaborate on your
22 interest in moving from the family court to the circuit
23 court.

24 A. Nothing has changed. I love my work. And I love
25 the family court. Certainly, this position's opening was

1 completely unexpected. And if you know the circuit court
2 bench in Charleston, we have young judges -- younger
3 judges. So this opening is a moment in time.

4 And I thought very carefully before I put my name
5 in this race. For obvious reasons, one is certainly I've
6 spent two and a half years as a family court judge. I'm
7 grateful for that opportunity, and continue to earn your
8 grace in my being there. I know that.

9 And putting myself out there to run for the
10 circuit court to me, quite frankly, can be a little
11 frightening and daunting. I'm not a creature of change. I
12 am a creature of habit. But the issues in the family court
13 are just as important and just as fascinating as the issues
14 in the circuit court.

15 And so this moment is something that I wanted to
16 honor and be able to say, "Well, if it's open, I don't want
17 to have any regrets."

18 I certainly would love to serve on the circuit
19 court, because my passion for the issues are the same. I
20 thought about that, Senator Young, and thought about
21 whether I could still do the work that I'm doing in the
22 family court. The work that I do with juvenile justice,
23 work that I'm doing with human trafficking, would it impact
24 my ability to do that work on the circuit court, did I need
25 more time to focus there. And I'm not sure.

1 I'm passionate about the law. And if you
2 remember in that transcript, I noted that I was a reluctant
3 law student in the beginning. But over time it has really
4 grown to me, and I have really grown to it. And I believe
5 that my energy and my engagement on the bench in the family
6 court would be useful in the circuit court.

7 I don't think of it as a stepping stone at all,
8 because the issues are so different. But I definitely
9 think that what the circuit court judges need, and what
10 many of them have, is the ability to engage, to push
11 forward.

12 And the bench is changing. We're younger. We're
13 more energized. We want to work more. We are wanting to
14 work harder. We're interested in the issues. And we also
15 know that the Court of Appeals and the Supreme Court looks
16 to us and expects certain things of us. And I like that
17 challenge. That's what I'm about.

18 **Q. How would you characterize your judicial**
19 **philosophy in terms of the application of the law to the**
20 **facts?**

21 A. Do you mean in terms of strict construction,
22 Senator?

23 **Q. If that's -- if that's what your philosophy is.**

24 A. I think I -- I think I look at it a little bit
25 differently. I think you have to follow the law, because

1 that is what the General Assembly expects. So the statutes
2 give you leeway when they do. And when they make clear
3 that you don't have much discretion, you don't.

4 There are areas of law, even in the family court,
5 that are evolving and changing. And we have to be really
6 careful when we rule on those issues, to not step outside
7 of our authority.

8 I think it depends on the issue, really. I need
9 to -- if I had some specificity, I would know. But the
10 purpose of the courts is to apply the law to the facts and
11 to render a just decision. Sometimes that's outside of a
12 circuit court judge's purview, because you're just holding
13 court and making sure that the jury gets all of the
14 information, all of the evidence. And they are rendering a
15 verdict.

16 But when it comes to looking in at a motions
17 practice, I'm very careful. and I am very careful to look
18 at the law as it has been written, and also to look at the
19 case law to know what the interpretation truly is. Because
20 you don't want to get sidetracked and you don't want to
21 create new law unless the terms of justice so require.

22 There are times where that's going to happen.
23 And in history, that certainly has happened. But those
24 moments are few and far between.

25 **Q. So you envision certain circumstances where a**

1 **circuit judge would need to try to create new law?**

2 A. No, sir. No, sir.

3 **Q. I just wanted to make sure I understood what you**
4 **were saying.**

5 A. No, sir.

6 **Q. Are you familiar with the 13th Juror Doctrine?**

7 A. Yes, I am.

8 **Q. Did you have any experience with that in the --**
9 **in your private practice?**

10 A. I never had any experience with that in my
11 private practice. I think judges are reluctant, and
12 rightly so, to step into the jury box. The jury speaks for
13 the people. And we have so few jury trials now, that we
14 have to honor the fact that these are the people that serve
15 and they collect the facts.

16 I don't know that it's in the province of the
17 judge to take away a verdict. Now, the 13th Juror Doctrine
18 contemplates that if there is no possible way that, that
19 verdict should exist, because it is so prejudicial in some
20 way, so capricious, they certainly can step in.

21 I'm not aware of that happening recently. And
22 that would be -- have to be something that is just so
23 egregious. I certainly wouldn't do it sua sponte.

24 **Q. Thank you for your responses.**

25 A. Yes, sir.

1 CHAIRMAN RANKIN: Representative Murphy.

2 REPRESENTATIVE MURPHY: Thank you, Mr,
3 Chairman.

4 EXAMINATION BY REPRESENTATIVE MURPHY:

5 Q. Judge Forsythe, welcome.

6 A. Thank you, sir.

7 Q. Good to see you again. The only question I have,
8 Judge Forsythe, is when looking at the 9th Judicial
9 Circuit, how would you answer the concern that the citizens
10 of Berkeley County will not have a resident judge? And a
11 resident judge being someone that actually lives in the
12 community, raises their family in the community, is in tune
13 with the community and their values.

14 When we look at the 9th Circuit, the two resident
15 judges currently Judge Jefferson and Judge Young live in
16 Charleston County. The overwhelming number of candidates
17 that are running for this 9th Circuit seat live in
18 Charleston and not Berkeley. And when Judge Dennis
19 retires, even though he's been there twenty-something years
20 everybody thinks of him as a resident judge, he's actually
21 an at-large judge.

22 A. I know.

23 Q. So there's going to be an opening, a void there.
24 How would you answer that concern for the citizens of
25 Berkeley County, that they will not have a resident judge

1 **or their own judge, so to speak.**

2 A. Well, I'll start by saying this, that I think
3 everybody hopes that Markley Dennis will stay as a retired
4 judge. But certainly he will --

5 **Q. Well, the Chief Justice is basically ending that**
6 **program, so to speak.**

7 A. But the Chief Justice also said that hoped that
8 Judge Dennis would stay on as a retired judge because of
9 his work with the CJCC. And so I honor the people of
10 Berkeley County. And I understand that predicament.

11 I think the best way to see it, if I were to be
12 successful, were to spend as much time as necessary in
13 Berkeley County. My first murder case was in Berkeley
14 County. I'm deeply tied to the people there, to that
15 courthouse. I think that it is a legitimate concern. And
16 I understand that.

17 One of the things that I think can ameliorate
18 that is honoring the fact that they need to have a judge
19 there, that, that judge needs to be approachable, that the
20 Berkeley County Bar, of which I was a member of for several
21 years, needs to have a connection to the court, and to make
22 sure that their cases are moved. I understand that
23 concern. I certainly do.

24 **Q. Thank you, Judge.**

25 A. Yes, sir.

1 CHAIRMAN RANKIN: Any other questions?

2 (Hearing none.)

3 CHAIRMAN RANKIN: I want to go into
4 executive session, real quick, Judge, with you remaining
5 with us, to take up a quick matter. Do I have a second to
6 that motion?

7 REPRESENTATIVE MURPHY: I second.

8 MR. SAFRAN: Second.

9 CHAIRMAN RANKIN: All right.

10 (Off the record from 12:44 p.m. to 12:33 p.m.)

11 CHAIRMAN RANKIN: All right. Ladies and
12 Gentleman, thank you all. The Judicial Merit Selection
13 Commission is now back on the record. And for the record,
14 I'd like to state that while therein, we did not have any
15 votes. And no decisions were made during that session.
16 And now we're back on the record. Any further questions
17 for Judge Forsythe?

18 (Hearing none.)

19 CHAIRMAN RANKIN: Judge, thank you very much
20 for your willingness to again serve our state --

21 JUDGE FORSYTHE: Thank you.

22 CHAIRMAN RANKIN: -- and to offering for
23 candidacy in this position itself. This concludes this
24 portion of the screening process. And you are reminded,
25 though, of our efforts to abide by the law.

1 JUDGE FORSYTHE: Yes, sir.

2 CHAIRMAN RANKIN: And the evaluative
3 criteria, which likewise, expects you as a candidate to
4 abide by the spirit and the letter of the South Carolina
5 ethics laws. Any violation or appearance of impropriety
6 would be deemed serious and potentially deserving of very
7 heavy weight and deliberations. You're nodding your head
8 in affirmation of this.

9 JUDGE FORSYTHE: Yes, sir. I understand
10 that.

11 CHAIRMAN RANKIN: I know that you know this
12 record will remain open until the final report of
13 qualifications is issued. We would call you back if the
14 need were to arise, which we trust will not happen in your
15 case.

16 JUDGE FORSYTHE: I understand that.

17 CHAIRMAN RANKIN: Thank you very much. And
18 thank you, Father, and husband of the judge for joining
19 her. And, Dad, I'll tell you specifically, it's got to be
20 an honor to sit there and to hear the accolades that your
21 daughter has earned. So thank you all for being here.

22 JUDGE FORSYTHE: Thank you, also. I
23 appreciate this opportunity. I'm very honored to be here.
24 Thank you.

25 (Candidate excused.)

1 CHAIRMAN RANKIN: The Honorable Stephen
2 Harris, you, sir, if you will please raise your right hand.

3 WHEREUPON,

4 THE HONORABLE W. STEPHEN HARRIS, JR., being
5 duly sworn and cautioned to speak the truth, the whole
6 truth and nothing but the truth, testifies as follows:

7 CHAIRMAN RANKIN: Thank you. And we
8 appreciate your being here, and your willingness to offer
9 for this position. You have before you, two documents that
10 you generated for us, the PDQ and the sworn statement; is
11 that correct?

12 JUDGE HARRIS: Yes, sir.

13 CHAIRMAN RANKIN: Any changes that need to
14 be made to those two?

15 JUDGE HARRIS: No, none.

16 CHAIRMAN RANKIN: Do you have any objection
17 to those being made a part of the record here today?

18 JUDGE HARRIS: No objection.

19 CHAIRMAN RANKIN: If you'll hand those to
20 Lindi.

21 (EXHIBIT NO. 9 - JUDICIAL MERIT SELECTION
22 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
23 HONORABLE W. STEPHEN HARRIS, JR.)

24 (EXHIBIT NO. 10 - JUDICIAL MERIT SELECTION
25 COMMISSION SWORN STATEMENT OF THE HONORABLE W.

1 STEPHEN HARRIS, JR.)

2 CHAIRMAN RANKIN: You are aware of our
3 efforts to thoroughly investigate your candidacy and
4 qualifications, and that we focus on nine evaluative
5 criteria. I'm sure you know those. For the record, we
6 look at your ballot box survey, a thorough study of your
7 application materials, a study of previous screenings, a
8 check for economic conflicts of interest, a search of
9 newspaper articles in which your name appears, and a
10 verification of your compliance with the state ethics laws.

11 We've received no affidavits filed in
12 opposition to your election, and no witnesses are here to
13 testify. You are it. And you, sir, are welcome to make a
14 very brief opening statement if you'd like. You're not
15 required to do so.

16 JUDGE HARRIS: Yes, sir. Thank you. First
17 of all, I'd like to thank everybody for allowing me this
18 opportunity, and everybody for being here. I know this is
19 -- you know, public service is an important part of this.
20 And that's one reason I'm happy to be here.

21 My support team is unfortunately in first
22 grade and pre-K, so they're not here today. And so they're
23 not here today. But, you know, I want to especially thank
24 Roland and Lindi, who have been -- this is my first time
25 through this. They've made it a lot easier -- and Ms.

1 Crawford too -- a lot easier than I thought it was going to
2 be. It's been a pleasurable experience.

3 And, you know, I just want to thank you all for
4 giving me the opportunity to serve the Bar and serve the
5 State of South Carolina as a possible circuit judge.

6 CHAIRMAN RANKIN: Very well. Roland, take
7 it away.

8 MR. FRANKLIN: Thank you, Mr. Chairman.
9 Good afternoon, Mr. Harris. I note for the record that
10 based on the testimony contained in the candidate's PDQ,
11 which has been included in the record with the candidate's
12 consent, William Stephen Harris, Jr. meets the
13 constitutional and statutory requirements for this position
14 regarding age, residence and years of practice.

15 EXAMINATION BY MR. FRANKLIN:

16 **Q. Mr. Harris, how do you feel your legal and**
17 **profession experience thus far renders you qualified and**
18 **will assist you to be an effective circuit court judge?**

19 A. That's a good question. I got here on a
20 different path than most people would. I didn't go
21 straight to law school out of college. I moved to Los
22 Angeles, California. And I was a small-town Mississippi
23 guy going there for a town of twelve and a half million --
24 a city of twelve and a half million people.

25 I think that, that experience in doing sales,

1 outside sales, which is, you know, calling on other people
2 and getting in front of the people, taught me the -- you
3 know, when you're with twelve and a half million people,
4 you learn empathy, you learn about every type of walk of
5 life.

6 And I think that really helped me in becoming the
7 man I am today, and becoming the person I am today, and
8 understanding other people and their needs and what --
9 that, you know, every person in the world is different.

10 In my time -- the one -- a couple things in my
11 career, that I believe has made me an ideal person for a
12 job like this is I was public defender for three years. And
13 I know most -- there's not a lot of judicial candidates
14 that come through that are public defenders.

15 A. It's a job where you are underpaid and overworked
16 and underappreciated, most of the time, is the way to
17 consider it. It teaches you how to appreciate our system -
18 - our legal system.

19 I fell in love with our legal system when I
20 became a public defender. And I think that falling in love
21 with it when you're underpaid and underappreciated, and
22 your clients think you're not a real lawyer, yet you go to
23 work with a smile on your face every day because you enjoy
24 what you're doing, I think that's a -- that's made me
25 understand that I want to be a big part of this system,

1 that I want to be a judge.

2 I want to be something more in this system. I
3 want to stay in it. My whole career, I've been in the
4 court. And, you know, I was a solo practitioner for a
5 little while. I think that part of my career also made it
6 where I understand how hard it is to be a solo
7 practitioner. You wear every hat. You literally are the
8 lawyer. You're the partner of yourself. You're the
9 secretary and you're the receptionist, so -- and the
10 paralegal.

11 So, you know, I would be called to be in twelve
12 different courts in three counties in the same week and
13 balancing that schedule is hard to do. And it's -- you
14 know, it makes you appreciate the small practices. And
15 that's why I've kind of stayed in a small practice myself.
16 So I think those things have helped me get to where I am
17 today, and it's taught me a lot about empathy and a lot
18 about understanding.

19 **Q. I apologize for referring to you as "Mr. Harris."**
20 **You are currently a part-time Charleston County magistrate.**

21 A. I am. I am. I forgot -- yeah, being a judge has
22 -- I've been a judge for a little over a year, now, since
23 April of last year. And that has been something -- that's
24 what made me really apply for this. I took over an
25 expiring term of a magistrate in Charleston. He aged out.

1 And being a magistrate judge has taught me a lot about what
2 -- being on the bench.

3 And, you know, in the magistrate court we don't
4 have a lot of lawyers come through. It's a lot of pro se
5 people and a lot of evictions, a lot of small crimes and a
6 lot of civil -- a lot of little, small civil issues. But
7 it's taught me how to understand and appreciate, you know,
8 that it's a hard situation for people to go through.

9 Q. Judge Harris, the Commission received 122 ballot
10 box surveys regarding you, with 16 additional comments.
11 The ballot box surveys, for example, contained the
12 following positive comments:

13 "Smart and great lawyer. Would make a great
14 judge. Stephen would be excellent. Just what we need.
15 Smart, tough, experienced in practice and in good nature.
16 Judge Harris would make an excellent circuit judge. He is
17 experienced in both state and federal court and the court
18 of general sessions and the court of common pleas."

19 And, finally, "Mr. Harris is well qualified for
20 such a position. And I believe he has the appropriate
21 temperament for such a position. He is knowledgeable and
22 accessible to his colleagues and always willing to help. I
23 believe that he would take this role seriously and be
24 thoughtful in his handling of cases."

25 On the other hand, six of the written comments

1 expressed concerns. For example, several comments
2 expressed concern about your temperament, referring to you
3 as hot-headed, judgmental, arrogant, and that you lack
4 compassion. What response would you offer to those
5 concerns?

6 A. Well, I think in our field -- like I said, I was
7 a public defender for three years. And the term
8 "adversarial" is an understatement when it comes to public
9 defenders and prosecutors. It's more like cats and dogs on
10 steroids. They don't like each other and they -- I
11 wouldn't say don't like each other, but they fight like a
12 lot.

13 And I think a lot of times with me, I'd say
14 compassion and confidence might get -- I can't remember the
15 exact words you used, but might get confused with like a
16 hot temper or a -- it didn't say "cocky." I can't remember
17 the exact words you used, but --

18 Q. Arrogant.

19 A. Arrogant.

20 Q. Yeah.

21 A. Arrogant. Now, I mean, like I said that -- I
22 tried a lot of cases. I was a trial lawyer, I was a public
23 defender, I was one of the ones that was in the courtroom
24 all the time. And there's no way to keep -- I guess the
25 relationship between me and some of the prosecutors, you're

1 fighting for -- you know, you're fighting for the lives of
2 somebody that has been forgotten about by most people.
3 They don't have enough money to afford a lawyer, and you're
4 there fighting.

5 And I think confidence and passion can be
6 confused sometimes with a negative connotation to that.
7 But I -- you know, I believe that -- that was ten, twelve
8 years ago. I believe I've been a lawyer and a judge since
9 then, and I believe that most people would say that I am
10 very level-headed.

11 I have two 3-year-olds. I know -- I know that
12 you can't be hot-headed and have two 3-year-old children at
13 one -- two different times. But I think that, you know,
14 passion and the adversarial relationship may have been the
15 reason some people would have said that.

16 **Q. And one person wrote that you would be a pawn for**
17 **anyone that you believe furthers your interests. What**
18 **response would you offer to that concern?**

19 A. I don't -- I'm not from here. I'm not from a
20 family -- I'm the first lawyer in my family. I'm from
21 Mississippi, originally. I don't know a lot of people that
22 I believe I could, even if I wanted to be a pawn for.

23 I don't have that type of relationships with
24 people. I am a judge. First and foremost, to be the
25 referee for the system. I'm not the one making the

1 decisions. The jury's making the decisions most of the
2 time. So, no, to say I'd be a pawn for somebody is -- I
3 don't know why anybody would say that. I really don't.

4 **Q. Another comment states that at some point you've**
5 **mocked public defender clients on Facebook, and repeatedly**
6 **mocked another attorney's appearance and said the post, in**
7 **quote, "Lived in a dumpster."**

8 **How do you respond to that comment?**

9 A. Well, I understand what that is. A dear friend
10 of mine who passed away a couple years ago was named -- a
11 guy named Andrew Grimes, he was a public defender with me.
12 Being a public defender is like being in a small fraternity
13 of people. When people show up with wrinkled clothes or
14 something like that, they get -- you kind of get ribbed.

15 Because like I said, you're this group of people
16 that nobody really appreciates or wants. You kind of have
17 to make due, you don't make a lot of money, and you work
18 all the time and you're with the same people all the time.

19 I know exactly what they're talking about.
20 They're talking about a joke that my friend Andrew made
21 about a -- one of our people that came in after a -- what
22 looked like a busy night of drinking. And he said, "It
23 looks like he woke up in a dumpster."

24 I didn't say that. I'm not -- unfortunately, I'm
25 not the kind of person that is automatically going to go,

1 "Don't say that about that person." And if I can look back
2 on it in hindsight, I kind of wish I would have.

3 But, you know, I know the joke they're talking
4 about and I know the person they're talking about. I
5 didn't say it. I was sitting -- I was sitting there with a
6 group of people that did. And I don't know what the
7 Facebook mocking of clients would -- I have no idea what
8 that would be. So I honestly don't.

9 **Q. And have you ever represented to anyone that you**
10 **have a lock on this position for any reason?**

11 A. Absolutely not. I don't -- like I said, I don't
12 know enough people. And I'm not -- I'm not dumb enough to
13 say I have a lock on anything. This is my first time
14 running for this. I'm a magistrate judge and an attorney
15 from Charleston, that's lived in Charleston for the last
16 fifteen years. I am not a person that would even speak to
17 or think that I had any kind of lock on anything.

18 I'm just -- like I said, I'm just thrilled to be
19 here and be part of this. So I have no expectation that I
20 would get any favorable, you know, decision from anybody.

21 **Q. Thank you, Judge Harris. In your PDQ you noted**
22 **that about a year and a half ago you were cited for expired**
23 **tags. Tell the Commission about that incident and how it**
24 **was resolved.**

25 A. Okay. The DMV, little to my wife and I's

1 knowledge, if you pay your tags online -- or pay your taxes
2 online and it's any day -- any more than a day after they
3 were due, the DMV puts a fifty-dollar fee on there. They
4 don't send you a letter saying they did it. So we paid it.

5 And about two weeks later a police officer was
6 behind me and he pulled me over, and I showed him the
7 receipt on my phone. We paid the taxes. We were waiting
8 on the sticker. And he said, "Oh, well, you've got to go
9 to the DMV and pay fifty dollars to get them to remove this
10 so they'll send a sticker out."

11 And so I literally went to the DMV downtown, paid
12 the fifty dollars, got the sticker. 'Cause I didn't
13 realize you had -- you know, again, this is something that
14 my wife and I just -- the taxes got paid a couple days late
15 on that. And when it happens, the DMV kicks it in. But
16 the sticker was put on there. I actually saw the officer
17 and he said, "Just e-mail me and we'll dismiss it."
18 Because I had showed him the receipt that day. So it was
19 an oversight.

20 **Q. Tell members of the Commission what you believe**
21 **to be the appropriate demeanor of a circuit court judge,**
22 **and are there any current judges that you seek to model**
23 **yourself after in that regard?**

24 A. Current demeanor -- I mean, I -- a proper
25 demeanor I'd say is -- first and foremost empathy, I think

1 is one of the most important things that -- not only in
2 life, but as a judge. You have to have empathy for people.
3 And that's a -- that's a big thing that I think a lot of us
4 are -- you know, I think everybody could work on.

5 I think that, you know, being a -- being a
6 sitting judge, I think that, you know, we are the -- we're
7 serving the Bar as a -- as a referee. We're sitting here
8 as the person that's telling people what the law is, but
9 not what to think what -- you know, any other facts or
10 anything like that.

11 So I think that a demeanor of calm, empathetic,
12 but at the same time able to control the courtroom without
13 it getting out of hand.

14 Judges that I would sit there and say I would
15 model myself after, one of them demeanor-wise, I think
16 Michelle Childs -- Judge Michelle Childs, who is now a
17 federal judge, was a great judge I went front of regularly,
18 she had a great demeanor. Was always one of those -- when
19 I went in front of Judge Childs, I always knew my client
20 was going to get a fair shake and that I wasn't going to
21 get brow-beaten by somebody.

22 Another judge -- another federal judge that I go
23 in front of regularly, that I would consider as a -- Judge
24 Richard Gergel, the federal system in Charleston. I don't
25 know if -- who knows him, but he's a -- he's smart. But he

1 also is one of those judges that if you're looking at
2 alternative sentencing, he'll listen to you on it.

3 And I think that's important because I don't
4 think we need to be a "jail first ask questions later"
5 society. I think that the reason we keep putting in
6 programs -- alternative sentencing programs is because, you
7 know, our jails are pretty full.

8 So those two I believe would be -- you know, and
9 then Judge Markely Dennis has always been a role model.
10 But I know he's got a reputation for a hot temper, but he's
11 -- I know him personally. And he's a nice guy.

12 **Q. And you alluded to this earlier, but prior to law**
13 **school you lived in California and worked for the TelCom**
14 **industry.**

15 A. Yes, the DotCom and TeleCom industry. Yes.

16 **Q. Tell the Commission what you learned from that**
17 **experience, and the impact you believe that, that**
18 **experience has had on you as an attorney and will have on**
19 **you as a judge, if elected.**

20 A. Well, like I said, I learned -- in California, I
21 went there as a small -- you know, from a small town in
22 Mississippi called Vicksburg. And you don't know it unless
23 you drive I-20 or unless you are a Civil War buff.

24 So but I went there because I had never
25 experienced anything like that, and I wanted to kind of

1 challenge myself out of college. I wanted to go to law
2 school -- it was supposed to be a six-month trip and it
3 turned into six years.

4 What I learned was how to deal with people, how
5 to talk to people, and how to understand their differences,
6 that they may not agree with you on anything or everything,
7 but that it's important to see that -- you know, again, it
8 goes back to the empathy thing, to have an understanding of
9 them and not just think that I'm -- the way I want to do it
10 is right.

11 And, you know, knocking on doors and cold-calling
12 people for six years is not a fun thing to do. But it
13 taught me the importance of being able to be a good lawyer,
14 I think a good litigator, and be able to explain to people
15 what's going on. On my side of things, at least.

16 **Q. Now for a few housekeeping issues. Judge Harris,**
17 **are you aware that as a judicial candidate you are bound by**
18 **the Code of Judicial Conduct as found in Rule 501 of the**
19 **South Carolina Appellate Court rules?**

20 A. I am.

21 **Q. Since submitting your letter of intent have you**
22 **contacted any members of the Commission about your**
23 **candidacy?**

24 A. No.

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. I have not.

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

9 A. Yes.

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

14 A. I have not. And I am not aware, no.

15 Q. Have you received and do you understand the
16 Commissions' guidelines on pledging and South Carolina Code
17 Section 2-19-70(E)?

18 A. Yes.

19 MR. FRANKLIN: I would note that the Low
20 Country Citizens Committee reported that Judge Harris is
21 qualified in the evaluative criteria of constitutional
22 qualifications, physical health and mental stability. The
23 committee found Judge Harris well qualified in the
24 evaluative criteria of ethical fitness, profession and
25 academic ability, character, reputation, experience and

1 judicial temperament. The committee commented further that
2 Judge Harris is, "The right stuff. Impressive."

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

8 CHAIRMAN RANKIN: Thank you. Commission
9 members, any questions? Representative Murphy.

10 REPRESENTATIVE MURPHY: Thank you, Mr.
11 Chairman.

12 EXAMINATION BY REPRESENTATIVE MURPHY:

13 Q. Judge Harris, welcome. I'm glad you addressed -
14 the comment on Facebook and everything. I was looking
15 through your Facebook page, and that kind of stood out to
16 me. And I did notice that you had a picture with Andrew.

17 A. Yeah.

18 Q. Andrew and I actually grew up together. I've
19 known -- knew him for a long time. We actually grew up in
20 the same neighborhood. He was a great loss. And he was a
21 good friend of mine as well.

22 But I noticed on your Facebook post with the -- I
23 guess it's your law firm, did you all -- were you all
24 involved in the Dorchester County -- I noticed you post --
25 you put a post about the Dorchester County Referendum. Was

1 your law firm involved in that regarding the parks and the
2 library referendum? It's just a post that you put. I
3 didn't know if --

4 A. No, I --

5 Q. -- you all were involved in that.

6 A. No. And I'll explain. My law firm Facebook
7 page, I've been trying to get it -- a long story short, the
8 guy that was running our internet marketing went to prison
9 for something, and with him went all of our passwords and
10 everything. And they were posting things that they thought
11 would be interesting on our Facebook page to drive traffic.

12 Q. Correct.

13 A. And so if it's on the firm's Facebook page, I
14 didn't have control over that. I've been trying to get
15 back control of that and to shut it down, basically,
16 because we don't use it.

17 Q. You live in Charleston County, correct?

18 A. I do.

19 Q. I think you said for the last fifteen years?

20 A. Yeah, for thirteen or fifteen years.

21 Q. Currently in the 9th Circuit there are two
22 resident judges.

23 A. Right.

24 Q. They both reside and they have offices in
25 Charleston.

1 A. Yes.

2 Q. That leaves the citizens of Berkeley County
3 without a resident judge.

4 A. Right.

5 Q. And they have understandably expressed some
6 concern about the lack of a resident judge for a county
7 that is just growing in the Tri-County, as you know --

8 A. Oh, yeah.

9 Q. -- exponentially.

10 A. Oh, yeah.

11 Q. A judge that actually lives in the community,
12 goes to the church in the community, raises their children
13 in the community, their children go to school in the
14 community.

15 A. Right.

16 Q. They see that judge at the grocery store or
17 outside of the courtroom setting. How would you alleviate
18 those concerns for the citizens of Berkeley County, if you
19 were fortunate enough to ascend to the position?

20 A. I mean, the part about having my kids and
21 everything in the schools there, I would need to be,
22 obviously, own a house there. Which I don't.

23 Q. Right.

24 A. That's why I -- I don't know that I could
25 alleviate their concerns on the -- seeing the judge in the

1 community every day.

2 **Q. Actually living in the community.**

3 A. Yeah, live in the community. I don't -- I don't
4 know that I could alleviate that. I mean, unless my wife
5 was -- and we've gotten fond of John's Island. So unless
6 my wife was considering moving out there, then I'm -- I
7 don't know that I could -- the living part, I don't know
8 that I could resolve that.

9 The having an office there, or having an office
10 in the courthouse there, you know, I'm not opposed to being
11 a judge in Berkeley -- you know, having an office there or
12 spending --

13 **Q. But you would agree, though, that, that would be**
14 **a legitimate concern that the citizens have.**

15 A. Oh, of course. And I've said that since the
16 beginning. I said I know it's going to be a concern. I
17 didn't -- I didn't think about it until after I looked at
18 the makeup of the court. But of course I think it's a
19 concern.

20 REPRESENTATIVE MURPHY: Thank you, Mr.
21 Chairman.

22 CHAIRMAN RANKIN: Anyone else?

23 REPRESENTATIVE SMITH: I just want to ask
24 one question.

25 CHAIRMAN RANKIN: Representative Smith.

1 EXAMINATION BY REPRESENTATIVE SMITH:

2 Q. Judge, I appreciate you being here today. And I
3 appreciate you offering for this position. I just ask
4 everybody this as you're going through -- obviously, you've
5 got the ballots. If you were successful in this candidacy
6 and were elected the circuit court, you'd have to balance
7 attorneys schedules and attorneys personal conflicts. And
8 if you're in circuit court, you know, the only thing under
9 the appellate court rules that takes precedence would be
10 the -- would be the Supreme Court or the Court of Appeals.

11 How would you balance if attorneys had to be in
12 magistrates court, that was long-scheduled, and someone got
13 short notice from the solicitor's office or from, you know,
14 cases falling through on the common pleas roster, that they
15 had to be over there? Are you -- is the circuit court
16 always going to take precedence? Or are you going to work
17 to accommodate attorneys schedules and other commitments?

18 A. That's a good question. I would look at -- the
19 way I do it now on my bench in Charleston, and the way I've
20 done it -- we do it on a case-by-case basis, to be honest.
21 Because I mean, I've been in solo practice. I've been a
22 small -- a two-person law firm for a long time. I know
23 things can -- I've got two kids. I know things come up.

24 But I also know that some people abuse that
25 system and abuse the judge's kindness, I guess you'd say,

1 you know, by possibly associating a legislator on every
2 case they have, because they know that the case can't be
3 called for six months because of the protection.

4 Things like that would be a case-by-case basis
5 for me. But again it would go back to -- I'm going to
6 listen to what anybody says. And, obviously, not ex parte,
7 but I'm going to let -- if both parties are okay with it, I
8 don't understand -- I don't see that, that would be a big
9 issue.

10 Because like I said, I understand that -- as a
11 solo you've got to be anywhere and everywhere. You know,
12 you're like the Lincoln lawyer. As a solo practitioner
13 you're sitting in your car most of the time. So I know
14 when things come up and it -- it may not be an emergency,
15 it may be, you know, a ballet recital or a -- something
16 that you're going to regret missing one day. And of course
17 I'm going to listen to that.

18 **Q. We've had my time serving on here, and I've had a**
19 **number of magistrates or municipal court judges come, and**
20 **you all are the opposite of the problem, you're at the**
21 **bottom of the ladder.**

22 A. Yeah, I know.

23 **Q. And so sometimes we've heard some frustration**
24 **with -- about attorneys appearing in magistrates courts or**
25 **municipal courts 'cause they're always claiming a conflict**

1 somewhere else. But have you experienced any of that? And
2 how have you handled that?

3 A. Well, like I said, there are certain lawyers that
4 -- the way I've handled it is if they call me and say, "I
5 got a conflict on this day," usually with magistrates court
6 there's either no lawyer on the other side or there's --
7 the lawyers on the other side are going to be a little
8 forgiving, I guess.

9 I usually try to schedule it. Because we're not
10 a court of record, technically we don't have the scheduling
11 things that circuit court would have, on those I'll usually
12 try to find a time that they -- everybody can be there, you
13 know, if somebody's got to be somewhere else.

14 And if it's somebody that we get the call
15 regularly, well, you know, that's a -- I think every county
16 has somebody we're going to get the call regularly. You
17 know, they just can't seem to come to court in magistrates
18 court and they don't -- they don't appreciate -- you know,
19 you start feeling like they don't appreciate it. But I
20 don't know if they do or not.

21 But on cases like that, you know, that's when we
22 call the attorney themselves, and say, "Here's our
23 calendar. When can you be here? You know, you should know
24 when your hearing are. When can you be here?"

25 But like I said that's -- again, it's a case-by-

1 case thing, and if it becomes -- if it starts getting
2 abused, then, you know, I think most judges figure out who
3 those people are that are going to, you know, abuse your
4 kindness, I guess you could say.

5 REPRESENTATIVE SMITH: All right. Thank
6 you, Judge.

7 CHAIRMAN RANKIN: Senator Young.

8 SENATOR YOUNG: What I wanted to ask was
9 covered by Representative Smith.

10 CHAIRMAN RANKIN: Unless there are any other
11 questions.

12 CHAIRMAN RANKIN: I want to commend you,
13 likewise, for running and offering. And you have been the
14 newly-minted James Island magistrate -- or is that a county
15 --

16 JUDGE HARRIS: I'm the county -- I'm the
17 county magistrate in James Island. I'm a Charleston County
18 magistrate, but I am a -- I have three days a week on James
19 Island as of April of last year. April of '17.

20 CHAIRMAN RANKIN: And that by recognition of
21 the Governor --

22 JUDGE HARRIS: Yes.

23 CHAIRMAN RANKIN: -- selected by the
24 Charleston Senatorial Delegation.

25 JUDGE HARRIS: Yes.

1 CHAIRMAN RANKIN: Correct?

2 JUDGE HARRIS: Yes, sir.

3 CHAIRMAN RANKIN: And not without cause or
4 merit that you got that position, your reputation -- aside
5 from some of the questions and comments that clearly were
6 the outliers -- folks say great things about you.

7 JUDGE HARRIS: I wish everybody could like
8 me. But I don't -- I don't think everybody likes
9 everybody, so -- but I appreciate that. I really do.

10 CHAIRMAN RANKIN: If you found a group of
11 ten people who all love you, that are not related to you,
12 or you're not related to, let me know. I'd like to --

13 JUDGE HARRIS: I'll move to an island with
14 them. Yeah, so I'll let you know. I definitely will.

15 CHAIRMAN RANKIN: So unless there are other
16 questions. Again, thank you for doing this and being a
17 part of it. This will conclude this portion of your
18 screening. And let me remind you that we look seriously at
19 any violation, or the appearance of any impropriety
20 regarding South Carolina ethics laws.

21 This record will remain open. And if need
22 be, we would call you back to ask you particular questions
23 until the record of qualifications is issued. You
24 understand that, correct?

25 JUDGE HARRIS: I do.

1 CHAIRMAN RANKIN: All right. Judge, thank
2 you again for your willingness --

3 JUDGE HARRIS: Thank you all.

4 CHAIRMAN RANKIN: -- to serve.

5 JUDGE HARRIS: Thank you very much.

6 CHAIRMAN RANKIN: Now we're going to take a
7 fifteen-minute lunch break.

8 (Off the record from 1:04 p.m. to 2:04 p.m.)

9 CHAIRMAN RANKIN: Please raise your right
10 hand.

11 WHEREUPON,

12 THE HONORABLE BENTLEY DOUGLAS PRICE, being
13 duly sworn and cautioned to speak the truth, the whole
14 truth and nothing but the truth, testifies as follows:

15 CHAIRMAN RANKIN: State your full name for
16 the record, please.

17 JUDGE PRICE: Bentley Douglas Price.

18 CHAIRMAN RANKIN: Very well. And you have
19 prepared two documents that are your PDQ and your sworn
20 statement. Do you need to make any changes to those? Are
21 they ready to be submitted to your record?

22 JUDGE PRICE: There are no further changes.
23 They're ready to be submitted, sir.

24 CHAIRMAN RANKIN: And you have no objection
25 to them being put --

1 JUDGE PRICE: No objection.

2 CHAIRMAN RANKIN: If you'll hand those to
3 Lindi.

4 (EXHIBIT NO. 13 - JUDICIAL MERIT SELECTION
5 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
6 HONORABLE BENTLEY DOUGLAS PRICE)

7 (EXHIBIT NO. 14 - AMENDMENT TO PERSONAL DATA
8 QUESTIONNAIRE OF THE HONORABLE BENTLEY DOUGLAS
9 PRICE)

10 (EXHIBIT NO. 15 - JUDICIAL MERIT SELECTION
11 COMMISSION SWORN STATEMENT OF THE HONORABLE
12 BENTLEY DOUGLAS PRICE)

13 CHAIRMAN RANKIN: You go by "Bentley"? Do
14 you go by "Douglas"? What do you go by?

15 JUDGE PRICE: I go by "Bentley."

16 CHAIRMAN RANKIN: All right. Mr. Price.
17 How about that?

18 JUDGE PRICE: That would be perfect.

19 CHAIRMAN RANKIN: And are you currently a
20 judge; is that right?

21 JUDGE PRICE: That's correct.

22 CHAIRMAN RANKIN: In what capacity?

23 JUDGE PRICE: I have been the municipal
24 judge for the City of Folly Beach since 2007. And I'm
25 currently the chief admin judge, and have been for the past

1 six years, for the City of Folly Beach.

2 CHAIRMAN RANKIN: So that is municipal?

3 JUDGE PRICE: That's correct.

4 CHAIRMAN RANKIN: But you're subject to the
5 same rules as every other judge.

6 JUDGE PRICE: Yes, sir. Well, as a part-
7 time, I'm not subject to what a magistrate or a full-time
8 would be. But the same canons, yes, sir.

9 CHAIRMAN RANKIN: Great. You are familiar
10 with this process. You've been here and done this once
11 before. How many -- when were you here?

12 JUDGE PRICE: So I've done it three separate
13 times. This is my fourth time. I've stayed in succession
14 except for when Judge McCoy ran. I did not run against her
15 or, you know, put my application in against her. So this
16 is my fourth screening.

17 CHAIRMAN RANKIN: So you know acutely, the
18 rules that we follow in our task to investigate you to
19 determine whether you are worthy of this position. You
20 know we look at nine different criteria. And a number of
21 those include a check for economic conflicts of interest, a
22 ballot box survey, a study of previous screenings, a search
23 of newspaper articles in which your name appears, a study
24 of your application materials this go-round, and a
25 verification of your compliance with the state ethics laws.

1 You're familiar with all of that?

2 JUDGE PRICE: I am, yes, sir.

3 CHAIRMAN RANKIN: We've received no
4 affidavits in opposition to your election and no one is
5 here to testify against you. Unless there's been a change
6 of heart by the two people that I'd now ask you to
7 introduce.

8 JUDGE PRICE: Thank you very much, Mr.
9 Chairman. I appreciate it. This is my sister, she drove
10 in from Sumter, here in support. And this is my wonderful
11 bride, Melissa Price. Today is her 40th birthday. And I
12 could not still talk her out of coming to support me. So
13 she is -- they are both here in support.

14 CHAIRMAN RANKIN: What a low threshold for
15 enjoyment of a birthday. And your sister's name?

16 JUDGE PRICE: Amy Richardson.

17 CHAIRMAN RANKIN: Welcome to both of you.
18 And Happy Birthday to you. We're not singing, but I
19 imagine that you've received a proper birthday greeting.

20 JUDGE PRICE: Needless to say, Mr. Chairman,
21 I have a lot of making up to do for today.

22 CHAIRMAN RANKIN: But she chose to come.
23 That wasn't --

24 JUDGE PRICE: She has been supportive
25 throughout this process. And we've been doing it for a

1 long time, so I'm always glad that she's willing to come.
2 So again like I indicated, I wasn't even able to talk her
3 out of it.

4 CHAIRMAN RANKIN: You have the opportunity
5 to make a brief opening statement if you'd like. You're
6 not required to do so. I'll leave that up to you.

7 JUDGE PRICE: Well, Mr. Chairman, members of
8 the House, and others, I appreciate you all having me here
9 today. Again, I want to thank my sister and my wife for
10 coming in support as usual. And I'm happy to answer any
11 questions anyone may have.

12 CHAIRMAN RANKIN: Very well. Mr. Appleby.

13 MR. APPLEBY: Mr. Chairman, I note for the
14 record that based on testimony contained in the candidate's
15 PDQ, which has been included in the record with the
16 candidate's consent, the Honorable Bentley Douglas Price
17 meets the constitutional and statutory requirements for
18 this position regarding age, residence and years of
19 practice.

20 EXAMINATION BY MR. APPLEBY:

21 **Q. Judge Price, how do you feel your legal**
22 **experience in the solicitor's office will assist you in**
23 **being an effective circuit court judge?**

24 A. Well, just from the solicitor's office standpoint
25 I -- that was my first job that I ever attained. I left

1 law school. And it was a wonderful experience, but
2 certainly an eye-opening experience. It's somewhat baptism
3 by fire. I wasn't even licensed at the time.

4 I received the job on a grant from the federal
5 government called a Cease Fire Task Force. Our job was to
6 prosecute guns and drugs, and anybody that we felt was
7 overly just recidivist, or we thought maybe the federal
8 government would better in prosecuting. We would go to
9 them and take those actual cases to them, and then they had
10 the opportunity to prosecute them from there.

11 While I think was a benefit, obviously, I was in
12 the courtroom every single day. Of course in Charleston,
13 it's a huge county, we have court almost two to three times
14 a week. I learned how to prosecute. I learned how to try
15 cases.

16 Certainly, I learned how to deal with the defense
17 bar, I thought that was a huge experience as well.
18 Learning how to deal with other attorneys, the defense
19 again in that case and scenario, learning how to deal with
20 the judges and how to simply just be able to try cases was
21 an unbelievable experience. Unfortunately, the grant ran
22 up and I moved on to private practice.

23 **Q. Judge Price, how do you feel your experience as a**
24 **chief -- a municipal judge will assist you as an effective**
25 **circuit court judge?**

1 A. Well, from the standpoint of now, obviously
2 dealing with litigants that I usually have to deal with
3 that are pro se, and I have to make the understanding that
4 they don't always understand the law, that they don't
5 always understand all the procedures.

6 But I've been doing it for a long time. I've
7 been doing it since 2007. And over those years I have
8 learned how to do several things; one, have a little bit
9 more humility than I had whenever I first started. I was
10 very young. I was 29 or 30, I believe, when I first came
11 to the judgeship. I'm 42 now. I learned how to deal with
12 litigants, other attorneys, and do well.

13 But also I take that job very seriously. You're
14 passing judgment on other people. And what your decision
15 is will affect somebody. And again, you forget about that
16 when you're a judge, because you go -- I go every single
17 week. And you forget that sometimes that person's nervous,
18 they're scared. They are in there, obviously because
19 they've done something wrong; they don't want to be there.

20 And I've learned over time how to deal with those
21 litigants, make them feel comfortable, let them understand
22 that no one's out to get them, and that this process is
23 fair. And, fortunately, I think I've done a good job in
24 that.

25 And I've also -- again, I love the job. Which is

1 of course why I'd like to take that experience on to the
2 circuit court.

3 Q. In regards to ballot box questions, Judge Price,
4 the Commission received 175 ballot box surveys, with 49
5 additional comments. The ballot box survey, for example,
6 contained the following positive comments:

7 "J. Price has shown that he is knowledgeable of
8 the law and capable of handling individual matters as their
9 individual facts would dictate. He is polite with
10 litigants and appropriate with attorneys. I believe that
11 his attitude and behavior will transfer over to the circuit
12 court bench, and we proudly recommend him for such a
13 position. Judge Price would be an exceptional circuit
14 court judge. He possesses all the applicable attributes to
15 be an excellent addition to our courts. Judge Price's
16 judicial temperament is unrivaled, and he has spent his
17 entire career in the circuit courts. He's been a judge for
18 over eleven years and has a remarkable track record of
19 being a fair and kind judge."

20 Six of the written comments expressed concerns.
21 Within those comments there were three different topics
22 addressed. The first was there maybe other candidates
23 better qualified, and you have no real knowledge or
24 experience in civil law. What response would you offer to
25 those concerns?

1 A. Well, unfortunately, again these are anonymous.
2 And I assume that, that person that stated the comment just
3 doesn't know the full breadth of my practice,
4 unfortunately.

5 I do practice a fair amount of civil work. I was
6 originally, when I left the solicitor's office, in a
7 medium-size firm with several other partners. We kind of
8 divvied it up into different sectors. We had the criminal,
9 we had the civil, and then we had the family law. And I
10 kind of just hovered between the two, being the partner
11 that oversaw other attorneys in those separate areas. And
12 I practiced a fair amount of civil litigation with my old
13 practice.

14 However, I really grew that civil litigation
15 whenever I left -- which has been about five years ago, if
16 I'm not mistaken, and I have been very fortunate to grow
17 that portion of my practice. And I associate another
18 attorney of mine with a -- with a medium-sized practice,
19 and we handle all of our civil cases together. And,
20 fortunately, it's been a really big blessing for me. And
21 I've had the opportunity to really grow my practice.

22 **Q. The second topic of concern was your temperament**
23 **and arrogance and how this may carry over into your duties**
24 **as a circuit court judge. What response would you offer to**
25 **these concerns?**

1 A. Unfortunately, again, I would have to know who
2 that is. Because I don't find myself to be -- my
3 temperament to be arrogant or any -- of the sort. Again,
4 I've had great humility having the job. I've been doing it
5 for a very, very long time. I learned that over the years.
6 I have, again, loved and enjoyed the job and participating
7 with the litigants and the attorneys.

8 But again, unfortunately, I'd have to know more
9 about that. But I don't find myself to ever be arrogant.
10 And I certainly would never be on the bench as well.

11 **Q. The third topic of concern was ethics, with one**
12 **comment alleging you mix your duties as an attorney with**
13 **your authority as a judge. What response would you offer**
14 **to these concerns?**

15 A. That was screened once before. And again, my
16 answer would be the same. I have no knowledge of any time
17 when I have ever mixed my judicial duties or powers to
18 negatively influence or mix the two together. Obviously, I
19 understand there's a huge line between the two.

20 I put on the robe and I do all of my judicial
21 duties. And whenever I don't have the robe on, I'm an
22 attorney. And unfortunately, if somebody knows that I'm a
23 judge, that's fine. But I would never mix the two.

24 **Q. Thank you, Judge Price. And before getting to**
25 **some housekeeping issues, I do want to close with a couple**

1 of the other positive comments that were in yours. One of
2 which being:

3 "Judge Price would be an asset to the judiciary.
4 I've been opposing counsel with him, as well as been in
5 front of him as a municipal judge, he has the experience
6 and temperament to be a wonderful circuit judge."

7 In regards to housekeeping, Judge Price, are you
8 aware that as a judicial candidate you are bound by the
9 Code of Judicial Conduct as found in Rule 501 of the South
10 Carolina Appellate Court Rules?

11 A. Yes, sir.

12 Q. Since submitting your letter of intent have you
13 contacted any members of the Commission about your
14 candidacy?

15 A. No, sir.

16 Q. Since submitting your letter of intent have you
17 sought or received the pledge of any legislator either
18 prior to this date or pending the outcome of your
19 screening?

20 A. No, sir.

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. Yes, sir.

25 Q. Have you asked any third parties to contact

1 members of the General Assembly on your behalf, or are you
2 aware of anyone attempting to intervene in this process on
3 your behalf?

4 A. No, sir.

5 Q. Have you reviewed and do you understand the
6 Commission's guidelines on pledging and South Carolina
7 Section 2-19-70(E)?

8 A. Yes, sir.

9 MR. APPLEBY: I would note the Low Country
10 Citizens Committee reported Judge Price to be well
11 qualified in the evaluative criteria of ethical fitness,
12 professional and academic ability, character, reputation,
13 experience and judicial temperament, and qualified in the
14 remaining evaluative criteria of constitutional
15 qualifications, physical health and mental stability.

16 The committee also included the following
17 comments about Judge Price: "Great experience. Personable.
18 Great energy."

19 Mr. Chairman, I would note for the record
20 that any concerns raised during the investigation by staff
21 regarding the candidate were incorporated into the
22 questioning of the candidate today. I have no further
23 questions.

24 CHAIRMAN RANKIN: Thank you. Members of the
25 Commission, any questions? Senator Sabb.

1 SENATOR SABB: Thank you, Mr. Chairman.

2 EXAMINATION BY SENATOR SABB:

3 **Q. Judge, good afternoon.**

4 A. Good afternoon, Senator.

5 **Q. So I'm looking at the firm that you once worked**
6 **for, and some of the names are just a wee bit familiar.**

7 **Query, Sautter, Price and Forsythe?**

8 A. Yes, sir.

9 **Q. It just so happens that you and -- that we've got**
10 **Judge Price and Judge Forsythe vying for --**

11 A. That's correct. We hired her -- I'm not sure who
12 she is currently working with. I was actually a friend of
13 her husband's. And she came to work with us and she
14 ultimately began working under -- as I indicated, we had
15 the little sector set up. And she worked under the family
16 court sector, and then ultimately became a partner and
17 worked in the family sector of the practice. And,
18 obviously, has been elected to be a family court judge.

19 **Q. Now, this is not a situation where you all**
20 **decided that if you have more numbers, you all would have**
21 **like two -- I'm just kidding.**

22 A. No, sir. But the other -- the other partner,
23 Grady Query, obviously wrote one of my letters of
24 recommendation. And I think the world of him, and a
25 wonderful mentor. I needed it when I left the solicitor's

1 office, you know, you're still young, you've had all the
2 power. And I thought he did a wonderful job of just
3 mentoring me and teaching me the ropes and how to do the
4 right things.

5 **Q. Sure. And let's talk about your solicitorial**
6 **duties, if you don't mind for a moment or two, on a more**
7 **serious note.**

8 A. Yes, sir.

9 **Q. What have you viewed the role as a prosecutor?**

10 A. What do I view of it currently?

11 **Q. Well, when you prosecuted. And currently.**

12 A. Well, the role of the prosecutor and the
13 solicitor is to prosecute cases that are brought before
14 them, and to be fair, to look at every case with an open
15 mind to make sure that -- obviously, that the facts meet
16 the elements of the crime and that you're doing the correct
17 thing and that you're prosecuting the correct cases.

18 Obviously, not all cases need to be prosecuted.
19 They just don't. And that was the philosophy I had back
20 then. I took that very seriously. I would go to my
21 supervisors, if I felt like maybe the case didn't need to
22 be prosecuted, that law enforcement made a mistake. We all
23 know that happens. Law enforcement is not perfect. And I
24 think it's kind of the prosecutor's job to buffer those and
25 to screen those out.

1 And, obviously, if you have -- which is kind of
2 the role I took as a prosecutor, was if you have a
3 recidivist who continually break the law, then they need to
4 be treated different than somebody who maybe had just broke
5 the law for the first time or made a mistake, or maybe law
6 enforcement made a mistake.

7 And I was -- I felt like I was really good at
8 that, vetting out the cases that I really needed to
9 prosecute vigorously, and the others that I didn't. And I
10 thought I did a very good job at that. I had a very good
11 mentor at the solicitor's office, my supervisor -- I'm not
12 sure if anybody would know him, but Sean Kipp was my
13 supervisor. And he did a wonderful job of teaching me the
14 different --

15 **Q. It's not a good idea to mention Sean Kipp's name.**
16 **I happen to know Suzanne, so that's not a good idea. But I**
17 **prosecuted for twenty years, and I was actually looking for**
18 **the answer that you just gave. And I think in essence, it**
19 **sums up that you're an administrator of justice and not**
20 **about the business of convictions.**

21 A. No, sir.

22 **Q. And you prosecuted for how long?**

23 A. The grant was two years. Yes, sir.

24 **Q. And in terms of defense lawyers, how do you**
25 **handle the idea of requiring them to be in court? Tell me**

1 **how you manage that.**

2 A. From the solicitor's standpoint?

3 **Q. Yes, sir.**

4 A. Then again, to be honest with you, Senator, I was
5 very young. I kind of sought the advice of others. And
6 the bar in Charleston, they're a good bar and they do the
7 right things, we would simply just put cases on the docket.
8 I don't think, to be honest with you, that I ever really
9 had a problem with that.

10 I was always very communicative. I think that's
11 kind of been discussed about my screening, is that I'm a
12 big talker. I enjoyed being around the other attorneys. I
13 would always make sure that the case was ready to go, that
14 we had a firm offer, a firm deal on the table. There was
15 never an opportunity where I just had something up in the
16 air and I hoped the attorney would just show up and work
17 that out.

18 **Q. Yeah, one of the -- one of the concerns that**
19 **lawyers always expressed to me when I was prosecuting is**
20 **they appreciated the fact that I just didn't require them**
21 **to come and just sit.**

22 A. That's correct. We had a roll call system that I
23 -- that I never -- again, you're not sure of the court. If
24 you tell me that you're representing your client and you
25 tell me that you are -- have spoken to your client, then

1 there's absolutely no reason in the world for you to come
2 to court.

3 Again, you're not for the court. As a prosecutor
4 at the time, I certainly trusted those attorneys. And
5 again, I would never have them come and just -- and assist
6 their clients in a roll call or to just come and let's see
7 if we can get to your case.

8 I would certainly even extend the courtesy of
9 saying, "Hey, if we get you to trial, I'll certainly let
10 you know. I'll give you a call in your office."

11 We didn't have cell phones back then. And of
12 course at that time, I also knew that those guys had been
13 practicing longer than me at the time, and I showed a lot
14 of great deference to those gentlemen and to those women,
15 in that they were doing a good job. And I honestly just
16 didn't want to waste any of their time.

17 Fortunately, that came back to help me later on
18 in my career, because I had been extended some of the
19 courtesy as well.

20 **Q. What goes around comes around, right?**

21 A. That's the way it goes. And more so now in the
22 legal system.

23 **Q. Yeah. And a couple more questions and then I'm**
24 **finished. So in terms of your work to become a circuit**
25 **court judge, you would then have an understanding of the**

1 importance of lawyers and other responsibilities. Can you
2 just talk with us about your philosophy as it relates to
3 lawyers and the needs of -- to go to a son's ball game at
4 five and needing to break court at four? Those kinds of
5 things would you just share with us?

6 A. Senator, I'll be honest with you, that is one of
7 my largest issues that we have sometime with some of the
8 judges and some of the others that we work with. And I am
9 probably one of the most deferential judges that I know. I
10 understand that there is more to practicing law than just
11 practicing law.

12 I had a medium-size firm where I had attorneys
13 that worked for me, and they could go do other hearings. I
14 had nine staff members that could kind of juggle
15 everything. But in the past five years I'm a solo
16 practitioner. I have two small children, a 6-year-old and
17 a 4-year-old, and I understand that there's more to the --
18 more to life than just practicing law.

19 I ask all the time if I could be excused to
20 either, again, go to a soccer game of one of my kids or --
21 I would never miss a daughter's dance recital. But from a
22 judicial standpoint, I give extremely large deference to
23 that.

24 Unless there is some egregiously large bias to
25 the opposing side, which I just don't know what that would

1 be off the top of my head, unless you gave me a specific
2 scenario, I would give great deference to attorneys that
3 want to have time to go -- again, go to a ball game, or
4 they need to get out of town a little early. I have no
5 problem with that. Actually, I think that would be one of
6 my largest benefits.

7 Q. Thank you.

8 SENATOR SABB: Thank you, Mr. Chairman.

9 CHAIRMAN RANKIN: Mr. Safran.

10 MR. SAFRAN: Thank you, Mr. Chairman.

11 EXAMINATION BY MR. SAFRAN:

12 Q. Just quickly. I know we talked last time, I
13 think when you were up here. I understand that, obviously
14 as a sole practitioner, you deal with what comes in the
15 door, whatever is basically there to help you kind of meet
16 your financial obligations. But also what you like.

17 You have an extensive background in criminal. So
18 naturally you're going to gravitate to that. Basically,
19 what is the civil stuff you do? Because I know you
20 mentioned it's about 25 percent. You know, I don't need
21 every detail. But just give me a general -- just a general
22 description.

23 A. I've just gotten lucky, to be honest with you.
24 In the past five years I've just -- people didn't know
25 that, that's what I was gearing my practice kind of

1 towards. And I've done mostly plaintiffs work -- well, all
2 plaintiffs work.

3 But I've done a myriad of cases from -- I'm
4 trying to think. Obviously, all personal injury when it
5 comes to car accidents. I have done a couple of negligent
6 hirings. I've done two of those, actually, which were very
7 good cases.

8 I am also an in-house counsel for CFOX Business
9 Litigation. I just kind of talk them through day-to-day
10 issues that they may have, contracts, something may have
11 happened at the plant that they want to seek my advice on,
12 something may have happened concerning a contract that they
13 had with someone else. So I do a little business
14 litigation as well. And I did that also with the previous
15 firm.

16 Mostly through the civil practice I am fortunate
17 enough to only have to attend the depositions and
18 mediations. Again, as you are fully aware, most all the
19 cases have settled. We've geared a couple of them up for
20 trial, but fortunately we got those settled as well prior
21 to the trial.

22 **Q. And you mentioned earlier about -- something**
23 **about an associate. I mean, do you have somebody within**
24 **your office that you do it --**

25 **A. No, sir.**

1 Q. -- outside?

2 A. Yes, sir. He is a friend of mine. And we began
3 that process, again about five or six years ago, whereby I
4 was associating him on certain cases. But whenever I got
5 out and had the opportunity to, like you say, take the
6 cases -- and it's very profitable and lucrative to be by
7 yourself and associate another attorney.

8 And so in doing so, I utilize his full staff.
9 And he allows for that. And I participate with him in the
10 depositions. Mediations, I attend certain hearings that he
11 may or may not be able to attend. So essentially, we share
12 the duties; however, I don't have to share the overhead.

13 Q. I got you. Does he have probably more of the
14 civil experience than you do? Or is it about equal? Or --

15 A. No, sir. He certainly has more than I do. And
16 I've appreciated him just kind of -- you know, I've worked
17 with him, learned through him, and I've been very -- again,
18 it's been extremely beneficial for me as well.

19 Q. And I don't fault you for it, 'cause I do the
20 same thing. I mean, I'm not going to reinvent the wheel.

21 A. Yes, sir.

22 Q. And I think if you find somebody that you trust,
23 certainly I'm not so proud as to say I'm going to be the
24 second and to let them be the lead dog. And that's fine.
25 So I mean, I don't fault you for that.

1 A. No, that's a -- I just felt like he, coming into
2 that scenario -- of course at that time I wasn't probably
3 the most proficient in the civil practice, and I thought it
4 would be better suited if I did have somebody that had more
5 experience. I didn't want to put myself in a position to
6 do something that was wrong, unethical, that obviously
7 would hurt the client.

8 And when I first began that, I had every
9 intention of somewhat learning the process through him, and
10 then just kind of molding it into my own. And I have --
11 again, I have found that two heads are better than one. We
12 share the work, we share the workload, we associate 50/50
13 down the middle. There's no agreements as to that.

14 We have never had any problems concerning money.
15 That was an agreement we came up with in the beginning as
16 to not -- you know, you don't want to get into an argument
17 with your fellow colleagues and buddies about money.
18 That's just -- you know, don't be greedy. And so it's been
19 a wonderful relationship.

20 **Q. Let me just ask you, we understand -- and I think**
21 **correctly, that the way the pendulum has kind of swung in**
22 **terms of the time that a circuit court devotes, it's more**
23 **criminal now. But I think we don't want to in any way**
24 **underestimate the importance of what a judge does at that**
25 **level as it relates to the process of a civil case, and how**

1 it moves forward, and that while you may not get the actual
2 in-trial, there are a lot of these decisions that
3 ultimately have to be made to get to the result, that can
4 be crucial in a case.

5 Do you feel like at least at this stage, that you
6 have sufficient background in order to be able to address
7 what some people might look at and dismiss as just simply
8 discovery, but that basically could involve a question that
9 could be just determinative of big portions of the case?

10 A. Oh, absolutely. I do feel like I have that. And
11 also, again in the civil aspect -- and in the criminal as
12 well. But I don't have any problem whatsoever of taking a
13 break if I find something to be maybe something I had not
14 uncovered, and asking a fellow judge. I think that's
15 always a good practice.

16 I don't have a problem, obviously, letting the
17 attorneys express all of their concerns, allow more than
18 ample time until I do have a grasp and I think I make the
19 correct decision.

20 But again, I'm not too proud as in anything to
21 say this may be something I have not completely had -- you
22 know, in my practice before. And I'm happy to take it
23 under advisement and seek the advice of any other attorney
24 -- excuse me -- of any other judge. I think that's the
25 appropriate practice as well.

1 Q. Thank you very much for the answers.

2 A. Thank you.

3 MR. SAFRAN: Thank you.

4 CHAIRMAN RANKIN: Thank you. Representative
5 Murphy.

6 REPRESENTATIVE MURPHY: Thank you, Mr.
7 Chairman.

8 EXAMINATION BY REPRESENTATIVE MURPHY:

9 Q. Judge Price, how are you today?

10 A. Very good. How are you Representative Murphy?

11 Q. Doing good. Doing good. Just a real quick
12 question. You live in Charleston County -- or Charleston
13 County, correct?

14 A. Yes, sir.

15 Q. I think off of -- in James Island or Johns
16 Island?

17 A. I live in James Island, yes, sir.

18 Q. James Island. Of course this seat is for the --
19 is a resident seat for the 9th Circuit. Currently there
20 are two resident judges for the 9th Circuit, Judge
21 Jefferson and Judge Roger Young, both who reside in
22 Charleston County. The two previous judges that held this
23 seat were both Berkeley County residents.

24 This vacancy is -- and with the impending
25 retirement of Judge Dennis, who is at at-large judge, but

1 he's been the defacto resident judge for Berkeley County
2 for twenty-something years.

3 The fact of the matter is that the citizens of
4 Berkeley County are going to -- are going to be left
5 without having a resident judge. That's a judge that
6 actually not only has their office there from nine to five,
7 holds court there when there's a term of court, but also
8 lives in the community, attends the church in the
9 community, the kids go to school in the community and
10 everything.

11 Would you agree that, that is a valid concern of
12 the citizens of Berkeley County, which is I think the
13 fastest growing county in the state and one of the fastest
14 growing in the -- in the nation that -- that, that would be
15 a valid concern of theirs that they would not have a
16 resident judge?

17 A. Well, when it comes to the situation whereby
18 you're indicating that the judge would be in the community
19 and kids playing ball and being somewhat accessible in that
20 manner, it would probably be a valid concern. But from the
21 judicial standpoint, I don't see a concern at all.

22 I love Berkeley County. I will go out there
23 every single week if that's what they like. I find myself
24 to be -- again, something I pride myself on from the
25 judicial standpoint, being very accessible.

1 If there is an issue that arises in Berkeley
2 County that needs to be addressed, I'm happy to be the
3 point person on that to address any -- as you very well
4 know, any orders or ex parte orders that need to be signed
5 or bench warrants that need to be lifted, or something
6 that's emergency purposes, I'm happy to handle all of that.

7 But I understand their concern about not having -
8 - again, if the at-large seat does not go back to Berkeley
9 County, that they don't have somebody that holds their
10 office there that -- that again is in the community. But
11 again from the judicial standpoint I don't -- I don't think
12 it's an issue. I'm happy to help out in any way I could.

13 **Q. But you would understand the concerns of the**
14 **citizens of Berkeley County, that have had a -- that have**
15 **had pride in the fact, and the concerns that have been**
16 **raised to me, that they've had a resident judge and are**
17 **going to be left without a resident judge; whereas,**
18 **Charleston has two, Dorchester has one, Orangeburg has one,**
19 **Colleton County has one, Beaufort County has one. You**
20 **understand the concerns that --**

21 A. I do. I understand what you're saying. Yes,
22 sir, absolutely. But also my understanding is that Judge
23 Dennis will be available and is still going to be there.
24 And again, he lives in the community, he lives in Berkeley
25 County for a long time to come. So I would -- hopefully,

1 they would understand that he would still be available if
2 that were the case.

3 REPRESENTATIVE MURPHY: Thank you.

4 CHAIRMAN RANKIN: Other questions from other
5 members? Senator Young.

6 SENATOR YOUNG: Thank you, Mr. Chairman.

7 EXAMINATION BY SENATOR YOUNG:

8 Q. Judge Price, thank you for your interest in
9 continuing your service. I have just a couple questions.
10 One is with respect to your judicial philosophy. One of
11 the questions in your sworn statement when asked about your
12 philosophy on judicial activism, and you answered this:

13 "Judges should play no role in establishing
14 public policy, and the applicable laws should guide judges
15 in making their rulings."

16 Do you believe that judge's own personal empathy
17 should influence the judge's decision at all?

18 A. If a judge has been in the same or similar
19 situation that one of the litigants has been in, should
20 that play a role in the way that they handle the case,
21 albeit either through sentencing or through some civil
22 aspect? Is that what you're asking?

23 Q. Well, I mean, should the judge let his or her own
24 personal feelings and views influence the judge's decision?

25 A. No. And the question, I believe, on the social

1 activism portion of it is, is that -- again, as I indicated
2 in my PDQ, you all do a wonderful job of making the laws,
3 all right? It's our job to apply the facts to every law.
4 And that's the job.

5 So I do not believe that a judge should be
6 empathetic in any way and allow that to affect their
7 ruling. The judge's job is to apply the facts of the case,
8 to the law that you all have written, and as best as they
9 can and as strictly as they can, obviously taking into
10 account legislative intent. And that's how I would --
11 that's how I would rule.

12 SENATOR YOUNG: Thank you.

13 CHAIRMAN RANKIN: Anything else?

14 (Hearing none.)

15 CHAIRMAN RANKIN: I want to commend you as
16 well for your persistence in pursuing this position. You
17 have referenced in response to Senator Sabb's question
18 about the letters of recommendation, the two that your
19 former associate and former partner have authored, and had
20 authored about yourself and herself. So it's refreshing
21 that they're not picking, they're endorsing both.

22 JUDGE PRICE: I appreciate it. I'm very,
23 very proud of the letters that I was able -- people wanted
24 to write for me. And so especially with Grady and the
25 guys. And obviously you saw the others.

1 CHAIRMAN RANKIN: I want to commend some of
2 the words and not belabor this point, but someone that you
3 and I share a relationship with in your former life,
4 apparently, and apparently professional, working with the -
5 - my former employer long ago, Tommy Britton, who writes
6 perhaps one of the best letters that anyone I think has
7 ever authored.

8 And such humility that he writes in
9 endorsing you, and attesting to your ethics and your legal
10 skill and your knowledge and your ability to represent
11 folks are to be acclaimed and affirmed by someone who
12 writes so glowingly of you. That certainly doesn't come
13 lightly.

14 So we're all familiar with letters of
15 reference. And perhaps in personal, you can't get any
16 better than this one. So I would commend this commission
17 to take a look at that.

18 Unless there are other questions, that will
19 conclude this portion of your screening process. And as
20 you know, we take seriously the role that we play. And we
21 want you to be reminded of the criteria that we abide by,
22 that being any violation of the South Carolina ethics rules
23 or any appearance of impropriety in that vein. And any
24 violation would be considered very serious and deserving of
25 very severe deliberations by us.

1 As you know, this record will remain open
2 until the full record of qualifications is issued. And so
3 if there's anything amiss in that regard with you, you know
4 that we would call you back and would put you under oath
5 for further examination.

6 JUDGE PRICE: Yes, sir.

7 CHAIRMAN RANKIN: Judge, Sis, and birthday
8 girl, happy day. And may the day get better for you.
9 Thank you all very much.

10 JUDGE PRICE: Thank you all so very much for
11 your service and for allowing me to be here today. Thank
12 you all very much.

13 CHAIRMAN RANKIN: Judge, come back real
14 quick. I forgot to ask this. The firm that -- or attorney
15 that you worked a lot with, associate with, Mr. Safran was
16 asking you about that, who is that attorney.

17 JUDGE PRICE: His name is Stewart Hudson.
18 He was with the -- I'm not sure what law firm he was with
19 previously. He did insurance defense. And he's been with
20 Nathan Huey, the Huey Law Firm, ever since. And they just
21 solely to plaintiffs work.

22 CHAIRMAN RANKIN: So you associate with the
23 Huey --

24 JUDGE PRICE: That's correct.

25 CHAIRMAN RANKIN: -- and that individual --

1 JUDGE PRICE: And the attorney that I
2 associate with is Stewart Hudson, yes, sir.

3 CHAIRMAN RANKIN: Got it. Very good.

4 JUDGE PRICE: Yes, sir.

5 CHAIRMAN RANKIN: Thank you.

6 JUDGE PRICE: Yes, sir. Thank you. Thank
7 you all again.

8 (Candidate excused.)

9 WHEREUPON,

10 THE HONORABLE EDWARD VAN SLAMBROOK, 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: Tell us your full name,
14 please.

15 JUDGE VAN SLAMBROOK: Dale Edward Van
16 Slambrook.

17 CHAIRMAN RANKIN: And you are a sitting
18 judge.

19 JUDGE VAN SLAMBROOK: Yes, sir.

20 CHAIRMAN: On what bench?

21 JUDGE VAN SLAMBROOK: I'm the
22 Master-in-Equity for Berkeley County.

23 CHAIRMAN RANKIN: We know that, but I'm just
24 putting that in the record for myself.

25 JUDGE VAN SLAMBROOK: Yes, sir.

1 CHAIRMAN RANKIN: You have two forms that
2 you filled out, a PDQ and that sworn statement. Any
3 changes that need to be made to either of those?

4 JUDGE VAN SLAMBROOK: No changes other than
5 those that have already been made. There's an amendment to
6 the PDQ. So have already been made.

7 CHAIRMAN RANKIN: And you don't have any
8 objection to being made a part of the record with your
9 testimony?

10 JUDGE VAN SLAMBROOK: No objection at all.

11 CHAIRMAN RANKIN: If you hand those over to
12 Lindi, to your left.

13 JUDGE VAN SLAMBROOK: Thank you.

14 (EXHIBIT NO. 16 - JUDICIAL MERIT SELECTION
15 COMMISSION PERSONAL DATA QUESTIONNAIRE OF THE
16 HONORABLE DALE EDWARD VAN SLAMBROOK)

17 (EXHIBIT NO. 17 - AMENDMENT TO PERSONAL DATA
18 QUESTIONNAIRE OF THE HONORABLE DALE EDWARD VAN
19 SLAMBROOK)

20 (EXHIBIT NO. 18 - JUDICIAL MERIT SELECTION
21 COMMISSION SWORN STATEMENT OF DALE EDWARD VAN
22 SLAMBROOK)

23 CHAIRMAN RANKIN: Judge, we have thoroughly
24 investigated your bid for the circuit court position. And
25 as you know we focus on nine particular criteria, which

1 includes a check for economic conflicts of interest, a
2 study of previous screenings. And you have done this
3 before, correct?

4 JUDGE VAN SLAMBROOK: Yes, sir.

5 CHAIRMAN RANKIN: How long ago was it?

6 JUDGE VAN SLAMBROOK: About four years ago
7 for the master-in-equity position.

8 CHAIRMAN RANKIN: A search of newspaper
9 articles in which your name appears, a ballot box survey, a
10 study of your application materials, and a verification of
11 compliance with the state ethics laws, and again your prior
12 screenings.

13 In this case today, this screening,
14 fortunately, there are no affidavits that have been filed
15 in opposition for your election. No witnesses are here to
16 testify for you or against you. And you now have the
17 opportunity, if you'd like, to make a brief -- ever so
18 brief opening statement. You're not required to do so, but
19 you can if you'd like.

20 JUDGE VAN SLAMBROOK: No opening statement.
21 I just thank you all for serving.

22 CHAIRMAN RANKIN: I want you to know you're
23 one of the few that have actually taken that cue. With
24 that, answer any questions we have for you.

25 JUDGE VAN SLAMBROOK: Yes, sir.

1 MS. MOTTEL: Good afternoon, Judge Van
2 Slambrook. I note for the record that based on the
3 testimony contained in the candidate's PDQ, which has been
4 included in the record with the candidate's consent, Judge
5 Van Slambrook meets the constitutional and statutory
6 requirements for this position regarding age, residence and
7 years of practice.

8 EXAMINATION BY MS. MOTTEL:

9 Q. Judge Van Slambrook, how do you feel your legal
10 and professional experience thus far renders you qualified
11 and will assist you to be an effective circuit court judge?

12 A. I think I have to say that the legal experience
13 as well as the life experience and a judicial experience
14 that I have is well suited to becoming a circuit court
15 judge.

16 First off, in my legal experience I practiced law
17 as an attorney for more than thirty years. During that
18 practice I participated in a general practice. I did
19 bankruptcies, social security cases, personal injury cases,
20 criminal cases in all manners of courts within the state.

21 I generally became focused on personal injury and
22 some social security, had a small amount probate, toward
23 the end of my practice. So I traveled through the various
24 courts and served in the various courts.

25 As to the life experience, I've held a number of

1 positions at my church, and dealt with other folks as well
2 as within that practice.

3 As to the judicial experience, I began about ten
4 years ago as a municipal court judge, primarily doing
5 criminal cases for the City of Goose Creek. It was a
6 position that came to me. They came to me and asked me if
7 I was interested in doing it, and I hadn't at that point in
8 time ever thought of becoming a judge before. I did not
9 have any deep-seated desire to become a judge. And it was
10 -- it came along. And I was exposed to it and I enjoyed
11 it.

12 I was doing jury trials. I was interacting with
13 lawyers. We were dealing with pro se litigants. There
14 were certain types of cases at Goose Creek, that the
15 officers would try. So sometimes I would have pro se
16 defendants, and essentially pro se prosecutors. And I
17 enjoyed that.

18 A position was going to become open as the
19 master-in-equity when Judge Watson intended to retire, and
20 I was approached regarding that and pursued that. I became
21 the master-in-equity and developed my knowledge as to the
22 foreclosure practice, which is the bulk of the work that's
23 done there, as well as the other real estate-related
24 matters.

25 Also, I was appointed as a special circuit court

1 judge so I could handle some the more mundane things, some
2 of the paperwork orders, defaults and so forth. A lot of
3 that's kind of gone by the wayside with the electronic
4 filing, and there's no need to shuffle the paperwork they
5 did before.

6 But I've also done some criminal. I've also had
7 the opportunity to observe and to be in the courthouse, to
8 watch and talk to other judges and see it from the other
9 side.

10 The other aspect of the experience is in the drug
11 court, I was appointed as the associate judge of a drug
12 court for Berkeley County. Before I got involved in that,
13 I went and visited the Charleston County drug court and
14 became a great believer in the drug court itself.

15 I was essentially backup or the associate judge
16 for Judge Harrington, and I took over the primary
17 responsibilities for that this last summer. And I would
18 bore to death about telling you how much -- how enthused I
19 am as to the abilities and the availability of the drug
20 court as an intervention-type process.

21 And how that comes into play as to the circuit
22 court position is it's increased my exposure to the
23 solicitor's office, the public defender's office, the
24 probation and parole, vocational rehabilitation, all
25 members of that -- of that same team.

1 So when this position became open, I sat down and
2 did a self-examination, and said, "You know what, I think
3 I've got based upon those life skills, legal skills and the
4 judicial skills to fit into this position." And that's why
5 I presented.

6 And I think that I would fit well. I can
7 certainly grow in the position. There's things that I
8 don't know that I'm perfectly willing to learn. Sorry for
9 the -- sorry for the long answer.

10 Q. Well, thank you, Judge Van Slambrook. The
11 Commission received 266 ballot box surveys regarding you,
12 with 30 additional comments. The ballot box survey, for
13 example, contained the following positive comments, just to
14 name a few:

15 "Judge Van Slambrook has ideal judicial
16 temperament, exceptional ability to listen and analyze
17 cases. He works hard to familiarize himself with complex
18 legal issues and complicated facts. One of the rare people
19 seasoned enough to take on the job. Further, his demeanor
20 with the Bar and pro se litigants is professional and
21 polite. He is fair, impartial throughout his proceedings,
22 and imparting equal justice and equity without bias. I
23 would strongly recommend Judge Van Slambrook."

24 Three of the written comments expressed concerns.
25 One comment indicated that you do not have experience in

1 criminal law and a lack of experience in civil. I know you
2 just detailed a lot of your experience, but what response
3 would you offer to this concern?

4 A. As to the -- to the civil that's -- I think
5 that's an incorrect statement. My background is primarily
6 in civil. And I'm well versed in that.

7 As to the criminal, there's some substance to
8 that. I'm not as experienced in criminal. I have had
9 significant exposure to it, and that's where I would have
10 to -- have to develop. But I have exposure to it. So am I
11 lacking in some -- in some ways? Certainly as to the -- to
12 the criminal.

13 Q. Thank you. The second concern indicated that you
14 have poor judicial temperament. What response would you
15 offer to this concern regarding your temperament?

16 A. Well, I think some of this was brought up before
17 when I was -- when we were discussing it with the -- with
18 the Bar committee. And of course the first response is,
19 "Well, I don't think I have a bad temperament." And then
20 I'd take a step back and I say, "Well, you know, I'm
21 probably not the best judge of that."

22 If I convey a temperament, that means that I'm
23 probably not doing my job as efficiently as I should. I
24 try to be mindful of that and take it into consideration.
25 If I convey that to one person, then that's probably one

1 person too many.

2 Q. Thank you. And finally another concern indicated
3 that you have demonstrated bias towards attorneys and
4 litigants. What response can you offer the Commission?

5 A. Again, if there's an appearance of that or a
6 sense of that from someone, then maybe I'm not expressing
7 myself sufficiently. And part of the self-examination
8 after hearing that, because I don't -- I haven't heard any
9 of that directly. Which is of course not surprising. But
10 in thinking about it, I thought part of it I just need to
11 be more expressive and explanatory when I bring things up.
12 So I don't think that, that's the case. But it's something
13 that I try to be mindful of.

14 Q. Thank you. Judge Van Slambrook, you have
15 indicated in your PDQ that there were two separate lawsuits
16 where you were named the defendant. And the first was
17 filed in March of 2017 regarding a fraud or bad faith suit,
18 but this was dismissed on October -- in October of 2017; is
19 that correct?

20 A. Yes.

21 Q. And do you have anything else that you would like
22 to add to the Commission about these suits?

23 A. Both of them were pro se cases in conjunction
24 with my role as the judge in a foreclosure case filed
25 against the plaintiffs, and both of them were dismissed at

1 the early stages.

2 Q. Also, your SLED report indicated that you were a
3 plaintiff in a 1997 debt collection act in Berkeley County;
4 is that correct?

5 A. No, that is not correct. That was -- for some
6 reason that was my client Mr. Felix Defasio, who I still
7 remember to this day. And it was an action I had filed on
8 his behalf in magistrates court, and made a recovery of
9 about five hundred dollars -- or I got a judgment for five
10 hundred dollars. There wasn't any recovery.

11 Q. Thank you.

12 MS. MOTTEL: I would note that the Low
13 Country Citizens Committee reported that Judge Van
14 Slambrook is qualified regarding constitutional
15 qualifications, physical health and mental stability.
16 Judge Van Slambrook is well qualified regarding ethical
17 fitness, professional and academic ability, reputation,
18 experience and judicial temperament. And THE comments that
19 they offered regarding Judge Van Slambrook is "excellent."
20 BY MS. MOTTEL:

21 Q. I do have a few housekeeping items to address
22 with you. Judge Van Slambrook, are you aware that as a
23 judicial candidate you are bound by the Code of Judicial
24 Conduct as found in Rule 501 of the South Carolina
25 Appellate Court Rules?

1 A. I am.

2 Q. Judge Van Slambrook, since submitting your letter
3 of intent have you contacted any members of the Commission
4 about your candidacy?

5 A. No, I have not.

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. No, I have not.

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. 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. I'm not aware of any contact that is in violation
20 of the rules.

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

24 A. Yes.

25 MS. MOTTEL: Mr. Chairman, I would note for

1 the record that any concerns raised during the
2 investigation by staff regarding the candidate were
3 incorporated in the questioning of the candidate today.
4 And Mr. Chairman, I have no further questions.

5 CHAIRMAN RANKIN: Thank you. I'll now open
6 it up for members of the Commission, questions of any --
7 anyone has. Representative Murphy's hand is up.

8 REPRESENTATIVE MURPHY: Thank you, Mr.
9 Chairman.

10 EXAMINATION BY REPRESENTATIVE MURPHY:

11 Q. Judge Van Slambrook, I just wanted to briefly --
12 you reside in Berkeley County, correct?

13 A. Yes, sir, I do.

14 Q. I think in the Crowfield -- the Crowfield area --

15 A. I do.

16 Q. -- if I'm not mistaken, correct? And you
17 practiced law in Berkeley County, with the Steinberg Law
18 Firm, I think, since 1983?

19 A. Yes, sir.

20 Q. A Goose Creek municipal judge --

21 A. Yes, sir.

22 Q. -- also in Berkeley County. You then took Judge
23 Watson's position as Master-in-Equity. And so other than
24 being the managing partner over in Summerville, at the --
25 at the Steinberg Law Firm, the vast majority of your

1 **practice has been in Berkeley County, correct?**

2 A. Yes, sir. That's correct. I've basically lived
3 in Berkeley County since 1974. I graduated from high
4 school from Goose Creek, and went on to Clemson. I came
5 back and started working in the Goose Creek office for the
6 Steinberg firm in '83, and then worked with them
7 continuously.

8 **Q. Made partner there in 1986, if I'm not mistaken.**

9 A. '86 or '87. Yeah, so we had -- we had a short
10 stint with an office on Ashley Phosphate, and I got sent
11 over to run that. They pulled that back in. Then they
12 opened one in Summerville, and I was over there as the
13 managing partner.

14 **Q. A long private practice, I think I read that you**
15 **took approximately -- or over a hundred cases to trial?**

16 A. That's about correct, yes.

17 **Q. And as the Master-in-Equity, in addition to your**
18 **master-in-equity duties, you also have been appointed by**
19 **the Supreme Court as a special circuit court judge. You've**
20 **held -- in addition to some civil matters you also have**
21 **presided over guilty pleas, probation revocation hearings**
22 **in Berkeley County general sessions?**

23 A. Yes, sir. That's correct.

24 **Q. Thank you for your willingness to serve.**

25 A. Thank you.

1 CHAIRMAN RANKIN: Other questions?

2 SENATOR SABB: Mr. Chairman.

3 CHAIRMAN RANKIN: Senator Sabb.

4 SENATOR SABB: Thank you, Mr. Chairman.

5 SENATOR SABB: Judge, good to see you.

6 JUDGE VAN SLAMBROOK: Yes, sir.

7 SENATOR SABB: So I want to just tell you
8 how less than fortunate you are: it looks like you were
9 born in September?

10 JUDGE VAN SLAMBROOK: Yes, sir.

11 SENATOR SABB: 1958?

12 JUDGE VAN SLAMBROOK: Yes, sir.

13 SENATOR SABB: Graduated in 1976?

14 JUDGE VAN SLAMBROOK: From high school, yes,
15 sir.

16 SENATOR SABB: And so there's a senator who
17 sits and was born in September of '58, and graduated from
18 the greatest high school graduation class ever recorded in
19 the history of mankind, and that was the Bicentennial Class
20 of 1976.

21 I was talking with one of the commissioners
22 earlier, and we were talking about lawyer advertising, and
23 how it's just really gotten to a point where it's not
24 complimentary to the profession. But the Steinberg Law
25 Firm's ads are actually the exception rather than the

1 general rule.

2 And so I want to confess -- they say that
3 confession is good for the soul, so I want to confess that
4 I've gotten the firm behind me, from time to time, as the
5 ad suggests that those who come into contact with it
6 should.

7 But I would say that your professional
8 career has been extraordinary, and the reputation that
9 you've gained not only in the Berkeley County area but
10 statewide. And so I really didn't have any questions. I
11 appreciate you allowing me to give my best stab at humor.
12 It doesn't get any better than when it's been on display.
13 But thanks for coming and thanks for offering.

14 JUDGE VAN SLAMBROOK: No, thank you, sir.

15 CHAIRMAN RANKIN: Mr. Safran.

16 MR. SAFRAN: Thank you, Mr. Chairman. Judge
17 Van Slambrook and I were classmates in 1983. I guess we
18 graduated from law school here.

19 JUDGE VAN SLAMBROOK: Yes.

20 EXAMINATION BY MR. SAFRAN:

21 Q. And I just want to highlight a few things that I
22 heard. Obviously, you took a job pretty much right out of
23 law school with a firm, and stayed with it until you left
24 to go become the master.

25 A. Yes, sir.

1 Q. And during that time not only did you active
2 practice, you also did the segue as part of being a
3 municipal court judge?

4 A. Yes.

5 Q. So in addition to more or less what we all have
6 to experience in terms of, I guess, what we handle as comes
7 in you went to circuit court, you handled various matters
8 there over the course of thirty-plus years while there?

9 A. Yes, sir.

10 Q. And you got at least some judicial experience
11 earlier on by being a municipal court judge, doing things
12 that would involve at a -- maybe a different scale, but
13 still basically the same thing as far as having juries,
14 doing trials in that respect, and dealing with pleas and
15 things of that type?

16 A. That's exactly right.

17 Q. And then you've had that same exposure to some
18 extent since you been master because of serving as a
19 special judge in certain instances.

20 A. Serving as a judge and just -- and just being in
21 the courthouse, being able to take a ten-minute break and
22 go watch a cross-examination, or talk to a judge after a
23 plea, to talk to them and understand what was going on and
24 what they may have seen that I didn't see.

25 Q. And one thing I noticed in some of the comments

1 that came in from the Bar was something that I certainly
2 can say I find I share, philosophically, and you probably
3 were exposed to, too, is that it used to be that many times
4 we'd see a judge would only offer at they put in a pretty
5 substantial amount of time as an active practitioner. And
6 you certainly did that. I mean, I think that was
7 ultimately kind of your goal was to put in a certain amount
8 of years practicing, wasn't it?

9 A. Yes, sir.

10 Q. And really this is something that you've only
11 chosen to do after having kind of been in the trenches for
12 a number of years, and kind of seeing pretty much most --
13 maybe not everything, most of what you're going to run
14 across in an active trial practice. Is that also a fair
15 assessment?

16 A. It is.

17 Q. And I know we used to look and say that the
18 people who ran for judge were many times ones that were
19 using it to kind of cap out a career after having more or
20 less gained the experience which is so necessary in order
21 to be able to be a good judge at a circuit court level. I
22 mean, do you feel like that's really kind of been how your
23 story has played out?

24 A. It has. And I wouldn't say that I had planned it
25 out in that direction. It got to that point. But, yes, I

1 think that the cumulation of the -- of the experience and
2 the process is what gives you the tools to be an effective
3 judge, absolutely.

4 Q. And we don't know where these come from, but I
5 can tell at least reading them, that several people have
6 really focused on that fact, that, Hey, this is a guy with
7 experience, he's been around, he knows how to do this,
8 don't let him make the mistake of changing his mind, is at
9 least one of them I read.

10 So do you really feel like that based on the
11 number of years you've got in, with the particular
12 experience you have, that transitioning to be a circuit
13 judge is something that you're not going to be able to do
14 in pretty short order? Do you believe that?

15 A. No, I don't think there will be a difficulty in
16 transitioning. I do not.

17 Q. And I guess the other thing is, is you've said
18 you've been a resident of the county since the '70s.

19 A. Yes.

20 Q. And it's been your home.

21 A. It has.

22 Q. And even though you've been assigned to other
23 offices, you've always lived there, though, haven't you?

24 A. I always lived there. And that's where the home
25 office -- essentially my home office was, was the Goose

1 Creek office. That's exactly right.

2 Q. Would you be -- I guess, would I be fair in
3 saying that you have some very deep roots in the community?

4 A. Yes.

5 Q. And even, you know, aside from now, did you sense
6 over time having lived there, practiced there, that the
7 community really had a certain sense of, I guess, peace or
8 pride of commitment to having a resident judge in Berkeley?

9 A. I do. And that's a -- that's a point that was
10 considered when I was looking at it as well. Since I would
11 be in Berkeley, I'd be living in Berkeley and be available
12 for those things that a circuit court judge may need to do
13 on an emergency basis, criminal-wise or whatever, I'd be
14 right there. So you're exactly right.

15 Q. Thank you very much for coming and we appreciate
16 your responses.

17 MR. SAFRAN: Thank you, Mr. Chairman.

18 JUDGE VAN SLAMBROOK: And thank you, Mr.
19 Safran.

20 CHAIRMAN RANKIN: Very well. Other
21 questions?

22 (Hearing none.)

23 EXAMINATION BY CHAIRMAN RANKIN:

24 Q. Is it Kevin Holmes --

25 A. Kevin Holmes, yes.

1 Q. -- that you worked with David Pearlman?

2 A. Yes.

3 Q. Who was the bicyclist?

4 A. Well, that's myself and Tom White.

5 Q. Tom White, yes.

6 A. He has more difficulty staying upright than I do.

7 Q. Yeah. I noted your dentist highlighting your
8 participation at a bike marathon every year in honor of
9 their child; is that right?

10 A. It was his -- it was his father.

11 Q. Yeah. Okay. Isn't that on behalf on
12 Alzheimer's?

13 A. Yes, sir. It's a ride across the state, a three-
14 day ride. It's like sixty miles one day, eighty miles the
15 next, a hundred miles the last day raising money. Three or
16 four hundred cyclists raised almost half a million dollars
17 for Alzheimer's last year.

18 And because it didn't go completely across the
19 state, a small group of my friends, we added on another
20 thirty or forty miles. So we went from Tryon all the way
21 to Mount Pleasant in those -- in four days.

22 Q. And how many centuries have you ridden in your
23 biking days?

24 A. Dozens.

25 Q. I've done one. I'm so excited.

1 A. It's an accomplishment. It absolutely is. It's
2 out there.

3 Q. Yeah, I'm new to this. But anyway, Tom is
4 certainly an enthusiast. And I'm embarrassed to not have
5 recalled his name right out of the chute.

6 But anyway, you're a -- just a couple of
7 comments. You have a certain, I don't want to say
8 coolness, it's certainly not aloofness either, but you have
9 a certain calm about you, very comfortable with these
10 questions. You've been here, you've done it before
11 perhaps. Or maybe not. You have done this before?

12 A. Just for the --

13 Q. As the master?

14 A. Just for the master.

15 Q. And then you'll be up, if this doesn't go
16 successfully, next year for reappointment for that position
17 again.

18 A. It's either -- it's either next year or the year
19 after. I'm not sure.

20 Q. Obviously, and I'm new to this, I've not served -
21 - been on one prior screening, but I'm certainly aware of
22 how this works and the elections that we've had over the
23 years. As Representative Murphy hit on, there's not one
24 area of the court or area of the law that you don't seem
25 well quipped or as comfortable as you appear before us. Or

1 **is there?**

2 A. Like I said, the criminal aspects of it, just
3 some of the nuts and bolts I'll need to be more familiar
4 with. I've been exposed to all of it, so I think it's all
5 something that I'll be able to learn in short order.

6 **Q. The appointment of Special Circuit Court judge,**
7 **you've had that distinction how many times?**

8 A. I guess it's two or three years.

9 **Q. And that you submitted a writing sample in that**
10 **vein? Or was that you were --**

11 A. No, the writing sample was as the
12 Master-in-Equity. No, nothing much in writing as far as
13 the circuit court. Like I said most -- on the civil side
14 mostly, the more mundane things that are -- they're now
15 almost antiquated as a result of the e-filing.

16 **Q. You've been a city judge, correct?**

17 A. Yes.

18 **Q. And then the master since '14?**

19 A. Yes.

20 **Q. And that decided by the Berkeley County**
21 **Delegation?**

22 A. Just the delegation, yeah.

23 **Q. Right. Okay. And not that you're at the end of**
24 **your career, not to say that Mr. Safran was getting there,**
25 **you're not capping out and icing your career with this**

1 position, but if you were to have advice to young attorneys
2 coming in before you and the -- on the whole subject, not
3 how to try a case but to -- or not to practice law in a
4 certain way, what advice would you give them?

5 A. Well, I have had some experience in that to have
6 the Judicial Observation Experience Program, the JOE
7 program. So there will be a couple of them that are
8 assigned during the summer from the Charleston School of
9 Law. And I -- and I enjoy that as well and I talk to them
10 -- you know, and one of the first things I say is, I say,
11 "Look around here. You see the -- you see the bailiff?
12 You see the people in the courtroom? You see these folks?
13 Be nice to those folks, 'cause those are the ones that get
14 things done around here. You know, some day you're going
15 to need to get into the courthouse at a quarter after five,
16 and the door's going to be locked. And, you know, if
17 you're ugly to somebody, you're not going to get in and get
18 your order signed."

19 You know, so I said, "So number one, be nice."
20 And you don't have -- Charlie Goldberg said, "You don't
21 have to be a schmuck to be a good lawyer." And I tell them
22 that. And I say -- and I say you can -- you can be a good
23 lawyer, you can be an effective lawyer, you can make lots
24 of money, but, you know, you don't have to be a
25 knucklehead. You don't have to mean or ornery. You can do

1 it and be nice -- you know, a genuinely nice person and you
2 can get along with them.

3 So, you know, believe me they're tired of
4 listening to me when they get their week or two done on
5 that.

6 **Q. We're not going to call names, but you have**
7 **certainly come in contact -- or appeared before a judge who**
8 **might not have had your disposition of being nice. If**
9 **there's a fault with our judiciary, if you could change any**
10 **one thing, either on this process, the Bar or ballot box**
11 **surveys, anything, if you could do anything to improve the**
12 **lot of the judiciary, what would you do?**

13 A. That's a loaded question. And I don't -- I don't
14 know that I can answer that off the top of my head. I'll
15 have to defer on that one. I'd have to -- I'd have to put
16 some thought into that. I'm sorry.

17 **Q. Maybe it doesn't need to be improved at all.**

18 A. There's nothing glaring. That's probably the
19 takeaway, there's nothing glaring that I can -- that I can
20 think of -- that I can think of.

21 **Q. You handled that question well too. It wasn't**
22 **intended as a loaded question.**

23 CHAIRMAN RANKIN: All right. Unless there
24 are other questions? Senator Young.

25 SENATOR YOUNG: Thank you, Mr. Chairman.

1 EXAMINATION BY SENATOR YOUNG:

2 Q. Judge, I just wanted to just clarify for the
3 record, in looking at the Bar comments they were just
4 really across the board exceptional. The only two things
5 that I saw that stood out were -- well, there's actually
6 the same thing mentioned twice, and that was there were two
7 -- two commenters that said something about lack of
8 criminal experience. But in reading your PDQ and your
9 other materials, you actually have criminal experience on
10 the bench as a municipal judge; is that right?

11 A. Yes, that's correct.

12 Q. And you took pleas?

13 A. I took pleas, yes.

14 Q. You presided over criminal trials in the
15 municipal court?

16 A. In municipal court, yes. Primarily jury trials,
17 occasional bench trials.

18 Q. Thank you very much.

19 A. And I greatly enjoyed the jury trial stuff. They
20 did it at night, on the explanation that they didn't want
21 to interfere with people during their work, which was --
22 they still didn't like coming in at night. But I did enjoy
23 doing the jury trials.

24 CHAIRMAN RANKIN: Very well. All right.
25 Unless there's anything else. You were supposed to be here

1 at 3:30. And you got here early. It is 3:32, two minute -
2 -

3 JUDGE VAN SLAMBROOK: Two minutes -- a two-
4 minute screening. Thank you, sir.

5 CHAIRMAN RANKIN: Not only a century, but
6 you did it in two minutes or less. That now concludes this
7 portion of the screening process. We appreciate your being
8 here, and being here early, and being so forthright and
9 tolerant of unique questions. Mine particularly. You are
10 subject to being called back.

11 JUDGE VAN SLAMBROOK: Yes, sir.

12 CHAIRMAN RANKIN: And that would be in the
13 vein of any violation, or the appearance of any violation
14 of any of our state ethics rules, which we take very
15 seriously, as you know, and would be considered very
16 heavily in any deliberations by the Commission.

17 The record will remain open until the record
18 of qualifications is closed. And should we have any
19 questions of you, you do know that we would call you back;
20 is that right?

21 JUDGE VAN SLAMBROOK: Yes, sir.

22 CHAIRMAN RANKIN: All right. Judge, thank
23 you very much for participating. And safe travels home.
24 If you're riding your bike, stay in the right lane.

25 JUDGE VAN SLAMBROOK: Thank you all.

1 (Candidate excused.)

2 CHAIRMAN RANKIN: Laura Campbell Waring.

3 MS. WARING: Yes, sir.

4 CHAIRMAN RANKIN: Or Waring?

5 MS. WARING: Waring.

6 CHAIRMAN RANKIN: Waring. Very well. If
7 you will, please raise your right hand.

8 WHEREUPON,

9 LAURA CAMPBELL WARING, 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: You've got two forms
13 there, a PDQ and a sworn statement. Are they correct? Do
14 they need to be amended or edited in any way?

15 MS. WARING: They are correct.

16 CHAIRMAN RANKIN: Do you have any objection
17 to those being made a part of the record of your sworn
18 testimony?

19 MS. WARING: None whatsoever.

20 CHAIRMAN RANKIN: If you'll hand those to
21 Lindi, she'll hand them to the court reporter and they'll
22 be made part of the record.

23 MS. WARING: Thank you.

24 (EXHIBIT NO. 19 - JUDICIAL MERIT SELECTION
25 COMMISSION PERSONAL DATA QUESTIONNAIRE OF

1 LAURA CAMPBELL WARING)

2 (EXHIBIT NO. 20 - AMENDMENT TO PERSONAL DATA
3 QUESTIONNAIRE OF LAURA CAMPBELL WARING)

4 (EXHIBIT NO. 21 - JUDICIAL MERIT SELECTION
5 COMMISSION SWORN STATEMENT OF LAURA CAMPBELL
6 WARING)

7 (EXHIBIT NO. 22 - AMENDMENT TO SWORN
8 STATEMENT OF LAURA CAMPBELL WARING)

9 CHAIRMAN RANKIN: You have never
10 participated in this process before?

11 MS. WARING: I have not.

12 CHAIRMAN RANKIN: But you are steeped in
13 rules now. I do know you know that.

14 MS. WARING: Yes.

15 CHAIRMAN RANKIN: Part of our effort in
16 investigating your candidacy is to focus and investigate on
17 nine particular criteria, six particularly, which includes
18 a study of your application materials, a study of previous
19 screenings, which you don't have, a check for economic
20 conflicts of interests, a ballot box survey through
21 anonymous members of the Bar, a search of newspaper
22 articles in which your name appears, and then more
23 importantly a verification of your compliance with the
24 state ethic rules. You're aware of that, right?

25 MS. WARING: Yes.

1 CHAIRMAN RANKIN: No affidavits have been
2 filed in opposition to your campaign and your candidacy.
3 No witnesses are present to testify. Unless the gentleman
4 who came in with you would like to be sworn and oathed --
5 he's not smiling, so I don't think he's even taking lightly
6 my comment. You are welcome to introduce this person, if
7 you'd like, but you don't have to.

8 MS. WARING: It would be my pleasure. I'd
9 like to introduce you to my husband, Robert Gruber. My
10 husband of twenty-one years, my very best friend, and my
11 staunchest supporter.

12 CHAIRMAN RANKIN: Welcome. I think Mr.
13 Gruber and I might have been classmates in law school
14 together.

15 MS. WARING: You might have been.

16 CHAIRMAN RANKIN: I might have been a lot
17 older than he was. All right. Ms. Waring, do you have any
18 opening statement that you'd like to make? I will tell you
19 it is not required and not necessary. In interest of time,
20 you may dispense of that.

21 MS. WARING: And in the interest of time I'd
22 like to dispense with it. Except I would like to thank
23 your staff, which has been incredible. Ms. Crawford, Ms.
24 Anderson, Ms. Putnam have absolutely paved the way for a
25 smooth process.

1 CHAIRMAN RANKIN: Very well. All right.
2 Take it away.

3 MS. ANDERSON: I would note for the record
4 that based on the testimony contained in Ms. Waring's PDQ,
5 that has been included in the record with her consent, Ms.
6 Laura Waring meets the constitutional and statutory
7 requirements for this position regarding age, residence and
8 years of practice.

9 EXAMINATION BY MS. ANDERSON:

10 Q. Good afternoon, Ms. Waring.

11 A. Good afternoon, Ms. Anderson.

12 Q. Ms. Waring, how do you feel your legal and
13 professional experience thus far renders you qualified and
14 will assist you to be an effective circuit court judge?

15 A. Well, I believe that my diverse practice and the
16 approach with which I practice have included people from
17 all walks of life. I believe that representing plaintiffs
18 and defendants, children, and certainly adults, I believe
19 I've seen enough in my practice to have a broader view.
20 And I believe that I do bring a broader view and a
21 servant's heart to the bench.

22 Q. Ms. Waring, the Commission received 149 ballot
23 box surveys regarding your candidacy, with 16 additional
24 comments. The ballot box surveys, for example, contained
25 some of the following positive comments:

1 "Laura would be an immense asset to our judicial
2 system. I think she would make outstanding contributions,
3 put in the hard work, maintain a high level of civility and
4 fairness. Ms. Waring is possessed of a sharp mind and a
5 compassionate nature. She would make an excellent judge."

6 Two of the written comments expressed concerns.
7 One comment states, "In my interaction with Ms. Waring, I
8 found her representation of the client to be based more on
9 emotion and logic, legal analysis of the facts and the
10 law."

11 What response would you offer to this concern?

12 A. Right. And it's hard in a vacuum, not knowing
13 from who the concern comes, and from what situation it may
14 come. That certainly does not sound like the
15 characterization that I would give myself.

16 I believe that I have a great balance of rational
17 thought behind what I do, and that my practice has been
18 based upon the law. And certainly that I do zealously
19 represent my clients as a lawyer. Now, as a judge, of
20 course, my job is to be dispassionate.

21 Q. Another concern raised regards your experience,
22 that you don't have the experience or depth or scope of
23 legal knowledge to be an effective circuit court judge,
24 that your background is of limited exposure to the various
25 complex matters that would come with the position. What

1 **response would you offer to this concern?**

2 A. Well, I would respectfully disagree. Again not
3 knowing where this is coming from, I believe that my
4 experience across the board, not only from the plaintiffs
5 bar but defense bar, and certainly from the family court to
6 circuit court to administrative venues with complex cases
7 on appeal, including one case that we tried for a month, I
8 believe I have amassed a rather broad view and a broad
9 practice.

10 Q. In your personal data questionnaire you responded
11 that you have not been named a party, either personally or
12 professionally, in any civil or criminal proceedings. The
13 SLED report that the committee received indicated lawsuits
14 that listed a Ms. Laura Waring as a party. And you've
15 reviewed the report.

16 A. I have.

17 Q. Could you please clarify for the record if you
18 have ever been a named party, either personally or
19 professionally in, or have had a pecuniary interest in any
20 civil or criminal proceedings?

21 A. Correct. I have reviewed what the SLED check
22 found, and found that is a different person who shares my
23 name. Apparently, that Laura Waring was involved with some
24 heirs property on America Street, where I've never lived.
25 And I believe there was another lawsuit, again not the same

1 Laura Waring.

2 Q. Thank you. Are there are there any organizations
3 in which you're currently involved or affiliated with that
4 would need to be reevaluated if elected as circuit court
5 judge?

6 A. I believe that the various nonprofit
7 organizations to which I belong all comply with the rules.
8 I have reviewed the membership requirements and the
9 fraternal organizations, and some of the women's
10 organizations to which I belong do comport with the rules.

11 Q. Ms. Waring, are you aware that as a judicial
12 candidate you are bound by the Code of Judicial Conduct as
13 found in Rule 501 of the South Carolina Appellate Court
14 Rules?

15 A. Yes.

16 Q. Since submitting your letter of intent have you
17 contacted any members of the Commission about your
18 candidacy?

19 A. No.

20 Q. Since submitting your letter of intent have you
21 sought or received the pledge of any legislator either
22 prior to this date or pending the outcome of your
23 screening?

24 A. No.

25 Q. Are you familiar with Section 2-19-70, including

1 the limitations on contacting members of the General
2 Assembly regarding your screening?

3 A. I have reviewed them.

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

8 A. No.

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

12 A. Yes.

13 MS. ANDERSON: I would note that the Low
14 Country Citizens Committee reported that Ms. Waring is well
15 qualified as to ethical fitness, professional and academic
16 ability, character, reputation and judicial temperament.
17 The report found Ms. Waring to be qualified as to regards
18 to constitutional qualifications, physical health and
19 mental stability and experience.

20 The report also states, "Superb person.
21 Probably better to be a family court judge."

22 Mr. Chairman, I would note for the record
23 that any concerns raised during the investigation by staff
24 regarding Ms. Waring were incorporated into the questioning
25 of Ms. Waring today. Mr. Chairman, I have no further

1 questions.

2 CHAIRMAN RANKIN: Members of the Commission,
3 any questions for Ms. Waring?

4 (Hearing none.)

5 EXAMINATION BY CHAIRMAN RANKIN:

6 Q. I'll open it up with the -- you are familiar with
7 the Low Country Citizens Committee report?

8 A. Yes.

9 Q. You've heard before, the recommendation given to
10 you, and that you would probably be better qualified to be
11 a family court judge. It's a unique compliment.

12 A. Indeed.

13 Q. How do you react to that? What is your response
14 to that?

15 A. I do take it as a compliment. I think it speaks
16 to the diversity of the practice in which I have thrived.
17 I've certainly seen a broad swath of issues, and I believe
18 if I were qualified in that person's opinion to be a family
19 court judge, I'm probably qualified for many other
20 admirable positions.

21 Q. Very well. And this is the citizens committee
22 report, not the anonymous comment.

23 A. Right.

24 Q. So you met with them --

25 A. Right.

1 Q. -- correct?

2 A. And I can certainly imagine where this particular
3 comment is coming from. And we had a lengthy discussion
4 about my career and my past work in the family court. And
5 but for the last fifteen-plus years, I have been in civil
6 practice.

7 Q. In the area of criminal practice, this record
8 that you might look at hereafter on every case -- or rather
9 judges of candidacy thus far -- not family court-related,
10 but ADR mediation --

11 A. Right.

12 Q. -- taking away lots of cases that would go to
13 trial at the parties blessing --

14 A. Sure.

15 Q. -- you obviously are a litigator, and you have
16 participated -- you've tried -- you referenced a month-long
17 trial, I think.

18 A. Yes.

19 Q. I don't know how far back that was. When was
20 that?

21 A. That was in 2006.

22 Q. In the last five years, your civil practice that
23 -- and not the family law area, but civil practice itself.

24 A. Civil practice. And primarily on the plaintiff
25 side.

1 Q. You've tried how many cases in the last --

2 A. In the last five? I think I've had to go to
3 trial like once maybe. And following the trend of the
4 state, especially in non-wreck cases, about 95 percent of
5 those cases are settling out. And the cases that are being
6 tried now are wreck cases.

7 Q. Again, at the parties consent and blessing, it's
8 not like --

9 A. Right.

10 Q. -- pushing on to that.

11 A. Right.

12 Q. Are you a mediator, Ms. Waring?

13 A. I am not a mediator.

14 CHAIRMAN RANKIN: All right. So I have no
15 other questions. Representative Murphy.

16 REPRESENTATIVE MURPHY: Thank you, Mr.
17 Chairman.

18 EXAMINATION BY REPRESENTATIVE MURPHY:

19 Q. Ms. Waring, briefly, are you related to any
20 Warings from Dorchester County --

21 A. I believe --

22 Q. -- or the Summerville area?

23 A. Distantly kinned, yes.

24 Q. I was thinking it's not a common last name, but
25 it's very common in Summerville.

1 A. Correct.

2 Q. Very good people.

3 A. Thank you.

4 Q. You live currently, I think, in West Ashley?

5 A. I do.

6 Q. And this seat that you've applied for, with a
7 number of other candidates, is a resident circuit judge
8 seat.

9 A. Correct.

10 Q. And currently there are two resident circuit
11 judge seat judges in the 9th Circuit; Judge Jefferson,
12 Judge Young, both of which who reside in Charleston County,
13 correct?

14 A. Correct.

15 Q. The seat that you're screening for, the two
16 previous judges both resided in Berkeley County. And the
17 fact of the matter is the citizens of Berkeley County
18 currently do not have a resident judge. Do you think there
19 is value in -- that, that is a valid concern, that if this
20 seat which has been held for the last, I think, twenty
21 years by a resident of Berkeley County, that it should
22 continue to be held by a resident of Berkeley County?

23 Do you find -- do you think that, that's a valid
24 concern of the citizens that they would be left without a
25 resident judge?

1 A. As I understand, we all will have to do our part
2 in traveling. And so I certainly appreciate where we are a
3 much more mobile society now than we use to be back when --
4 you know, riding the circuit seemed to be a big deal. And
5 so having a resident judge, historically, probably was a
6 much bigger deal than it is now.

7 I certainly appreciate the Berkeley County
8 citizens wanting to hold on to having a resident judge, but
9 I certainly feel that I would serve the Berkeley residents
10 as well as any candidate.

11 **Q. All right. Thank you.**

12 A. Thank you.

13 CHAIRMAN RANKIN: All right. Any other
14 questions? Anyone else? Senator Young.

15 SENATOR YOUNG: Thank you, Mr. Chairman.

16 EXAMINATION BY SENATOR YOUNG:

17 **Q. Ms. Waring, thank you so much for your interest**
18 **in serving the state on the circuit court. I would ask you**
19 **to tell us how your private practice has prepared you for**
20 **serving on the circuit court bench.**

21 A. With a private practice, and particularly a
22 smaller practice, you never know what's going to walk in
23 the door. And occasionally I get cold calls. And
24 sometimes, you know, as a younger associate -- I can't say
25 I'm young now. But as a younger associate I'd get thrown

1 whatever I had to do that day, and pick it up and run with
2 with it, as I'm sure most of you did at some point in your
3 careers.

4 And so I cut my teeth on seat-of-your-pants
5 lawyering, and picking up a file and running with it. And
6 the same with the clients, particularly in a smaller firm -
7 - or with the insurance defense, you don't pick the client
8 with insurance defense. And so you get what's handed to
9 you.

10 And I think in that sense, that's what's going to
11 happen at the bench as well, you're going to get what's
12 handed to you. And certainly it will be coming fast. I
13 believe even in my prior practice with the guardian ad
14 litem program, that was a sense of triage as much as
15 anything else.

16 And I believe that I have acquired a good sense
17 of triage and a sense of smelling out the cases that I
18 don't want to take. That same skill I believe would be
19 great for the bench.

20 **Q. How about your judicial philosophy? Could you**
21 **tell us -- I know you answered it in the PDQ, but tell us a**
22 **little bit more about what you meant -- what your judicial**
23 **philosophy is in terms of how you would apply the law to**
24 **the facts.**

25 **A. Right. Certainly evenhandedly. I do not come to**

1 this with an agenda. I think that we are -- as many have
2 said before me, we are the umpire. We call the balls and
3 strikes. More importantly we are the gatekeepers.

4 And there are some cases that you need to grant
5 summary judgment. And those will be apparent. Some cases
6 must be tried. You know, if you need to direct a verdict,
7 then you direct a verdict.

8 You call what is in front of you. My job is not
9 to necessarily plan what I might do. In fact, I would say
10 my thoughts on being a judge are the anti-activist judge.
11 I deal with the facts as they're given and the law which is
12 in front of me.

13 **Q. Are you doing anything at this time to try to**
14 **prepare yourself for the criminal side if you were elected?**

15 A. Sure. I have been reviewing not only the most
16 recent cases, I have acquired a large volume of the 2017
17 Penalties and Offenses by Mr. Strickler. Rest his soul.
18 And those -- the list and the application of various
19 penalties and offenses, I've certainly been reviewing those
20 in preparation for today. Because I figured those were the
21 questions that were coming to me.

22 I've also reviewed the Omnibus Crime Reduction
23 Act, and as many criminal procedure books as I can get my
24 hands on. And I look forward to learning more.

25 **Q. Thank you very much.**

1 A. Thank you.

2 CHAIRMAN RANKIN: All right. Any other
3 questions?

4 MR. SAFRAN: Good afternoon. And we
5 appreciate your being here.

6 MS. WARING: Thank you.

7 CHAIRMAN RANKIN: No, just the lady to your
8 left.

9 MR. SAFRAN: I'm sorry. Sorry about that.

10 CHAIRMAN RANKIN: So with that, he's going
11 to yield to you.

12 MR. SAFRAN: I'm going to yield to you. You
13 can go first. You go right ahead. I'll end it up. You go
14 right ahead.

15 MS. MCIVER: Thank you.

16 EXAMINATION BY MS. MCIVER:

17 **Q. I noticed that you and your husband have created**
18 **a family business called Peregrination LLC. Did I say that**
19 **right?**

20 A. You did.

21 **Q. Can you tell us a little bit more about that --**

22 A. Sure.

23 **Q. -- and how much of your time you devote to that**
24 **business?**

25 A. Sure. That business was created in part, and

1 probably now in hindsight, solely to support my husband's
2 sabbatical, wherein we traveled the country in an RV and
3 took wonderful footage. And our intent is still at some
4 point to put together travel videos and informative travel
5 materials for other families. And that was the vehicle by
6 which we chose to organize that. That business is much
7 more right now of a back-burner issue. But certainly we'll
8 keep our day jobs.

9 EXAMINATION BY MR. SAFRAN:

10 Q. Thank you. Sorry for me jumping out of turn.
11 Let me say this: I've known your husband a long time, and
12 he has been in my estimation over the course of my career,
13 you know, probably one of the most true gentleman that I've
14 ever had to deal with.

15 A. Thank you, sir.

16 Q. He's always been very even keeled. And so you
17 and I have never met, but I can tell you that, you know,
18 based on my experience with him, it's nothing but a
19 positive.

20 A. Thank you.

21 Q. Let me say this: We sat here over the last couple
22 of years, and we consistently hear from the different
23 judges that -- you've already acknowledged the civil
24 practice has gotten to a point where effectively you don't
25 get to the end point, simply because these cases work out.

1 A. Right.

2 Q. Judge Kelly was here yesterday, and saying that
3 sitting over there, the civil term basically goes and it
4 falls out, and I'm going in and getting people out of the
5 jail because we've got to move them, because we don't have
6 space in there so we have to go ahead and effectively open
7 criminal court even though it wasn't scheduled.

8 So we recognize now that in terms of court time,
9 a substantial portion is devoted towards general sessions.
10 I don't have any doubt in my mind that you are an
11 intelligent person, that you're educated, you've got a
12 pretty broad experience.

13 That said, you know, criminal work is not
14 something that you necessarily master overnight. And
15 given, you know, the amount of criminal work that is going
16 to be required, tell me how you would address it. You
17 know, I know you said, "I've read books." But that goes
18 only so far. How do you feel like you would be able to
19 kind of prepare yourself to be able to take really the
20 ground -- hit the ground running? Because, you know, when
21 these go -- as somebody commented earlier, you go sit with
22 an established judge for two weeks and then you're on your
23 own.

24 A. Sure.

25 Q. And, you know, they do come at you quick and hard

1 with the general sessions stuff. How would you more or
2 less feel like you could be able to address that?

3 A. I think that's a great question. I think that's
4 exactly what I've considered through this process, because
5 I know that's exactly what you all have asked. And I've
6 certainly reviewed the prior transcripts from others.

7 I think that as to my particular qualifications,
8 some of the best qualifications come from my triage skills
9 that I learned back in the guardian ad litem project. We
10 had a docket of about twenty-seven on any given Thursday,
11 so we began the day with four or five probable cause
12 hearings. And so I am certainly used to things coming at
13 me fast.

14 I was in court the other day with Judge McCoy,
15 and watched her deal with a pretty diverse docket in front
16 of her, and talked to her after she had finished. And her
17 response to me was, "It's sort of like a whiplash effect."

18 And I could relate. Because I have been there.
19 And so the triage skills that I've learned are absolutely
20 applicable to anything that's going to come before me. As
21 for substance, certainly I have not been a complete
22 stranger to criminal proceedings. And I did put in my PDQ,
23 I felt it important to amend, because I know exactly what
24 this Commission's concern is regarding that lack of
25 experience.

1 So I have seen and been involved in two
2 sentencing hearings, and so I'm not a complete stranger to
3 the process. But I absolutely acknowledge that, that is a
4 skill that I will need to turn around fast.

5 **Q. Thank you.**

6 A. Thank you, sir.

7 CHAIRMAN RANKIN: Any thing else? Anyone
8 else?

9 (Hearing none.)

10 CHAIRMAN RANKIN: Ms. Waring, I want to
11 thank you for your willingness to serve and offer for the
12 candidacy in this position. I'm curious to know about this
13 travel thing. And if I'm not mistaken, I think Andy's
14 given me a little more comfort. I think your husband is --
15 or used to be a defense attorney.

16 MS. WARING: Still is.

17 CHAIRMAN RANKIN: With Young Clement Rivers?

18 MS. WARING: Still is.

19 CHAIRMAN RANKIN: Yeah. He doesn't recall
20 me, but I think I recall him fondly.

21 MS. WARING: I know he does you as well.

22 CHAIRMAN RANKIN: Tell me about that back-
23 burner business. What's the goal?

24 MS. WARING: The goal -- it may go nowhere,
25 frankly. We will need some more time to get that to go

1 anywhere. But we wanted to go ahead and set it up as we
2 acquired the RV and the camera material, so that if we
3 later decided to turn a profit with it, that we could
4 certainly have that on record.

5 And again it may go nowhere. But it was a
6 fabulous experience for sabbatical to see the country for
7 two months straight. And actually I submitted my
8 application from a beautiful town in Washington, and it was
9 just extraordinary the people we met, and the diverse views
10 in America, the diverse population, the incredible people
11 of our home.

12 CHAIRMAN RANKIN: Well, very good. Rick
13 Steves of American Landscape, isn't that the guy that
14 travels Europe? Rick Steves. What's his name?

15 MS. WARING: I don't know.

16 CHAIRMAN RANKIN: The ETV guy. Is it Rick
17 Steves. I've got one square up here who knows what I'm
18 talking about.

19 MS. WARING: Thank you. I'll join her any
20 day.

21 CHAIRMAN RANKIN: Google the name. If you
22 watch ETV, you'll find it. He's very, very popular.

23 All right. Ms. Waring, thank you so much.
24 And now that does conclude, fortunately for you and other
25 members of this commission, this portion of your screening.

1 We appreciate again your willingness to over for candidacy.

2 MS. WARING: Thank you.

3 CHAIRMAN RANKIN: You are to be reminded of
4 our criteria and the fact that we take serious the spirit
5 and both -- and letter of the law. The South Carolina
6 ethics rules, I'm talking about specifically. And that any
7 violation or the appearance of impropriety in that regard
8 will be deemed very serious and deserving of very heavy
9 serious deliberations by the Commission.

10 This record will remain open until the
11 formal record of qualifications is issued, and we would
12 call you back if there were any questions in that regard.
13 And so with that you are aware of that rule, correct?

14 MS. WARING: Yes, sir.

15 CHAIRMAN RANKIN: Very well. And with that,
16 that will now close the record. And I wish you both safe
17 travels. And perhaps you'll get the video camera and film
18 I-26 as you drive back to Charleston.

19 MS. WARING: Thank you.

20 CHAIRMAN RANKIN: Yes, ma'am.

21 (Candidate excused.)

22 CHAIRMAN RANKIN: John O. Williams II, if
23 you will, please, sir, raise your right hand.

24 WHEREUPON,

25 JOHN O. WILLIAMS II, being duly sworn and

1 cautioned to speak the truth, the whole truth and nothing
2 but the truth, testifies as follows:

3 CHAIRMAN RANKIN: You have before you, two
4 documents you've prepared and reviewed. And any edits that
5 need to be made to those?

6 MR. WILLIAMS: My home address has changed,
7 but nothing else.

8 CHAIRMAN RANKIN: Any objection to us making
9 those a part of the record to your sworn testimony?

10 MR. WILLIAMS: No objection.

11 CHAIRMAN RANKIN: If you'll hand those to
12 Lindi, to your left, they'll be marked and entered into the
13 record.

14 (EXHIBIT NO. 23 - JUDICIAL MERIT SELECTION
15 COMMISSION PERSONAL DATA QUESTIONNAIRE OF JOHN O.
16 WILLIAMS II)

17 (EXHIBIT NO. 24 - JUDICIAL MERIT SELECTION
18 COMMISSION SWORN STATEMENT OF JOHN O. WILLIAMS
19 II)

20 CHAIRMAN RANKIN: You've never submitted to
21 this process before; is that correct?

22 MR. WILLIAMS: I have not.

23 CHAIRMAN RANKIN: You, however, are very
24 familiar with our job to thoroughly investigate your
25 candidacy.

1 MR. WILLIAMS: Yes, sir.

2 CHAIRMAN RANKIN: And we have looked at nine
3 specific criteria, which include a ballot box survey, a
4 check for economic conflicts of interest, a search of
5 newspaper articles in which your name appears, a study of
6 your application materials, and verification of your
7 compliance with the state ethics laws.

8 No one has filed any affidavit in opposition
9 to your candidacy, and no one is here to testify against
10 you. Mr. Williams, you're welcome to make a brief opening
11 statement. It's not required. It's not encouraged, but
12 certainly not discouraged.

13 MR. WILLIAMS: Sure.

14 CHAIRMAN RANKIN: You have that right. And
15 thereafter, Mr. Maldonado will ask you some questions.

16 MR. WILLIAMS: Well, I think the application
17 speaks for itself. I'm happy to answer any questions that
18 the panel has. I know I'm through last one of the day, so
19 --

20 CHAIRMAN RANKIN: But the most important.
21 And we appreciate your being here early and waiting.

22 MR. WILLIAMS: Absolutely. Thank you.

23 CHAIRMAN RANKIN: We are actually thirty
24 minutes -- well, actually, no. An hour -- not quite an
25 hour ahead of schedule, so --

1 MR. WILLIAMS: Mr. Maldonado asked me to be
2 here, so I said, "Absolutely."

3 CHAIRMAN RANKIN: Very well. Take it away.
4 Bob.

5 MR. MALDONADO: Thank you, sir. I note for
6 the record that based on the testimony contained in the
7 candidate's PDQ which has been included in the record, with
8 the candidate's consent, John O. Williams II meets the
9 constitutional and statutory requirements for this position
10 regarding age, residence and years of practice. And for
11 the record on the newspaper search, he's popped up a couple
12 of times last night, too, but that's a special search.

13 EXAMINATION BY MR. MALDONADO:

14 **Q. Mr. Williams, can you state the city and circuit**
15 **in which you reside?**

16 A. I reside in Pinopolis, South Carolina. In your
17 packets, it probably says Moncks Corner. That's the
18 address change that I mentioned. And that's in the 9th
19 Circuit.

20 **Q. Mr. Williams, why do you want to be a Circuit**
21 **Court judge?**

22 A. Most importantly, it's public service. If you'll
23 notice in my packet, civic engagement and church
24 involvement, board and foundation involvement, it's very
25 important to me. That's why I took the job as a county

1 attorney four years ago. That has only strengthened my
2 desire to continue in public service.

3 Being able -- or knowing that the actions that
4 you do, in fighting for your client, makes the community
5 you live in better. It is important. It's comforting.
6 It's reassuring to see that the product of your work is
7 making the people around and the community you live in
8 better.

9 I mean, if you're saving taxpayers' money, that
10 makes the taxpayers better. If you're -- if you're
11 negotiating incentive agreements for economic development,
12 you're providing jobs in your area and you're stimulating
13 the economy. And that makes the community better. I think
14 public service is important and it's something I enjoy.

15 I think being a judge, being able to make the
16 justice system better, making sure that you do justice,
17 that you administer justice, that you -- that you work hard
18 to get it right is important, even when getting it right
19 isn't popular or requires you to make a difficult decision.

20 But I think that's part of public service. And
21 being able to go to sleep with a clear conscience at night
22 is important.

23 **Q. Thank you. Mr. Williams, how do you feel your**
24 **legal and professional experience thus far renders you**
25 **qualified and will assist you to being an effective circuit**

1 **court judge?**

2 A. Well, I will admit and own that while my years of
3 practice are constitutionally sufficient, are probably
4 fewer in number than some of the other applicants. What I
5 would say is my experience is a little bit unique. And I
6 think it allows me to be ideally situated to be a judge.

7 I think you'll notice that I've got practice --
8 or experience both in the private and the government side,
9 in both civil and criminal practice. I think that's fairly
10 unique. You know, from my time as a prosecutor to my time
11 representing criminal defendants, to also representing
12 plaintiffs and businesses in private practice, to now
13 representing Berkeley County and government in common pleas
14 and master's court and magistrates court.

15 That's a pretty wide -- that's a broad spectrum
16 of different practice areas. And I think that makes me
17 uniquely qualified for this position.

18 **Q. Thank you. What suggestions would you offer to**
19 **help to improve the backlog in the circuit court?**

20 A. Well, I don't pretend to have the answers -- all
21 the answers. I don't think any one individual has all the
22 answers. I think it's important to get into the job, to
23 learn, to observe, to meet with the stakeholders, the
24 people that are involved on a -- on a daily basis with the
25 system.

1 I also believe that it's not a one-size-fits-all
2 approach. I'm not sure that the -- that the way to fix the
3 backlog in McCormick County is the same as the way to fix
4 it in Greenville County. I think it's important for at
5 least the different judicial circuits to have their own
6 committees, their own stakeholders involved. Perhaps maybe
7 even in each county.

8 But I certainly wouldn't want to take any
9 particular action on the first day. I think it's important
10 to get in there and learn and observe and meet with people,
11 and try to identify some issues, some concerns and some
12 resolutions from those people. And perhaps working with
13 the Chief Justice to get those committees appointed so that
14 we can work towards those resolutions.

15 **Q. Mr. Williams, what do you think is the**
16 **appropriate demeanor for a circuit court judge?**

17 A. I think patience and temperance are significant.
18 There are extremely important. Even-tempered, perhaps,
19 even. I would say that this is probably one of the areas
20 where I would describe it as a strength for me.

21 Right now I work with eight county council
22 members and a county supervisor, all of which are popularly
23 elected. I think when you're in a position like that, you
24 learn patience and you learn temperance. Because a quick
25 temper -- quick actions are not going to serve anybody

1 better.

2 I think if you look at the comments from the
3 different people who -- the different members of the Bar
4 who voted, who supplied comments on my behalf, I think it's
5 fair to say that many of my peers believe that in their
6 experience working with me, that I've shown temperance,
7 that I have been someone that they enjoy working with, and
8 that's fair.

9 And I think that even temper and that patience,
10 treating everybody kind -- with kindness and fairness, I
11 would say that's the appropriate demeanor for a judge.

12 **Q. Thank you. The Commission received 157 ballot**
13 **box surveys regarding you, with 25 additional comments.**
14 **The survey, for example, contained the following positive**
15 **comments:**

16 **"Mr. Williams would make an excellent judge.**
17 **I've interacted with him in his capacity as Judge Dennis'**
18 **law clerk, as a solicitor, as a private attorney and as a**
19 **county attorney. He is honest, even-tempered, erudite, and**
20 **very judicious."**

21 **Also, "Mr. Williams is an outstanding candidate**
22 **with impeccable credentials and would be a welcome,**
23 **necessary, and exemplary member of the bench."**

24 A few of the written comments expressed concerns
25 regarding your age and lack of experience. How would you

1 respond to those concerns?

2 A. Well, obviously, age I can't do anything about.
3 You know, I'd say based on the Constitution, I meet the
4 minimum requirements -- well, more than meet the minimum
5 requirements. But I would say that based on my experience,
6 I think it is unique. I think having that experience, like
7 I mentioned on both the private and government side of both
8 civil and criminal practice, is unique. And I think that
9 broad base is -- makes me ideally suited for the position
10 of a circuit court judge.

11 Q. Another comment stated, "He has had questionable
12 contact with legislators through lobbyists." What response
13 would you offer to that concern?

14 A. I don't -- I don't even know. I think I only
15 even know one lobbyist. And I certainly don't know of any
16 inappropriate contact. I'm just -- I'm kind of at a loss
17 to even how to respond to that.

18 Q. Mr. Williams, you've indicated in your PDQ that
19 you've had five criminal citations, including open
20 container and littering in 2002, minor possession in 2002,
21 drinking in public in 2005, destruction of property in
22 2006, and an open container in 2006. Will you please
23 describe the nature and the circumstances regarding these.

24 A. Sure. That was obviously when I was in college.
25 And I would say when I was a child, I acted like a child.

1 When I was -- when I became a man, I put away my childish
2 things. It's unfortunate. I own it. I accept it. I did
3 it. I've learned from it. I've also gotten married and
4 had three beautiful girls since then too. And I think it's
5 important, it's part of the maturation process. We mature.
6 We gain wisdom. We grow up. You know, it's part of my
7 past. It's behind me. But, yes, I admit it.

8 Q. I'll finish with some housekeeping issues. Mr.
9 Williams, are you aware that as a judicial candidate you
10 are bound by the Code of Judicial Conduct as found in Rule
11 501 of the South Carolina Appellate Court Rules?

12 A. Yes.

13 Q. Since submitting your letter of intent have you
14 contacted any members of the Commission about your
15 candidacy?

16 A. I have not.

17 Q. Since submitting your letter of intent have you
18 sought or received the pledge of any legislator either
19 prior to this date or pending the outcome of your
20 screening?

21 A. No, I have not.

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

25 A. I'm sure I have reviewed it, yes.

1 Q. Have you asked any third parties to contact
2 members of the General Assembly on your behalf, or are you
3 aware of anyone attempting to intervene in this process on
4 your behalf?

5 A. I am not.

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

9 A. Yes, I'm sure I have reviewed that.

10 MR. MALDONADO: I would note that the Low
11 Country Citizens Committee reported that Mr. Williams to be
12 qualified as to the Constitutional qualifications, physical
13 health, mental stability, and experience. The Committee
14 reported Mr. Williams to be well qualified as to ethical
15 fitness, character, professional and academic ability,
16 reputation, and judicial temperament.

17 The Committee further noted, "Good breadth
18 of experience."

19 Mr. Chairman, I would note for the record
20 that comments that any concerns raised during the
21 investigation by staff regarding the candidate were
22 incorporated into the questioning of the candidate today.
23 Mr. Chairman, I have no further questions.

24 CHAIRMAN RANKIN: Thank you, Mr. Maldonado.
25 Questions from members of the Commission? Representative

1 Murphy.

2 REPRESENTATIVE MURPHY: Just briefly. Thank
3 you, Mr. Chairman.

4 EXAMINATION BY REPRESENTATIVE MURPHY:

5 Q. Mr. Williams, the county -- the county attorney
6 position, that's full-time, correct?

7 A. Yes.

8 Q. And you're a lifelong resident of Berkeley
9 County?

10 A. Yes, sir. Born and raised.

11 Q. And I noticed that this is just an observation of
12 mine, particularly in light of last night's meeting that
13 you had, that when you said that one the virtues that you
14 would -- for a judge would be patience. Knowing Councilman
15 Steve Davis, you have to be one very, very patient
16 individual to deal with Steve. And he's a friend of mine,
17 so --

18 REPRESENTATIVE RUTHERFORD: At least he was.

19 REPRESENTATIVE MURPHY: He was.

20 REPRESENTATIVE SMITH: That's off the
21 record, Madam Court Reporter.

22 MR. WILLIAMS: Steve is a good friend. nd I
23 agree with you, wholeheartedly.

24 CHAIRMAN RANKIN: Representative Smith.

25 EXAMINATION BY REPRESENTATIVE SMITH:

1 Q. Mr. Williams, I appreciate you being here today.
2 And I appreciate you offering for this position. I'm
3 looking at your PDQ, and looking at this, and you graduated
4 law school in 2009; is that right?

5 A. That's correct.

6 Q. So you've practiced about eight years?

7 A. Well, yeah. Nine years. It's my tenth.

8 Q. My math's always not great. So I think the
9 minimum -- the constitutional or statutory qualification is
10 eight years, right?

11 A. Eight years. That's correct.

12 Q. And so I guess that's why someone said you were
13 young on the job as --

14 A. Sure.

15 Q. -- as doing that. But when I look at your
16 experience, it seems like you've got a wealth of
17 experience. You law clerked for Judge Dennis?

18 A. Yes, sir.

19 Q. And I think he's probably one of my favorite
20 judges in the state of South Carolina. I've probably tried
21 a couple of cases in front of him in my time, and just
22 think the world of him. And I presume clerking with him,
23 you learned a lot?

24 A. Oh, he's a -- he's a great mentor. Since he
25 offered me that job, that time I spent with him I learned a

1 lot. And he has continued to mentor me over the last eight
2 or nine years.

3 Q. I don't think you could a better circuit court
4 judge to work for. And then you prosecuted for about a
5 year, a year and a half over there with the solicitor's
6 office?

7 A. That's correct.

8 Q. What types of cases would you routinely handle
9 over there?

10 A. I predominately handled all the DUIs. But I did
11 handle property crimes. I handled murder. I handled armed
12 robbery. I mean, it was -- it was a pretty wide gamut
13 there. Berkeley County's one of those counties that's
14 still small enough where you can -- you're able to
15 prosecute a wide number of crimes -- different crimes, but
16 you also have some specialities as well.

17 Q. But it's not -- I guess sometimes -- I know like
18 in Charleston and Berkeley, Moncks Corner's still a small
19 town, and Berkeley County is growing, has been my
20 experience, but --

21 A. That's exactly right.

22 Q. -- the courthouse over in Moncks Corner, it looks
23 like any other small town in South Carolina.

24 A. That's right.

25 Q. And so I was just wondering whether, like you say

1 there -- I know solicitors who concentrate on property
2 crimes or DUIs or CDVs. You just kind of had the whole
3 gamut of prosecutions there?

4 A. Yes. I think my trials were armed robberies,
5 arson. Maybe another armed robbery. And like I said, I
6 handled all the DUIs for almost two years. So, yeah, it
7 was -- I'd say it was a variety of issues.

8 Q. And then when you went in private practice, I
9 presume that's your father's practice that you went into?

10 A. That's my uncle. My uncle and my cousin.

11 Q. And you practiced there for about two years. Did
12 you do a lot of civil work when you were in that private
13 practice?

14 A. It was about half and half. I was there from --
15 three years from '12, '13, and '14. Personal injury,
16 criminal defense, contract real estate. Your typical
17 general practice in a small town.

18 Q. Did you try civil cases while you were there?

19 A. Only in magistrates court.

20 Q. Did you routinely attend motion hearings in
21 common pleas with non-jury and --

22 A. Sure.

23 Q. -- motions rosters?

24 A. Yes.

25 Q. And then you moved over to the county attorney,

1 and have to deal with Chris Murphy's -- Representative
2 Murphy's ex-friend over there at county council. I'll make
3 sure I send a copy. What's his name again so I can send
4 him a copy of the transcript? So how -- why did you make
5 that move?

6 A. To the county?

7 Q. Yes, sir.

8 A. Berkeley's one of four counties that still
9 popularly elects their supervisor. It's a supervisor form
10 of government. We had a newly elected supervisor was
11 elected in '14, to begin January of '15, and he asked me to
12 come on board with him when he began his term.

13 Q. Didn't he just lose his job too? Didn't they
14 elect the Hanahan City administrator?

15 A. That's exactly right. This has all been a --
16 been an interesting experience for me, and has taught me a
17 lot. Being able to practice and negotiate politics at the
18 same time is a skill.

19 Q. It seems like you've got the experience, a broad
20 based experience in civil and criminal, so -- and I don't
21 probably need to ask you about those issues. But, you
22 know, one thing that obviously you know when you clerked
23 with Judge Dennis, is that you sometimes -- you know,
24 there's a pecking order, so to speak, in the priority of
25 courts, and you have attorneys who have cases in lower

1 courts and -- you know, and maybe a comp hearing or have
2 some type of magistrate court trial already scheduled and
3 you have a motion roster or something. How would you
4 handle conflicts of court, especially ones with a -- that
5 are inferior to the court to which you sit at the circuit
6 court?

7 A. Sure.

8 Q. You know, an attorney called and said, "I've got
9 this conflict and I've got to be in workers' comp," how
10 would you handle that?

11 A. Well, I think most importantly is to treat
12 everybody with respect. You know, I think Berkeley County
13 is fortunately a small enough Bar where you know most
14 everybody. And there are certain individuals -- and I'd
15 say most members of the Bar don't take advantage of the
16 process.

17 And if somebody needs a concession made or needs
18 you to work with them, it's important to work with people,
19 you know. Sometimes even though the rules say that a court
20 has hierarchy over another court, following that to the
21 letter isn't perhaps the best practice every time.

22 We all have different -- difficult cases.
23 Sometimes there's difficult clients. Sometimes there's
24 just issues that -- you know, maybe this workers' comp
25 case, there's fifty witnesses or maybe more witnesses, or

1 there's more complex issues with it than there at this --
2 at a hearing that has priority.

3 And so I think you take them on a case-by-case
4 basis. I think you learn very quickly, the few individuals
5 that try to take advantage of that process. But you treat
6 everybody with respect and you give them deference.

7 Q. Likewise, we all children. And I heard you say
8 you have small children. And we have games that we got to
9 go to sometimes with court or award ceremonies or school
10 events --

11 A. Gymnastics.

12 Q. Gymnastics, yes. Unfortunately a dance recital,
13 which is even worse. So in those situations, you know,
14 when it conflicts with your court, or you're in trial and
15 someone says, "I got to leave, you know. I got a soccer
16 game or I got a awards ceremony," you know, would you
17 accommodate those attorneys for their request, you know, to
18 be able to attend those functions?

19 A. Absolutely. I mean, to a degree you're able to
20 do that. I mean, obviously, if you're in the middle of an
21 extremely serious trial, and you've got jurors that are --
22 that are waiting around, there's times that you can't do
23 that. But I think any time that you can show a little
24 deference and give somebody a courtesy, it's important.

25 We've all been there. And I think one of the

1 biggest concerns you ever hear about members of the Bar
2 talking about judges are the ones that are just -- they're
3 rude or they don't show any consideration. And the
4 majority of the time it's just not necessary. And so I
5 think -- I think more often than not, you can accommodate
6 those requests.

7 **Q. Back to your length of practice. And, you know,**
8 **nine years into the practice and -- you know, obviously**
9 **you're the younger candidates that we have for this seat**
10 **here today. Tell us why -- you know, why at this point in**
11 **your career that you thought it was important to offer for**
12 **this judgeship and take -- you know, if you win an**
13 **election, take over as a circuit court judge?**

14 **A. Sure. As I mentioned before, I really enjoy**
15 **public service. I think this -- I think the younger**
16 **candidate can bring some energy, some desire to serve on**
17 **different committees and task forces. I know there's a lot**
18 **of issues out there right now. You've got docket**
19 **management issues in certain counties, particularly on the**
20 **criminal side. You've got -- you've got a host of issues.**

21 **And I think having somebody who's got the**
22 **experience and has been on the civil side, the criminal**
23 **side, been on the private side and the public side, and has**
24 **some understanding of all these issues and is willing to**
25 **get in there and do the work, I think that goes a long way.**

1 Being able to work with people, being able to
2 help the public, that's what -- that's what's important to
3 me. Like I said, serving on different foundations and
4 civic groups, serving for Berkeley County, being able to
5 see a system improve because of work you do.

6 If you -- if you go in there and you do what's
7 right and you work hard to get the right answer, that you
8 administer justice, I think that goes a long way. I think
9 when you make the right decision, even when it's hard, even
10 when -- even when it's not popular, I think you need
11 somebody on those -- on the bench that's willing to do
12 that. And that's what I'm willing to do. And it's
13 something that I want to do.

14 **Q. Mr. Williams, if my math serves me correct, and**
15 **I'm a lawyer because I couldn't do math or chemistry or**
16 **biology too well, but you're 35 years old; is that right?**

17 A. That's correct.

18 **Q. See, I can add up on the fly. What's your -- if**
19 **you are successful at this, would this be a lifetime career**
20 **to be a judge and serve as long as you want? Or would you**
21 **serve for a few years and move onto something else, back to**
22 **private practice? Or maybe move up? What's your ultimate**
23 **plan, if you have one, if you are successful with this**
24 **candidacy?**

25 A. My plan today, as I stand before you, is to serve

1 as a judge for my career. That's something that I've
2 wanted to do. It's something that -- you know, having
3 practiced or been a law clerk with Judge Dennis, it's
4 something I've learned, I've seen. It's something that I
5 have enjoyed.

6 Having Judge Dennis tell me the stories and being
7 able to be a part of that, being able to sit on the bench
8 and see what happens when you get it right, and seeing how
9 it benefits individuals in the community, seeing how it
10 benefits businesses in the community, that prospect is
11 exciting. And that's what I want to do.

12 Q. Mr. Williams, I thank you for answering my
13 questions. And I thank you for offering today. I tell you
14 I don't tell candidates this, I'm very impressed with your
15 answers and with your -- with your composure and with your
16 demeanor. I think you would make, as all the candidates
17 would, you'd make a fine judge.

18 So I appreciate your offering. It's not
19 something that's easy to do. I know this isn't an easy
20 process. And I know this is not fun coming up here and
21 answering questions. It's almost -- well, almost as bad as
22 giving a deposition sometimes. But I do appreciate your
23 commitment to public service. So thank you for being here
24 today.

25 A. Thank you, Mr. Vice Chairman. And I still say

1 the system's better than some of the other states that
2 popularly elect the judges. So thank you all for serving.

3 **Q. You're very adept at politics, now, too.**

4 CHAIRMAN RANKIN: Unless there are any other
5 questions.

6 (Hearing none.)

7 CHAIRMAN RANKIN: Mr. Williams, we thank you
8 for your willingness to serve and to offer, and, likewise,
9 for being here early. And your screening actually takes
10 place in about twenty minutes. Was it 4:45 or was it at
11 five o'clock?

12 MR. WILLIAMS: It was five o'clock.

13 CHAIRMAN RANKIN: Yeah. Well, thank you
14 again. This will close this portion of the screening
15 process. And I remind you of the rules that are new to
16 you, but nonetheless are the rules. The Commission takes
17 very seriously the -- both the spirit and the letter of the
18 South Carolina ethics rules. And you are submitting
19 yourselves to that criteria that we have.

20 Any appearance or actual violation of those
21 rules will be deemed very serious and deserving a very
22 heavy consideration and deliberation. This record will not
23 be closed until the formal record of qualification is
24 issued. Therefore, any hereafter that we were need your
25 clarification on, we have the right to call you back. Do

1 you understand that rule?

2 MR. WILLIAMS: Sure. Yes.

3 CHAIRMAN RANKIN: And again, Mr. Williams,
4 thank you. That will conclude this portion of your
5 proceeding. And you can beat the traffic home, a little
6 bit, getting on I-26 now versus later.

7 MR. WILLIAMS: Thank you, Mr. Chairman and
8 members of the Commission. Thank you.

9 CHAIRMAN RANKIN: Very well. Take care.

10 (Candidate excused.)

11 CHAIRMAN RANKIN: All right. There's a
12 motion by Ms. McIver to go into executive session, seconded
13 by Mr. Hitchcock. All in favor say "aye."

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

15 (Off the record from 4:28 p.m. to 5:39 p.m.)

16 CHAIRMAN RANKIN: Motion to lift the
17 veil. For the record, the Judicial Merit Selection
18 Committee went into executive session. While there no
19 business was conducted and no votes were taken. And we're
20 going to have a motion to adjourn. So move and seconded.
21 And we will resume tomorrow morning at ten. Executive
22 session is 9:30.

23 (Off the record 5:40 p.m.)

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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 189 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 3RD DAY OF DECEMBER 2018.



PATRICIA G. BACHAND, COURT REPORTER
MY COMMISSION EXPIRES MARCH 8, 2027

<p style="text-align: center;">Exhibits</p> <p>181114PB. JMSC_Exh 4_ Coker 4:3 7:25</p> <p>181114PB. JMSC_Exh 5_ Coker 4:6 8:3</p> <p>181114PB. JMSC_Exh 6_ Coker 4:9 8:5</p> <p>181114PB. JMSC_Exh 7_ Forsythe 4:12 29:15</p> <p>181114PB. JMSC_Exh 8_ Forsythe 4:15 29:18</p> <p>181114PB. JMSC_Exh 9_ Harris 4:18 66:21</p> <p>181114PB. JMSC_Exh 10_ Harris 4:22 66:24</p> <p>181114PB. JMSC_Exh 13_ Price 5:2 91:4</p> <p>181114PB. JMSC_Exh 14_ Price 5:5 91:7</p> <p>181114PB. JMSC_Exh 15_ Price</p>	<p>5:8 91:10</p> <p>181114PB. JMSC_Exh 16_ Van Slambrook 5:11 121:14</p> <p>181114PB. JMSC_Exh 17_ Van Slambrook 5:14 121:17</p> <p>181114PB. JMSC_Exh 18_ Van Slambrook 5:17 121:20</p> <p>181114PB. JMSC_Exh 19_ Waring 5:20 146:24</p> <p>181114PB. JMSC_Exh 20_ Waring 5:23 147:2</p> <p>181114PB. JMSC_Exh 21_ Waring 6:2 147:4</p> <p>181114PB. JMSC_Exh 22_ Waring 6:5 147:7</p> <p>181114PB. JMSC_Exh 23_ Williams 6:8 168:14</p> <p>181114PB. JMSC_Exh 24_ Williams 6:11 168:17</p> <p>10 66:24</p> <p>10:45 55:5</p>	<p>12 181:15</p> <p>122 71:9</p> <p>12:33 7:5 64:10</p> <p>12:44 7:5 64:10</p> <p>13 91:4 181:15</p> <p>13th 61:6,17</p> <p>14 91:7 141:18 181:15 182:11</p> <p>149 149:22</p> <p>15 91:10 182:11</p> <p>157 174:12</p> <p>16 71:10 121:14 149:23</p> <p>17 88:19 121:17</p> <p>175 97:4</p> <p>18 121:20</p> <p>19 146:24</p> <p>1958 133:11</p> <p>1974 132:3</p> <p>1976 133:13,20</p> <p>1983 131:18 134:17</p>	<p>1986 132:8</p> <p>1997 129:3</p> <p>1:04 90:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2-19-70 13:23 41:4 80:5 100:21 130:11 152:25 176:22</p> <p>2-19-70(E) 14:10 41:15 80:17 101:7 130:23 153:11 177:8</p> <p>20 147:2</p> <p>2002 175:20</p> <p>2005 175:21</p> <p>2006 155:21 175:22</p> <p>2007 91:24 96:7</p> <p>2009 179:4</p> <p>2015 57:13</p> <p>2016 39:8 57:7,10</p> <p>2017 128:17,18 160:16</p> <p>21 147:4</p> <p>22 147:7</p>	<p>23 168:14</p> <p>24 168:17</p> <p>25 108:20 174:13</p> <p>26 37:10</p> <p>266 126:11</p> <p>29 96:10</p> <p>2:04 90:8</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3-year-old 73:12</p> <p>3-year-olds 73:11</p> <p>30 96:10 126:12</p> <p>323 35:9</p> <p>35 186:16</p> <p>3:30 145:1</p> <p>3:32 145:1</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 7:25</p> <p>4-year-old 107:17</p> <p>40th 93:11</p> <p>42 96:11</p>
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