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## **PROCEEDINGS**

*November 15, 2018*

**Judicial Merit Selection Commission, 2018**

REPORTER: Jaime Newton

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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4 \* \* \* \* \*

5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARING

7 \* \* \* \* \*

8 BEFORE: LUKE A. RANKIN, CHAIRMAN  
9 REPRESENTATIVE G. MURRELL SMITH, JR.  
10 SENATOR RONNIE A. SABB  
11 SENATOR TOM YOUNG, JR.  
12 ROBERT W. HAYES, JR.  
13 REPRESENTATIVE J. TODD RUTHERFORD  
14 REPRESENTATIVE CHRIS MURPHY  
15 MICHAEL HITCHOCK  
16 LUCY GREY MCIVER  
17 ANDREW N. SAFRAN  
18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 \* \* \* \* \*

20 DATE: November 15th, 2018

21 TIME: 9:30 a.m.

22 LOCATION: Gressette Building

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: JAIME D. NEWTON, COURT REPORTER

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Court Reporter's Legend:

- dashes [--]      Intentional or purposeful interruption
- ...              Indicates trailing off
- [ph]              Denotes phonetically written
- [sic]              Written as said

1 CHAIRMAN RANKIN: Thank you. The Judicial Merit Selection  
2 Commission is now back on the record, and for the  
3 record I'd like to state that while in Executive  
4 Session no decisions were made, no votes were taken  
5 during Executive Session. Now, we will proceed to  
6 vote on the Ninth Circuit Court seat, seat two. And  
7 let's now poll the Commission members.

8 MS. CRAWFORD: And I'll say what I said yesterday.  
9 I'll call out the names of the qualified -- not  
10 yesterday. The day before. The name of the  
11 qualified candidates and -- I mean, I'm sorry --

12 CHAIRMAN RANKIN: We need a motion to find first the  
13 remaining members qualified and those members are  
14 --

15 MS. CRAWFORD: I will list the candidates. Meredith  
16 L. Coker, The Honorable Michele Patroa Forsythe,  
17 The Honorable Stephen Harris, Jr., The Honorable  
18 Bentley Douglas Price, The Honorable Dale Van  
19 Slambrook, Laura Campbell Waring, and John O.  
20 Williams, II.

21 REPRESENTATIVE RUTHERFORD: I move that they all be  
22 qualified.

23 REPRESENTATIVE SMITH: Second.

24 CHAIRMAN RANKIN: Moved and seconded by Representative  
25 Smith. All in favor say, "aye."

1 (At this time the members audibly say, "aye.") The  
2 ayes have it. Now we'll proceed to a vote.

3 MS. CRAWFORD: And now I'll call out the names of each of  
4 these candidates in alphabetical order. Each  
5 Commission member has three votes. You're asked to  
6 find an individual qualified and nominated. Any  
7 candidate that receives six or more votes will be  
8 considered qualified and nominated at the end of that  
9 vote unless there's a tie. Any candidate that does  
10 not get any votes will be removed from consideration  
11 on any subsequent ballot votes. Does anybody have any  
12 questions? Commission members voting for Meredith L.  
13 Coker. (At this time the members signified by raising  
14 their hands.) The Honorable Michele Patroa Forsythe.  
15 (At this time the members signified by raising their  
16 hands.) Stephen Harris, Jr. (At this time the members  
17 signified by raising their hands.) The Honorable  
18 Bentley Douglas Price. (At this time the members  
19 signified by raising their hands.) The Honorable Dale  
20 E. Van Slambrook. (At this time the members signified  
21 by raising their hands.) Laura Campbell Waring. (At  
22 this time the members signified by raising their right  
23 hands.) John O. Williams, II. (At this time the  
24 members signified by raising their hands.) So the  
25 three candidates are Meredith L. Coker with six, The

1 Honorable Bentley Douglas Price with eight, and the  
2 Honorable Dale E. Van Slambrook with ten. So those  
3 are the three nominated. Mr. Chairman, are we ready  
4 for the first candidate?

5 CHAIRMAN RANKIN: Please. Good morning, Mr. Griffin. Come  
6 on up. Welcome and thank you for being here a little  
7 earlier. If you will start by raising your right  
8 hand, please.

9 RYAN KIRK GRIFFIN, being duly sworn and cautioned  
10 to speak the truth, the whole truth and nothing but the  
11 truth, testifies as follows:

12 CHAIRMAN RANKIN: Placed just before you are the PDQ  
13 and sworn statements that you prepared. I ask if  
14 they need to be edited or are they ready to be  
15 submitted?

16 MR. GRIFFIN: They're ready to be submitted.

17 CHAIRMAN RANKIN: You have no objections to those being  
18 made part of the record with your sworn testimony  
19 today?

20 MR. GRIFFIN: No objection at all.

21 (EXHIBIT 1 - JUDICIAL MERIT SELECTION COMMISSION PERSONAL  
22 DATA QUESTIONNAIRE OF RYAN KIRK GRIFFIN)

23 (EXHIBIT 2 - AMENDMENT TO PERSONAL DATA QUESTIONNAIRE OF  
24 RYAN KIRK GRIFFIN)

25 (EXHIBIT 3 - JUDICIAL MERIT SELECTION COMMISSION SWORN



1 STATEMENT OF RYAN KIRK GRIFFIN)

2 CHAIRMAN RANKIN: Thank you. You have not participated in  
3 a screening before, or have you?

4 MR. GRIFFIN: I have.

5 CHAIRMAN RANKIN: And how long ago?

6 MR. GRIFFIN: It was last year.

7 CHAIRMAN RANKIN: Very well. So this is familiar to  
8 you.

9 MR. GRIFFIN: It is.

10 CHAIRMAN RANKIN: Forgive me for plowing the ground  
11 that you've covered and heard. But, as you know,  
12 we investigate as thoroughly as we can your  
13 candidacy and we're looking at nine evaluative  
14 criteria which includes the study of your  
15 previous screening, the last one, check for  
16 economic conflicts of interest, search for  
17 newspaper articles in which your name may appear,  
18 thorough study of your application materials and  
19 a ballot box survey. And then finally,  
20 verification of your compliance with state ethic  
21 laws. No affidavits have been filed in  
22 opposition to your candidacy to this office, and  
23 no one has signed up to testify against you,  
24 though I did notice you brought someone with you  
25 and you're welcome to introduce them at this

1 time, if you like.

2 MR. GRIFFIN: I did. Thank you very much. This is my  
3 wife, Suzanne Griffin.

4 CHAIRMAN RANKIN: Very well. You have the opportunity to  
5 make a brief opening statement. In the interest of  
6 your time and hers you're not required to do it.

7 MR. GRIFFIN: I don't really have an opening statement  
8 other than to say what an honor it is to be before  
9 this Commission again and to thank you all for your  
10 hard work in the screening process and to thank the  
11 members of the legislative staff that work so hard to  
12 make all of this happen, and I'm ready to answer any  
13 questions you may have for me.

14 CHAIRMAN RANKIN: All right. Ms. Baker, take us away.  
15 Thank you.

16 MS. BAKER: Thank you, Mr. Chairman. I note for the record  
17 that based on the testimony contained in the  
18 candidate's PDQ, which has been included in the record  
19 with the candidate's consent, Mr. Griffin meets the  
20 constitutional and statutory requirements for the  
21 position regarding age, residence and years of  
22 practice.

23 EXAMINATION BY MS. BAKER:

24 **Q: Mr. Griffin, how do you feel your legal and**  
25 **professional experience thus far renders you**

1           **qualified and will assist you to be an effective**  
2           **Circuit Court judge?**

3    A:       Well, I think my legal career has kind of been  
4           rooted in public service. As you know, I've been  
5           a member of the Third Circuit Solicitor's Office  
6           for the past 11 and a half years. And going back  
7           in my legal history, I started out in private  
8           practice in my hometown in Sumter, South  
9           Carolina, working with my father. My father was  
10          a former House member from Sumter County from  
11          1975 to 1986, and I always saw him as a public  
12          servant and thought that that was something that  
13          I would aspire to be. I've tried to emulate my  
14          dad in my life, and that's one of the reasons I  
15          came back home to practice law in Sumter. Was  
16          able to work with him for a few years before he  
17          had to medically retire from the practice of law.  
18          And then at that point I took an opportunity with  
19          the Solicitor's Office to work in that field and  
20          serve the public. And I think really that's what  
21          we do and what my experience as a lawyer has  
22          shown. I've been in the courtrooms in the state  
23          of South Carolina routinely over the course of my  
24          legal career. I've got experience doing civil  
25          practice before I became an assistant solicitor,

1 and I have seen how a lawyer and a judge need to  
2 treat people. You're dealing with the public. I  
3 think very important aspects of a lawyer's job,  
4 and a judge's job, is to treat people the way  
5 they like to be treated. You know, people come  
6 before the legal system at hard times in their  
7 life and I think my work, my temperament, my  
8 demeanor, I think becoming a judge is the next  
9 step in a career that's rooted in public service.  
10 I think what I have done as a private practice  
11 attorney representing civil clients, representing  
12 defendants in criminal court, and now serving the  
13 public as an assistant solicitor makes me  
14 qualified to be a Circuit Court judge, and I look  
15 forward hopefully to take that next step in my  
16 career in public service.

17 **Q: Thank you, Mr. Griffin. Mr. Griffin, the**  
18 **Commission received 98 ballot box surveys**  
19 **regarding you with 16 additional comments, and**  
20 **the ballot box survey, for example, contained**  
21 **the following positive comments. "Would make an**  
22 **excellent Circuit Court judge." "He's smart,**  
23 **hardworking and fair." "He treats everyone,**  
24 **attorneys, defendants and court personnel with**  
25 **respect and dignity." "My experiences with him**

1 lead me to believe he would be an excellent  
2 Circuit Court judge." One of the written  
3 comments expressed concerns. The comment was,  
4 "Mr. Griffin is on the lazy side and not  
5 involved in community activities very much. I  
6 feel like he wants this position in order to  
7 work less than what he has to do in his current  
8 position with the Solicitor's Office." What  
9 response would you offer to that comment?

10 A: Well, I think if you've got one negative comment  
11 in a large number of positive comments that's  
12 certainly an outlier. That sounds like something  
13 that is uniquely personal in nature and someone  
14 who may have, for whatever reason, an interest in  
15 being negative. I think when you weigh the  
16 positive comments versus the one negative  
17 comment, I think that's an outlier and I don't  
18 see any merit to it. You know, I think that's a  
19 personal opinion of one individual and certainly  
20 I think my record and work as an attorney shows  
21 that those things are false, and I think that,  
22 you know, I've got -- as far as the community  
23 service aspects, I think working as an assistant  
24 solicitor is public service and I think that from  
25 the standpoint of choosing a volunteer activity

1 over my two small children, if I've got time to  
2 spend with them, they're going to win every time.

3 **Q: Mr. Griffin, you've worked with the Solicitor's**  
4 **Office for over 11 years now. How do you plan**  
5 **to prepare for presiding over Common Pleas?**

6 A: Well, I think the only way to prepare to preside  
7 over Common Pleas Court is rooted in what you  
8 just said, preparation, hard work. As I stated  
9 before, I was in private practice for six years  
10 handling matters in civil court, whether they be  
11 personal injury claims. I was appointed on  
12 numerous post-conviction relief matters which are  
13 civil in nature, even though they were quasi-  
14 criminal. I have done that work before.  
15 Certainly I'll have to get back up to speed with  
16 some of the civil rules and some of the matters  
17 that come up in civil court, but I don't think  
18 there's any substitution for good old fashion  
19 hard work and I am ready, willing and able to do  
20 that, and I think my legal ability, I don't think  
21 I'll have any difficulty presiding over civil  
22 matters. But it's all rooted in your willingness  
23 to work hard.

24 MS. BAKER: I would note that the Pee Dee Citizens  
25 Committee has waived Mr. Griffin's screening due to

1 the fact that he has been screened within the prior  
2 year. In his previous screening the Pee Dee Citizens  
3 Committee found Mr. Griffin to be well qualified in  
4 the evaluative criteria of ethical fitness,  
5 professional and academic ability, character,  
6 reputation, experience and judicial temperament, and  
7 qualified in the remaining evaluative criteria of  
8 constitutional qualifications, physical health and  
9 mental stability. Just a few housekeeping matters,  
10 Mr. Griffin.

11 **Q: Mr. Griffin, are you aware that as a judicial**  
12 **candidate you are bound by the Code of Judicial**  
13 **Conduct as found in Rule 501 of the South**  
14 **Carolina Appellate Court Rules?**

15 **A:** I am.

16 **Q: Mr. Griffin, since submitting your letter of**  
17 **intent, have you contacted any members of the**  
18 **Commission about your candidacy?**

19 **A:** I have not.

20 **Q: Since submitting your letter of intent, have you**  
21 **sought or received the pledge of any legislature**  
22 **either prior to this date or pending the outcome**  
23 **of your screening?**

24 **A:** I have not.

25 **Q: Are you familiar with Section 2-19-70, including**

1           the limitations on contacting members of the  
2           General Assembly regarding your screening?

3   A:           I am.

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

8   A:           I have not.

9   Q:           Have you reviewed and do you understand the  
10          Commission's guidelines on pledging in South  
11          Carolina Code Section 2-19-70 subsection(e)?

12   A:           Yes.

13   MS. BAKER:  Mr. Chairman, I would note for the record  
14          that any concerns raised during the investigation  
15          by staff regarding the candidate were  
16          incorporated into the questioning of the  
17          candidate today.  Mr. Chairman, I have no further  
18          questions.

19   CHAIRMAN RANKIN:  Thank you, Ms. Baker.  Questions by  
20          Commission members.  Senator Young.

21   SENATOR YOUNG:  Thank you, Mr. Chairman.

22                EXAMINATION BY SENATOR YOUNG:

23   Q:           Mr. Griffin, thank you so much for your  
24           interest.  I know that we screened you, I think  
25           it was, last year; is that right?



1 A: That's correct.

2 Q: Tell me a little bit more about your civil  
3 practice. I know that you have an extensive  
4 experience in criminal work in the last several  
5 years in your time in the Solicitor's Office.  
6 But can you tell us more about your civil  
7 practice experience?

8 A: Yes, sir. My civil practice was much like most  
9 smaller town lawyers. I tried to focus on  
10 personal injury, Workers' Compensation, things of  
11 that nature. I did a good bit of work in Family  
12 Court. I did work in Probate Court. But I tried  
13 to focus on personal injury type matters but  
14 really was somewhat of a general practitioner  
15 specifically in the fields of personal injury,  
16 Workers' Compensation, Family Court. And I did a  
17 few matters in Probate Court, and I was in  
18 private practice with the Bryan Law Firm in  
19 Sumter from the end of 2001 until 2004, then went  
20 out on my own for a while, and some of my former  
21 colleagues with the Bryan Firm left and joined  
22 the firm I practiced in and we stayed together  
23 for a few years. One of my partners left the  
24 firm to become the full-time County attorney for  
25 Sumter. So after that I was a sole practitioner

1 for around a year between 2006 and 2007. But my  
2 civil practice, I generally represented  
3 plaintiffs in civil court. I did some criminal  
4 defense. I did a short stint as a contract  
5 public defender while I was in private practice.  
6 So, you know, I've been on both sides of the  
7 aisle, so to speak, in civil and criminal court.  
8 I enjoyed the litigation aspects of it. I  
9 enjoyed being in the courtroom. And as I stated  
10 before, you know, I view my role as an assistant  
11 solicitor as -- I feel like I'm a member of the  
12 public service community. But as far as legal  
13 experience, I've done varied things, represented  
14 folks in various capacities, and I think the fact  
15 that I've done civil litigation from the  
16 plaintiff's side, criminal litigation from  
17 prosecuting and defending, represented folks in  
18 family court. I've dealt with people from all  
19 walks of life in my career as a lawyer, and I  
20 think it's prepared me to take the next step and  
21 hopefully become a circuit judge.

22 **Q: When you were in civil practice, did you handle**  
23 **motions or non-jury matters as well?**

24 **A:** I did. I mean, as a young lawyer I would be --  
25 especially when I was with the Bryan Law Firm I

1 was sent to argue motions for the more senior  
2 attorney that I was working with, so I've handled  
3 motions practice and certainly been exposed to  
4 the arena of Common Pleas non-jury issues. And  
5 certainly haven't done any of that recently, but  
6 I don't think it would be a problem for me to get  
7 up to speed with dealing with those issues as a  
8 circuit judge.

9 **Q: I've read your sworn statement with respect to**  
10 **your judicial philosophy and it states that you**  
11 **would apply the law as written. Do you believe**  
12 **that there's ever a situation in which a judge**  
13 **should allow empathy to influence the judge's**  
14 **decision?**

15 **A:** Well, I think certainly from the standpoint of  
16 sitting in judgment in criminal court I think a  
17 judge has to take -- there's always emotion in  
18 that type of thing. I think that the totality of  
19 the circumstances, totality of the facts before a  
20 judge could certainly factor into a judge's  
21 decision-making. But, I mean, I think, for  
22 example, if you've got mandatory minimum of  
23 sentences a judge may empathize with a defendant  
24 who comes from a situation that impacts their  
25 life. But, you know, the judge has to follow the

1 law, and if a person is charged with a crime that  
2 has a mandatory minimum, you know, the judge has  
3 to follow the law and can't deviate from the law  
4 as written. So I think a judge has to draw upon  
5 his life experiences and try to evaluate the  
6 litigants before him, but ultimately the law is  
7 the law and the judge should follow the law as  
8 written. I don't think there's any call for  
9 judicial activism from the bench.

10 **Q: Thank you for that response. With your**  
11 **background in the Solicitor's Office, do you**  
12 **have any ideas that if you were elected to the**  
13 **bench that you would try to apply to make the**  
14 **criminal's General Sessions docket move quicker,**  
15 **more efficiently, move more cases quicker, maybe**  
16 **not have as many people in jail as -- I mean, is**  
17 **the Sumter jail overcrowded?**

18 **A:** No. The Sumter jail, the last time I checked, we  
19 were somewhere between 35 and 40 percent  
20 capacity. We've done, in my opinion, a very good  
21 job of being cognizant of the fact that pretrial  
22 detainees, especially the pretrial detainees that  
23 are charged with serious offenses, those cases  
24 moved to the top of the list in priority. We are  
25 certainly aware that those cases, notwithstanding

1 the fact that it's costing the county money, but  
2 those people are being held pretrial without  
3 having been found guilty. So we have emphasized  
4 moving those cases to the top of the list and  
5 getting to the idea of moving cases faster. I  
6 think a judge, especially if you're assigned as  
7 the chief administrative judge, can take an  
8 active role in requiring status conferences and  
9 things of that nature to bring the lawyers  
10 together to answer why a case may be hanging  
11 around on the docket longer than it needs to be,  
12 you know. And it's been my experience that if  
13 you can get the lawyers in a room with the judge  
14 and the judge can kind of get to the root of what  
15 are the issues that's causing this case to hang  
16 around longer, I think that is certainly  
17 effective. In Sumter we've worked really hard to  
18 meet the benchmark set out by the Supreme Court.  
19 I believe in the last two or three years we've  
20 moved up 17 or so percentage points, and the  
21 benchmark, I think, currently we've got -- last  
22 time I checked, I believe it was last month, we  
23 have 62 percent of our cases which are less than  
24 a year old. So we're getting closer to that  
25 benchmark that the Supreme Court wants us to

1 handle the cases. Eighty percent of the docket  
2 is less than a year old. And we've come quite a  
3 long way, and I think with the assistance of our  
4 local circuit judges we're making positive  
5 strides in that regard.

6 **Q: Do you personally handle cases outside of Sumter**  
7 **County?**

8 A: I do not. The way our office is set up we have  
9 our lawyers that handle cases specifically in one  
10 county. So I have traveled to other counties  
11 within the circuit. If we share a defendant in  
12 common, we may do a Sumter County plea and a  
13 Clarendon County plea at the same time in  
14 Clarendon County, but I handle cases strictly in  
15 Sumter.

16 SENATOR YOUNG: Thank you very much.

17 CHAIRMAN RANKIN: Senator Hayes.

18 MR. HAYES: Just briefly. First, I just want to tell you I  
19 had the honor of serving with your father for a couple  
20 of years in the House, and I can see him in you.

21 MR. GRIFFIN: Thank you.

22 MR. HAYES: And that's a compliment. It was an honor to  
23 serve with him.

24 EXAMINATION BY MR. HAYES:

25 **Q: Looking at your resume I do think you have a**

1           **good background with some of your civil and**  
2           **criminal experience. What would you say would**  
3           **be the biggest weakness in your resume?**

4    A:       I would say the weakness would just be the amount  
5           of time that has elapsed between my last work in  
6           civil practice and the current day. I think  
7           looking at my resume and my legal experience it's  
8           strong from the standpoint that I've done, for  
9           lack of a better phrase, a little bit of  
10          everything and a lot of criminal work. But I  
11          think just the amount of time that's passed could  
12          be viewed as a weakness. But I think that's  
13          certainly a weakness that can be overcome with  
14          hard work and, you know, getting back in the  
15          books, so to speak. But as far as other  
16          weaknesses, you know, I think I've got a well  
17          rounded legal career. I've handled matters in  
18          most of the state courts, whether it be General  
19          Sessions, Common Pleas, Probate Court, Family  
20          Court. But I think the only thing that I can  
21          view as a weakness would just be the fact of how  
22          much time has elapsed.

23    Q:       **One final question. I appreciate your remarks.**  
24           **I guess you came up with your involvement in the**  
25           **community and your first priority is with your**

1 children. I have three children. I can  
2 identify with that. What, if any, involvement  
3 do you have outside of practicing law in the  
4 community?

5 A: Well, getting back to pointing towards my  
6 children. I have assisted in coaching their  
7 various sports teams. In Sumter we have youth  
8 basketball through the YMCA and it's affiliated  
9 with the churches. I'm a member of Trinity  
10 United Methodist Church. I've coached my  
11 daughter's basketball team for a couple of years,  
12 my son's. I was drafted by other parents to  
13 assist in coaching my son's soccer team even  
14 though the only thing I know about soccer is only  
15 the goalie can touch the ball with his hands. I  
16 served on the Salvation Army Advisory Board in  
17 years past while I was in private practice. I  
18 have been real cognizant of the fact that as an  
19 assistant solicitor I represent my elected  
20 solicitor. Any community involvement  
21 opportunities I would certainly run by him  
22 because, you know, ultimately I answer to him and  
23 I've just been real leery of that. And, you  
24 know, I believe that my job as an assistant  
25 solicitor is a public service. You know, like I



1           said, I've just tried to balance my work life  
2           with my family life. I remember growing up as a  
3           child, you know, my father was over here on this  
4           Capital complex grounds for six months out of the  
5           year and I remember being excited when I would  
6           see his car coming up the driveway. So I've  
7           always tried to keep that in mind and I try not  
8           to miss activities with my children. And if one  
9           person in the world in the legal community thinks  
10          that's a bad thing, I just have to live with  
11          that.

12 CHAIRMAN RANKIN: Ms. McIver.

13 MS. MCIVER: Thank you, Mr. Chairman.

14 EXAMINATION BY MS. MCIVER:

15 **Q: Mr. Griffin, I note that you clerked for The**  
16 **Honorable Thomas W. Cooper, Jr. Just to be**  
17 **clear, is that the Manning Cooper?**

18 A: That is Manning Cooper.

19 **Q: Okay. And when you clerked with him, was he**  
20 **presiding over civil as well as criminal cases?**

21 A: We did both. He was not the administrative judge  
22 for civil or criminal when I was his law clerk,  
23 and we spent six months of the year in the Third  
24 Circuit. And then the second half of my  
25 clerkship we were in the Fifth Circuit, and I had

1 the good fortune that Judge Cooper was assigned  
2 two death penalty trials while I was his clerk.  
3 We handled one who was innocent that arose in  
4 Aiken County. We handled that in January of  
5 2001. And then handled another death penalty  
6 case out of Orangeburg County later that year. I  
7 believe it was in March. So we saw both sides.  
8 He was -- now an active retired judge at that  
9 point in time. So he handled cases in Common  
10 Pleas and General Sessions and I got to see very  
11 good cases being tried, because he was the type  
12 judge that -- especially the Solicitor's Offices  
13 would try and put big trials in front of him. So  
14 I gained valuable experience from my year with  
15 him.

16 MS. MCIVER: Thank you. I just wanted to point out one  
17 thing. One of the comments that you received with  
18 your letters that we have here is from somebody who  
19 has seen the other side of you, from Tim Murphy, and I  
20 thought this was worth mentioning from Mr. Murphy, who  
21 I think knows something about this process. He says,  
22 "After my retirement I entered private practice and  
23 also began service in the Sumter County Office of the  
24 Public Defender. Kirk was beginning his service as an  
25 assistant solicitor after having been in private

1 practice. Kirk quickly established himself as a  
2 strong litigator with a keen legal mind. More  
3 importantly, Kirk can be trusted. His word is his  
4 bond. Despite having to deal from different  
5 perspectives with often emotional and difficult cases  
6 and interests, Kirk mastered the art of being an  
7 adversary without being adversarial, a significant  
8 comment on his character and abilities." Certainly  
9 everything we've heard from your ballot box surveys,  
10 with that one outlier, is consistent with those  
11 comments, and I just thought it was worth pointing out  
12 and congratulating you and thanking you for your  
13 willingness to serve.

14 MR. GRIFFIN: Thank you very much.

15 CHAIRMAN RANKIN: All right. I want to commend you as well.

16 I'm sorry. Senator Young.

17 SENATOR YOUNG: Thank you, Mr. Chairman. I want to point  
18 out that that letter that Mr. Murphy wrote  
19 recommending you this year is outstanding, and I don't  
20 know if you saw it before he sent it in, but it's  
21 really a good letter and speaks very highly of you.

22 MR. GRIFFIN: Thank you.

23 EXAMINATION BY CHAIRMAN RANKIN:

24 **Q: And I want to commend you on a couple of things**  
25 **as well. And you have been the deputy solicitor**

1           for how long now?

2   A:       I've been the Deputy Solicitor since January of  
3           2011.

4   Q:       So you are truly worthy of the title a lawyer's  
5           lawyer because you are doing the bidding of and  
6           probably trying more than your hiring lawyer  
7           does himself. Which is --

8   REPRESENTATIVE SMITH: He's under oath, Mr. Chairman.  
9           He can't answer.

10   CHAIRMAN RANKIN: Let the record reflect he smiles. He did  
11           not nod or shake his head.

12   MR. GRIFFIN: Mr. Finney is a very busy man. I'll say  
13           that.

14   Q:       And, you know, a number of these candidates in  
15           positions, retired judges being screened again  
16           are folks seeking the bench the first time at  
17           the Circuit Court level. I've talked about,  
18           we've all talked about how the civil caseload is  
19           going down. From the trial practice standpoint,  
20           you, as a potential judge without a fact --  
21           without a doubt, rather, you would be trying  
22           less cases due to mediation. That was maybe  
23           coming into fore when you were still in the  
24           civil world; is that right?

25   A:       It was, and I actually participated in a few

1 civil cases where we did mediate those cases. I  
2 have experience in preparing for a mediation.  
3 But yeah, when I was leaving civil practice,  
4 alternative dispute resolution was a growing  
5 trend. I can't remember if ADR was mandatory at  
6 that point, but -- so on the tail end of my  
7 private practice I did have a few cases that were  
8 litigated and we were able to resolve them  
9 ultimately via mediation. Never an arbitration  
10 issue. But certainly mediation was kind of an  
11 emerging trend ---

12 **Q: Right.**

13 **A:** -- as I was leaving civil practice.

14 **Q: Well, and we can get the numbers from each**  
15 **circuit. But would you say it's fair in your**  
16 **circuit and in your seeking an at-large**  
17 **position, but from your experience as a deputy**  
18 **solicitor that you -- your docket -- not yours,**  
19 **the solicitor's, but the county would have and**  
20 **the circuit would have far more criminal trials**  
21 **than civil, or would that be a fair assumption?**

22 **A:** Absolutely. It's not an assumption. It's a  
23 fact. Based on what I see around the courthouse  
24 there may be two or three civil cases tried a  
25 year and we may try two or three civil cases in

1           one -- or two or three criminal cases in one term  
2           of court. So in the last calendar year I believe  
3           I tried three cases to verdict in criminal court.  
4           So certainly we have more criminal trial work, at  
5           least in Sumter County than civil trials.

6   **Q:       And this Goldilocks-type analogy for me, not the**  
7           **Commission members, but getting it just right in**  
8           **terms of what experience a candidate has in one**  
9           **area or another, you were asked about your**  
10          **weakness in your resume or where you would like**  
11          **to own up, it's in an area that you practiced**  
12          **for a long time prior to going in the**  
13          **Solicitor's Office, and that would be the civil**  
14          **side, correct?**

15   **A:       Correct.**

16   **Q:       You were a clerk, and I noticed while at Nexsen**  
17          **Pruet you were involved in brief writing,**  
18          **research --**

19   **A:       I was on the litigation team. But litigation**  
20          **team for young lawyers meant nose in the book,**  
21          **research and writing-type matters. I determined**  
22          **very quickly, after having worked there, that**  
23          **that wasn't the type of lawyer that I wanted to**  
24          **be. I wanted to be in the courtroom and trying**  
25          **cases and working my way towards being a trial**

1 attorney, and certainly was afforded that  
2 opportunity when I came back home to Sumter. One  
3 of the things that I was assigned as a young  
4 lawyer, we had a contract to represent the  
5 sheriff's department, and that entailed  
6 representing their deputies in Magistrate's Court  
7 criminal cases. And so I gained a lot of trial  
8 experience in that regard where the stakes  
9 weren't tremendously high in terms of the  
10 magistrate's level offenses only carrying up to  
11 30 days. So it was more in line with what I  
12 wanted to be and it was a good thing just because  
13 from, I guess, a life, work balance standpoint.  
14 I was allowed to do the kind of work that I felt  
15 I wanted to do. I wasn't tied to a time clock,  
16 and it was just a positive move in my  
17 professional and personal life.

18 CHAIRMAN RANKIN: And then back to the role of a  
19 judge, that they don't try as many civil cases  
20 doesn't mean that they're not required to know  
21 the law to apply in motions practices and motion  
22 hearings that effectively help a case resolve  
23 itself with or without mediation. So I don't  
24 want the record to reflect that you have to be  
25 capable only of trying a case to be qualified to

1 be a Circuit Court judge. The last point, and  
2 you mentioned balance, which is a great segue to  
3 me in my final point. The one naysayer about you  
4 in terms of your presence in the community, the  
5 outlier -- and your wife needs to know that the  
6 record is overwhelmingly supportive and positive  
7 in terms of additional comments that folks make  
8 about you. But I noticed in response to perhaps  
9 Senator Young's question about that involvement,  
10 you've got the right balance. And whether that  
11 person, the anonymous complainer, will be  
12 persuaded or not, she smiled in terms of your  
13 devotion to your children. And so, in light at  
14 the end of the realm, we don't say, boy, I wish I  
15 had gone to more Rotary Club meetings, or this,  
16 that or the other. So kudos to you for that, and  
17 it looks like you've got the right balance in her  
18 mind, which is a really important spot to be.

19 MR. GRIFFIN: That's probably the most important spot to be  
20 in.

21 CHAIRMAN RANKIN: All right. Unless there are any other  
22 questions this will conclude this portion of the  
23 screening process, and you are reminded of what you  
24 were reminded of last go around in terms of our  
25 criteria and our expectation that you maintain both



1 the spirit in the letter of the law of the South  
2 Carolina Rules of Ethics and Laws of Ethics. Any  
3 appearance of impropriety or violation thereof will be  
4 deemed very serious and potentially deserving a very  
5 heavy deliberation by this Commission. This record  
6 will remain open until the final record of  
7 qualifications is issued. Should we need to, we would  
8 call you back to ask you further questions. We trust  
9 that will not be the case. But you understand that,  
10 correct?

11 MR. GRIFFIN: I do.

12 CHAIRMAN RANKIN: All right. Thank you all very much.

13 MR. GRIFFIN: Thank you very much.

14 CHAIRMAN RANKIN: That'll close this record.

15 (Candidate excused.)

16 CHAIRMAN RANKIN: Mr. Riordan, welcome. Thank you for all  
17 your patience and for being here early as well. We're  
18 getting started a little bit later. No, actually  
19 we're on up because we're not breaking.

20 CHAIRMAN RANKIN: If you will start this by first  
21 having you raise your right hand.

22 JOHN PATRICK "JACK" RIORDAN, being duly sworn and  
23 cautioned to speak the truth, the whole truth and nothing  
24 but the truth, testifies as follows:

25 CHAIRMAN RANKIN: You've got current PDQs and a sworn

1 statement. Any changes that need to be made to  
2 those?

3 MR. RIORDAN: Just minor, and I can't even look  
4 through it to see whether it even has comments  
5 about my present employment. But just November  
6 1st Smith, Moore, Leatherwood became Fox,  
7 Rothschild firm. So I'm now a partner in Fox  
8 Rothschild instead of Smith, Moore, Leatherwood.

9 CHAIRMAN RANKIN: That would be Rothschild Lion theme,  
10 perhaps?

11 MR. RIORDAN: I'm still learning the history. We've  
12 had two weeks of orientation and part of that is  
13 learning about this Philadelphia based firm, 100  
14 plus years old that's continued to mushroom out  
15 across the country. So they've got 27 offices  
16 now around the country, so...

17 CHAIRMAN RANKIN: Very well. Very well. Other than  
18 that --

19 MR. RIORDAN: A little bit overwhelming. Just briefly  
20 again, these are so minor I almost hesitate to  
21 bring them up but I thought I would. On Exhibit  
22 10, the sworn statement on page two, the answer  
23 to number six I noticed a typo. A scrivener's  
24 error. The last full sentence it says  
25 incorporate. It should be incorporated. With

1 the change in the law firm, again, I don't know  
2 how important, but I want to be as precise as can  
3 be. On the PDQ, 48 asks about insurance. I  
4 think that insurance still exists, but it may  
5 also have some additional coverage now with Fox  
6 Rothschild. I just don't know. And hopefully  
7 the most minor, on the social media I know I have  
8 since had my kids develop an Instagram site so I  
9 can follow, but Tennessee track teams postings,  
10 as well. So anyway, minor changes, but wanted to  
11 at least be thorough about that.

12 CHAIRMAN RANKIN: Great. And with that you have no  
13 objection to those being made part of the record?

14 MR. RIORDAN: Not at all.

15 (EXHIBIT 9 - JUDICIAL MERIT SELECTION COMMISSION  
16 PERSONAL DATA QUESTIONNAIRE FOR JOHN PATRICK "JACK"  
17 RIORDAN)

18 (EXHIBIT 10 - JUDICIAL MERIT SELECTION COMMISSION SWORN  
19 STATEMENT OF JOHN PATRICK "JACK" RIORDAN)

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

21 Those will go in. Let me remind you, you've been  
22 here, done this I recall once before.

23 MR. RIORDAN: Yes.

24 CHAIRMAN RANKIN: Perhaps others, or no?

25 MR. RIORDAN: Just once. About this time last year.

1 CHAIRMAN RANKIN: You're familiar with what we do, our  
2 investigation and the nine criteria that we look  
3 at to investigate your candidacy.

4 MR. RIORDAN: I am.

5 CHAIRMAN RANKIN: That includes six particular areas;  
6 study of your previous screenings, ballot box  
7 survey, thorough study of your application  
8 materials, verification of your compliance with  
9 state ethics laws, search for newspaper articles  
10 in which your name appears, finally a check for  
11 economic conflicts of interest. No affidavits  
12 have been signed or prepared in opposition to  
13 your candidacy and there are no witnesses here.  
14 With you today -- I recall last time you brought  
15 your wife with you.

16 MR. RIORDAN: Correct. She could not make it. I hate  
17 that. She's my better half. But she could not  
18 make it. I did see my daughter when I was  
19 walking in the door. I'd forgotten that last  
20 year that group was here as well and I saw her  
21 then, and I -- actually walking in the door while  
22 she's walking out, so we got a quick hug. She  
23 said she was going to eat lunch, too, though.  
24 She was not going to come up.

25 CHAIRMAN RANKIN: Very good. Your daughter is --

1 MR. RIORDAN: She'd rather be with her friends than  
2 her father.

3 CHAIRMAN RANKIN: Super. Super. And the transcript  
4 reflects my, in fact, speaking to her and not you  
5 last go around.

6 MR. RIORDAN: I saw that.

7 CHAIRMAN RANKIN: So she'll be relieved that she's not  
8 here to get more questions from me. You are  
9 welcome to make a brief opening statement. It's  
10 not required. And if you choose not to, it will  
11 not be held against you. We'll jump right into  
12 the questions.

13 MR. RIORDAN: I'll just be brief as I was before and  
14 say thanks to all. I know everyone here is  
15 serving and taking their valuable time up and we  
16 appreciate that. Appreciate all the assistance  
17 throughout this process, which again, new last  
18 year. A little bit more familiar this time. But  
19 do appreciate all of you.

20 CHAIRMAN RANKIN: Very good. Ms. Simon, take it away.

21 MS. SIMON: I note for the record that based on the  
22 testimony contained in the candidate's PDQ, which has  
23 been included in the record with the candidate's  
24 consent, John Patrick Riordan meets the constitutional  
25 and statutory requirements for this position regarding

1 age, residence and years of practice.

2 EXAMINATION BY MS. SIMON:

3 **Q: Mr. Riordan, how do you feel your legal and**  
4 **professional experience thus far renders you**  
5 **qualified and will assist you to be an effective**  
6 **Circuit Court judge?**

7 A: I think I've got unique experience both in Common  
8 Pleas and General Sessions. It's taken a bit to  
9 have both of those. And you and I have talked  
10 and I guess we'll get into some of the  
11 criticisms. But I've had kind of a unique career  
12 of going back and forth and really being able to  
13 explore all areas of the law. I think at the end  
14 of the day that's one of the reasons I feel  
15 comfortable that I could assume this role. It's  
16 not too big for me. I've been around judges and  
17 the court personnel for all of my professional  
18 life, for one. But two, just now in practice  
19 have been on both sides of two main areas, and on  
20 both sides within it. I've been a prosecutor.  
21 I'm now a defense attorney. I mostly do defense  
22 work in the civil realm. But I have plaintiffs  
23 cases as well, and it's actually been the better  
24 part of my practice here for the last couple of  
25 years. So I think that's the unique experience

1           that I do bring and I think would assist me and  
2           assist the state in my service.

3   **Q:**       **The Commission received 250 ballot box surveys**  
4           **regarding you with 18 additional comments. The**  
5           **ballot box survey, for example, contained the**  
6           **following positive comments. "A good**  
7           **candidate." "Would be an excellent jurist."**  
8           **"Jack is excellent and has the right demeanor**  
9           **for the bench." "Jack is well qualified having**  
10          **spent time in both criminal and civil matters on**  
11          **both the prosecution/plaintiff and defense**  
12          **sides." Two of the written comments expressed**  
13          **concerns. One response stated you have no**  
14          **criminal experience. What response would you**  
15          **offer to this concern?**

16   **A:**       Well, it's incorrect. I guess, if it had said  
17           Jack has lessened his criminal experience of  
18           late, it would be more accurate. It's just not  
19           correct. I certainly agree, I've written in my  
20           information as provided, I'm doing less of that.  
21           But even today -- I was in court yesterday giving  
22           a bond order. I've just gotten some discovery  
23           that I'm disappointed with knowing there's a  
24           video out there. But I have gotten some active  
25           in my criminal practice. Just not as much. I am

1 admittedly more focused on the civil side. But  
2 the first six and a half years of my career  
3 that's all I did. I mean, I lived it. I was  
4 here at the Fifth Circuit Solicitor's Office as a  
5 prosecutor trying some fairly significant cases.  
6 Switched over to the AGs office and had statewide  
7 jurisdiction and tried cases throughout the  
8 state. Public corruption, some death penalty  
9 work, had cases on appeal. So yeah, I think I've  
10 got a breadth of knowledge that not many folks  
11 have.

12 **Q:** I'll quote the second response to you. "I have  
13 never seen someone act so bizarre in a trial.  
14 Not only was he extremely demeaning to opposing  
15 counsel, in parenthesis a female, but he was  
16 disrespectful of the court process. I don't  
17 know if he was just overly invested in this one  
18 case, but he continuously brings it up every  
19 time I see him and degrades everyone involved,  
20 even though the conviction has been upheld on  
21 appeal." What response would you offer to this  
22 concern?

23 **A:** Well, it certainly speaks to a particular case.  
24 I can't say for certain. I haven't spoke to  
25 those folks. I had no idea there was any bad



1 blood after the case. As I said, they had won,  
2 one of the few times. But certainly did have a  
3 lot invested. When you try these cases you've  
4 got a client who's maintaining their innocence,  
5 someone with no criminal record that's facing  
6 multiple felony counts. Their liberty is on the  
7 line. I don't question my zealous advocacy in  
8 that case. I did have issues that the prosecutor  
9 did not have, and experiences they did not have  
10 with some particular investigators in this case.  
11 But other than that, look, I -- you know, you try  
12 100 plus cases like I have. There's going to be  
13 some bad blood at times in trial. When you get  
14 to that point, you have to be strong for your  
15 clients. I know my client appreciated all that I  
16 did in that case. Despite the conviction ended  
17 up the judge certainly -- I thought something had  
18 suggested maybe I was disrespectful to the court  
19 in that case. Again, assuming it is speaking to  
20 the case that it shades to, the court and I got  
21 along fine. The court gave my client home  
22 detention. So all in all things, you know,  
23 worked out decently in the case. But I certainly  
24 am concerned that anyone has that feeling. I  
25 didn't know -- when you hear something like that

1 and you think you know who's doing it, whether  
2 you approach them or not -- I haven't done that.  
3 But, you know, again, the way it's suggested, the  
4 prosecutor that was involved in that case I  
5 thought we got along great. Certainly had  
6 nothing to do with her being a female, as is  
7 suggested in the comment, which makes me wonder  
8 whether perhaps co-counsel -- they had multiple  
9 attorneys on their side. I'm by myself. My  
10 client was a female in the case and there was no  
11 issue there. Again, tough cases bring out some  
12 heated times. That's all I can say to that. I'm  
13 happy that that's the only one that's out there  
14 out of 250 something responses. And again, on  
15 occasion there's going to be folks that, you  
16 know, don't want to appreciate having you  
17 approach things. You're more concerned about  
18 your clients in those scenarios. And I would  
19 also say, look, that's as an advocate. I'm here  
20 to be a judge. That's one of the things I'm  
21 looking forward to is not having to have that  
22 advocacy role to make sure things are --  
23 everyone's getting a fair shake. And, you know,  
24 the demeanor certainly I would understand and  
25 respect the change in roles that I would be

1 playing were I to ascend to the bench.

2 **Q: Earlier you discussed how your legal and**  
3 **professional experience renders you qualified.**  
4 **How has your life experience prepared you to be**  
5 **a Circuit Court judge?**

6 A: Well, I thankfully have had a lot of life  
7 experience with all walks of life. I tried to  
8 play out -- I don't know if everyone's gotten to  
9 read the, you know, history of my family. I've  
10 got a fairly large family. Was able to move  
11 around a lot. Born in Wisconsin, lived in  
12 Connecticut for a bit. Lived in Baton Rouge,  
13 Louisiana before thankfully coming to Rock Hill,  
14 South Carolina and growing up in Rock Hill, you  
15 know. Mostly a middle class background. I've got  
16 five siblings. From my two parents we're now up  
17 to 49 people that they've put out, between my  
18 five siblings, their wives, their kids, their  
19 kids' kids. You know, I've got good friends in  
20 all walks of life. I've seen, you know, from  
21 just the things I've done. I worked at, you  
22 know, restaurants in town in Rock Hill. I worked  
23 at the paper mill in Bowater, Rock Hill for a  
24 number of years. Worked with the guy swinging  
25 swifts over there. You know, I think I've got a

1 wide interaction with all kinds of folks. And  
2 that's what I'd like to do, and I think that as a  
3 judge what would be helpful is I can see where  
4 these folks are coming from. I want to make this  
5 experience as palatable to them as possible. No  
6 one that's in there really expects to be there.  
7 A lot of them feel like they're going to be  
8 prejudiced coming in and I want to make sure the  
9 experience is as good as it can be. These are  
10 terrible times. Just as I was talking about my  
11 client in that case, they never envisioned being  
12 in that situation. The type of situation that if  
13 any of us in this room are in, it would turn our  
14 world upside down. And, you know, from my  
15 background I think I can emphasize and sympathize  
16 with them and make sure that the experience they  
17 get is one where they feel like they've been  
18 heard and they've been treated fairly. I think  
19 that's all we can ask and that's what I'm trying  
20 to do as a judge.

21 MS. SIMON: I would note that the Upstate Citizens  
22 Committee reported that Mr. Riordan is well  
23 qualified as to ethical fitness, professional and  
24 academic ability, character, reputation,  
25 experience and judicial temperament, and

1 qualified as to constitutional qualifications,  
2 physical health and mental stability. And now  
3 for some housekeeping issues.

4 Q: Mr. Riordan, are you aware that as a judicial  
5 candidate you are bound by the Code of Judicial  
6 Conduct as found in Rule 501 of the South  
7 Carolina Appellate Court Rules?

8 A: I am.

9 Q: Mr. Riordan, since submitting your letter of  
10 intent have you contacted any members of the  
11 Commission about your candidacy?

12 A: No.

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

17 A: No.

18 Q: Are you familiar with section 2-19-70, including  
19 the limitations on contacting members of the  
20 General Assembly regarding your screenings?

21 A: I am.

22 Q: Have you asked any third parties to contact  
23 members of the General Assembly on your behalf,  
24 or are you aware of anyone attempting to  
25 intervene in this process on your behalf?

1 A: No, and no.

2 Q: Have you received and do you understand the  
3 Commission's guidance on pledging in South  
4 Carolina Code Section 2-19-70 Subsection (e)?

5 A: I do.

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

11 CHAIRMAN RANKIN: Okay. Questions by the Commission  
12 members? Senator Hayes.

13 EXAMINATION BY MR. HAYES:

14 Q: You're from Rock Hill?

15 A: Yes.

16 Q: Where did you graduate high school at?

17 A: Northwestern.

18 Q: What year?

19 A: 1985.

20 Q: '85, all right. And then went on to Clemson and  
21 then South Carolina?

22 A: Yes, sir.

23 Q: What involvement do you have in the community up  
24 in the Greenville area outside of the practice  
25 of law that would help you as a judge?

1 A: Would help me as a judge? You know, I was going  
2 to say I wish I had as much as some of the folks  
3 on this committee have had, and I'd like to do  
4 more of that. But most of it has been I've got  
5 three kids. Two of them in college. My last one  
6 that I saw just now is in high school still. So  
7 much of my time outside of work, working at the  
8 firm that I work at, is devoted to them and their  
9 activities. All of them have been very athletic  
10 and involved with team sports. Mostly swimming.  
11 Somewhat abnormal from what I did. Most swimming  
12 and running and cross country. And if anyone's  
13 been to a swim meet or a cross country meet or a  
14 track meet, those things can be time consuming.  
15 They've got their own activities as well around  
16 school. They go to Wade Hampton. They've all  
17 gone to Wade Hampton High School. All of them  
18 have just impressed me to an unbelievable point  
19 these past few years. With their fundraising,  
20 they have Spirit Week up there in Greenville. I  
21 was not familiar with it in Rock Hill. We didn't  
22 have that when I was growing up. But the  
23 fundraising that they do. My oldest two were  
24 actually on student council are more involved in  
25 that Spirit Week. My daughter in Tennessee was

1 really involved. But these kids are raising 250,  
2 \$300,000 this year for the group. So just being  
3 supportive of them for the most part has been,  
4 you know, a good deal with it. Thankfully with  
5 my practice, mine's different from most that, you  
6 know, some would say we had a white-shoe law  
7 firm. But again, having been a prosecutor,  
8 anything that even smells of criminal matter  
9 comes my way. And so, I'm involved with that.  
10 And so, I'm still dealing with folks that just  
11 about every little level of life. And so, again,  
12 I wish there were more outside the practice. I  
13 was raised Catholic. We got married in a  
14 Methodist church up there, so that's where we go  
15 and we're involved, and certainly been involved  
16 with it. I ran the basketball league for -- I  
17 don't know. At least a decade. It may have been  
18 more. I kind of lost track. And unfortunately  
19 that's lessened over the last couple of years. I  
20 had to drop out when I wasn't able to play as  
21 much. But, you know, those interactions. Mostly  
22 sports related, I'll admit. My wife's a personal  
23 trainer. I'm at the gym all the time. She's got  
24 clients that she trains that I've become great  
25 friends with that are involved with different



1 activities throughout the community.  
2 Metropolitan Arts Council is one. So it varies.  
3 I try to do as much as I can. I wish I could do  
4 more, and I hope I can continue to do more.

5 CHAIRMAN RANKIN: All right. Other questions.

6 Senator Young.

7 SENATOR YOUNG: Thank you, Mr. Chairman.

8 EXAMINATION BY SENATOR YOUNG:

9 **Q:** Mr. Riordan, thank you so much for your interest  
10 in continuing your pursuit of a Circuit Court  
11 judgeship. Last year we screened you, as I  
12 recall, and asked you a number of questions.  
13 One that was not asked of you last year is one  
14 that involves something related to judicial  
15 philosophy and it's a question that I pose to  
16 you now, which is do you -- you have extensive  
17 experience in litigating cases for a number of  
18 years. In your opinion, is there ever a time  
19 when a judge should allow the judge's personal  
20 empathy to influence the judge's decision in a  
21 case?

22 **A:** Not with respect to the law. Obviously given --  
23 you know, as a judge you see that you're somewhat  
24 relying on the parties to bring the facts forth  
25 to you. I'm mostly envisioning the sentencing

1 phase, as you can certainly have an adequate  
2 presentation that might affect sentencing. And  
3 again, whether that would be -- you know, all of  
4 my sentencing would be on a case-by-case basis.  
5 I don't want there to be suggestions of any  
6 preconceived notion. But I'd want to be  
7 consistent throughout. That's the main thing. I  
8 want everyone to feel, one, they're welcome to be  
9 there. I don't want them to be intimidating to  
10 anyone. Please come forth. You're going to have  
11 the opportunity to put forth your case. I'm  
12 going to be as attentive as I can be and allow  
13 you and your counsel, if they are there, to put  
14 forth your case, and I'm going to listen to it  
15 and be composed and as detached as I can be in  
16 that regard. And then hopefully, based upon  
17 what's presented to me, give a good response.  
18 Apply the law as I interpret it. As it is there.  
19 Don't try to bring any of my own opinions or  
20 thoughts on it. Again, another thing I look  
21 forward to, not having that call. Hey, here's  
22 the law. I'm not the one that made it. It's  
23 easy to interpret it. Here it is. Here's what  
24 the appellate courts, how they've interpreted it.  
25 Here's what the statute says, apply it. But then

1 make sure, again, at the end of the day everyone  
2 feels like they've gotten a fair shake. That  
3 they've been dealt with fairly and they felt like  
4 they were dealt with as anyone else in their  
5 position would have been dealt with. So again,  
6 can it have an influence, yes. But I would hope,  
7 again, if the same fact scenario is come forth  
8 that they would be treated the exact same way. I  
9 want everyone to feel like they've been treated  
10 just as anyone else would in the same or similar  
11 circumstances. I hope I've answered your  
12 question.

13 **Q: That was a good answer. So let me ask you**  
14 **another question. Change in subject a little**  
15 **bit. You practice with the Leatherwood firm but**  
16 **it's now under a different name, right?**

17 **A:** Correct.

18 **Q: And you have practiced with them for how many**  
19 **years?**

20 **A:** I've been with Smith, Moore, Leatherwood since  
21 May -- I think May of '99. So 19-plus years.

22 **Q: Before that you practiced where?**

23 **A:** Right before that I was with the Attorney  
24 General's Office. That was for the approximately  
25 three previous years. And then before that for

1 about three and a half years here at the Fifth  
2 Circuit Solicitor's Office in Columbia.

3 Q: Okay. So have you ever practiced in a small  
4 firm with less than five lawyers?

5 A: No, I've not.

6 Q: Many of the lawyers who will appear before you,  
7 if you're elected to the bench, come from small  
8 firms, and many of those who come from small  
9 firms handle cases across multiple courts in  
10 multiple counties and jurisdictions. And  
11 sometimes there are conflicts with trying to be  
12 in one place at one time -- or, I mean, multiple  
13 places at one time in the same day. How  
14 sensitive will you be to lawyers in small  
15 practices being pulled from one court to the  
16 next as they appear in front of you?

17 A: Very sensitive. I mean, that's who I'm  
18 practicing with. Most of the guys I've got cases  
19 on the other side with are in that situation. So  
20 that is something that happens on a daily basis.  
21 I would say it's kind of unique with my firm.  
22 Again, the way it's set up. We've got a  
23 litigation unit that really is almost a small  
24 practice in and of itself. I mean, it's been an  
25 eye opening experience with the new firm. Maybe

1 I shouldn't even have this on the record. But  
2 you get with a new firm and see the capabilities  
3 they have on a national scale, the support that's  
4 there. I mean, I've got now a knowledge  
5 management team that I think has all my  
6 paralegals in town probably nervous that, you  
7 know, what are we going to do. Because you can  
8 go to them and put in a search and get it done.  
9 But my point being through most of this time I've  
10 kind of been a one man show. I did try a case  
11 this year, the first time I've had an associate  
12 sit with me. I've tried 100 something cases. A  
13 few of them, of course, at the Solicitor's  
14 Office. I had folks early on who were with me.  
15 But in my civil practice, unless there's been a  
16 co-defendant and another counsel there, it's been  
17 Jack Riordan. I haven't had a paralegal or a  
18 secretary or anyone else there. Usually I'm  
19 doing what I did as a prosecutor. I'm in there  
20 with my books, with my law, with my chart sheets  
21 and going forward. And so, my point being I'm  
22 very sensitive to it. I know everyone's got  
23 those, you know, conflicts that are going to  
24 arise. And everything's so random anyway with  
25 the way the docket runs that I don't think anyone

1           should be surprised that we've got issues and we  
2           should try to work through them. And I think the  
3           attorneys -- thankfully the attorneys in this  
4           state do a great job anyway of working it out. I  
5           know in my practice when the attorneys call me  
6           and they have that, I say, look, let's just get  
7           with the judge. Make sure the judge is okay with  
8           it. We want to make sure the court is sensitive  
9           to it. If this was a case they were dependent  
10          upon, etcetera, let's get with them as early as  
11          possible. So very sensitive to it. We'll work  
12          through as best we can. But as a judge you've  
13          got to also sit back and make sure you're  
14          protecting the taxpayers that support the system  
15          and you don't want, you know, one person,  
16          especially if it's someone who every time on  
17          Friday wants to call up and say, hey, I've got  
18          this issue on Monday for the case. I told you  
19          was going to be in trial. I mean, those are  
20          issues you've certainly got to look into even  
21          more closely. But thankfully I don't see that  
22          much. We don't see attorneys abusing the system  
23          and, you know, I don't think that will be the  
24          case.

25   **Q:           Your first job was in the Fifth Circuit**

1                   **Solicitor's Office with Jim Anders?**

2   A:           No. Dick Harpootlian was already the solicitor at  
3           that time. A joke that Johnny Gasser was the  
4           consistent one throughout. Well, you've got  
5           someone to your right there that's shaking his  
6           head who was there with me as well, so...

7   **Q:           When you went to the AG's office, what kind of**  
8           **cases did you handle there?**

9   A:           Well, I came in and part of that was I felt like  
10          I had done a lot. Just like here. I mean, this  
11          has all been a neat exploration. I never thought  
12          about even -- we never had an attorney that was  
13          involved with our family for anything. We had  
14          wrecks but we'd work them out. I never had an  
15          attorney that was involved. Never even thought  
16          of it until I met my wife and her husband -- or,  
17          excuse me, her dad and, you know, made me even  
18          think about it. So all this has been a nice  
19          exploration. All right. This is neat, let me  
20          see what else is there. After prosecuting a good  
21          bit, part of what I wanted to do was appellate  
22          work, and I went over and worked immediately with  
23          Don Zelenka' capital litigation team. And I was  
24          on that team immediately involved with direct  
25          murder appeals, and I think I got 20 something

1 cases that I was able to draft, create the  
2 briefs, got to argue in front of the Supreme  
3 Court about eight times. It's all heady stuff  
4 for a, you know, fairly young attorney back in  
5 the day. So that was one of the reasons I went.  
6 We also had the statewide jurisdiction I was able  
7 to utilize. And as I said, my wife's from  
8 Greenville. Charlie Condon had opened a  
9 Greenville office. That was like a good segue  
10 backup. We started to have children. My wife  
11 wanted to go to Greenville more than Rock Hill  
12 and I was good with either, so ended up in Rock  
13 Hill. Still had a bunch of family -- ended up in  
14 Greenville, still have a bunch of family in Rock  
15 Hill.

16 SENATOR YOUNG: Thank you very much.

17 CHAIRMAN RANKIN: All right. Other questions?

18 EXAMINATION BY CHAIRMAN RANKIN:

19 **Q: I remember you well, and looking back through**  
20 **some of your testimony last go around and your**  
21 **updated PDQ, and your comment about the Jim**  
22 **Holderman matter with Dick Harpootlian involved**  
23 **a guinea, I guess, correct?**

24 **A:** What's that? I'm sorry.

25 **Q:** You were opposing Mr. Harpootlian?



1 A: I was against Harpootlian at that time. I got to  
2 know him a little bit through there and the whole  
3 office over there. That was all, again, quite  
4 interesting and educational.

5 Q: And again, last go around we brushed gently on  
6 your father-in-law and the reputation he had as  
7 a brass tacks, no discretion kind of guy, and I  
8 invoke my father in terms of his criminal  
9 mindset, I guess, or mindset regarding criminal  
10 cases, and drug charges particularly, as a  
11 county judge and then as a special circuit court  
12 judge way back in the day. They may share the  
13 same penchant then -- or in that realm. But  
14 also in the vein of Senator Young's questions  
15 about the small firm of a little bit of  
16 everything-type practice versus the Goliaths,  
17 the Smith, Leatherwood, and now you call them a  
18 white-shoe firm. I've never heard of that. But  
19 certainly --

20 A: Others call us that, but I don't necessarily  
21 think we qualify.

22 Q: Well, I've heard of silk stocking firm. What is  
23 a white-shoe firm?

24 A: Well, I think the terminology, you know, they do  
25 the dirty cases. But actually that's all I do.

1           So, I mean, it was kind of a misnomer in regard  
2           to me.

3   **Q:**       **Okay. Your personality in terms of your being**  
4           **fair and being open and being forgiving or**  
5           **tolerant of the pro se litigant who may be late**  
6           **to court, or the juror who doesn't honor the**  
7           **subpoena and comes in late, what would your wife**  
8           **say your personality would be in regard to**  
9           **patience, tolerance and how you treat folks?**

10   **A:**       Well, everyone deserves a second chance. So that  
11           first time I think I'd be very understanding. If  
12           it continues to be an issue, of course, the  
13           system can't abide that. Somebody's got to step  
14           in again for the system, the taxpayer, make sure  
15           nothing's being abused. And so, you know, we've  
16           got rules that need to be followed. But I think  
17           in those situations there's an easy way to  
18           approach it in a respectful way to show, look,  
19           this isn't our problem. This is your problem.  
20           You knew better, you know, and we've got to do  
21           better. Again, anyone that's being called for  
22           jury service I'd certainly be treating a little  
23           bit differently than a pro se litigant coming in,  
24           I would think. But again, it's a case-by-case  
25           basis. You want to listen to everybody. And

1 people are going to have legitimate reasons. And  
2 again, I think with my experience knowing some of  
3 the things that people go to, that some people  
4 don't have things as easy as others,  
5 transportation isn't as easily available to them.  
6 There are going to be issues. And I hope, and I  
7 certainly expect that I will do my best to listen  
8 to them. As I've said, be warm and welcoming,  
9 not intimidating, hear them out, and decide those  
10 matters in a just manner that I hope they feel  
11 also, yeah, I was treated correctly. I got what  
12 I deserve. I got justice. That's what this is  
13 all about. Trying to make sure the justice is  
14 there that anyone deserves that is in that  
15 circumstance.

16 **Q: To invoke the Christian context, Sadducees and**  
17 **Pharisees, kind of like the judges, were not**  
18 **held in the highest regard in terms of those who**  
19 **practiced grace. We're on the spectrum of grace**  
20 **in the rule, abide or follower,**  
21 **Sadducee/Pharisee-type would you put yourself?**

22 **A:** Well, again, I would think I'd be very graceful  
23 to begin with and to give everyone that shot, but  
24 at some point, again, we have rules. This is a  
25 system of laws. They're there for a reason.

1 They apply to all of us and we need to have that  
2 just to make sure it's consistent for all.  
3 That's where we get issues is, hey, I'm being  
4 treated differently that this person. This  
5 person's come in and they're getting, you know, a  
6 different result. They're being abusive and not  
7 having to pay for it. I'm following all the  
8 rules and I'm getting treated differently. So  
9 you just want to be consistent. And I think if  
10 I'm consistent or any judge is consistent with  
11 their presentation, their respectful attention to  
12 them and the issues before them, and then meeting  
13 out justice as is appropriate and as the law  
14 dictates, that's what I think we ask from our  
15 judges, and that's what I would certainly hope to  
16 do as a judge.

17 **Q: You've tried as many criminal cases as a**  
18 **prosecutor as -- I think I got that correct.**  
19 **Fifty or so criminal side. You mentioned 50**  
20 **civil. Did I misread that?**

21 **A:** No, 50/50. But again, some of those are  
22 prosecution and defense. And the same with the  
23 civil case, and some would be defendant and  
24 plaintiff. More defendant on the civil side.  
25 More prosecution on the General Session side.

1 Q: Do you have a area in your resume or your  
2 pedigree to this point that you think would need  
3 buttressing, make you better prepared to be a  
4 Circuit Court judge?

5 A: I don't think with experience. Certainly the  
6 fair criticism would be, hey, he's not been doing  
7 as much criminal of late. I don't think that's  
8 going to be an issue to get back up to speed,  
9 especially on the Circuit Court. Solicitors are  
10 always uniform in how they handle things. I  
11 think anyone coming into this and going to a new  
12 jurisdiction is going to have some changes. But,  
13 you know, the base of what we do in General  
14 Sessions is always going to remain. A good bit  
15 of that is just taking pleas and, you know,  
16 handling motions here and there. But mostly it's  
17 taking pleas, and that's not very different.  
18 Some of them have better sign up sheets,  
19 sentencing sheets or easier process than others.  
20 But that's about it. I mean, again, being a  
21 judge is something that's always been in the back  
22 of my mind, and part of the reason I wasn't even  
23 looking at it earlier was I wanted to make sure I  
24 had that experience on all levels and I feel I'm  
25 there.

1 CHAIRMAN RANKIN: All right. Questions from anyone  
2 else? All right. Jack Riordan, thank you very  
3 much for your willingness to offer again, and  
4 unless there's other questions, this will  
5 conclude this portion of our screening process.  
6 You're reminded from last year that our  
7 evaluative criteria again focuses on abiding by  
8 both the letter and the spirit of the South  
9 Carolina ethics laws. Any violation or  
10 appearance of violation or impropriety would be  
11 deemed very serious and deserving of a very  
12 serious and heavy consideration in deliberation  
13 by this Commission. You know that this record  
14 will not be closed until all have been issued and  
15 the record of qualifications has been made. So  
16 if we would need to, we would call you back to  
17 ask you any questions. You're familiar with  
18 that, correct?

19 MR. RIORDAN: Yes, sir, Mr. Chairman.

20 CHAIRMAN RANKIN: All right. Thank you. And again,  
21 appreciate you being here early, and --

22 MR. RIORDAN: Thank you all.

23 CHAIRMAN RANKIN: -- if you want some more tea for the  
24 road --

25 MR. RIORDAN: I think I'm good.

1 CHAIRMAN RANKIN: -- have at it.

2 MR. RIORDAN: Thank you so much.

3 CHAIRMAN RANKIN: Yes, sir.

4 (Candidate excused.)

5 CHAIRMAN RANKIN: Welcome Mr. Gregory Kenneth Voight. Is  
6 that right?

7 MR. VOIGHT: That's correct.

8 CHAIRMAN RANKIN: Let's start, please, by having you  
9 raise your right hand.

10 GREGORY KENNETH VOIGHT, being duly sworn and  
11 cautioned to speak the truth, the whole truth and nothing  
12 but the truth, testifies as follows:

13 CHAIRMAN RANKIN: You've completed a PDQ and a sworn  
14 statement. I understand you're going to make an  
15 oral amendment to those; is that right? In terms  
16 of your address.

17 MR. VOIGHT: That's correct.

18 CHAIRMAN RANKIN: And what is your correct address?

19 MR. VOIGHT: My correct address right now is 2362  
20 Parsonage Road, Charleston, South Carolina,  
21 29414.

22 CHAIRMAN RANKIN: Very well. Other than that, any  
23 changes that need to be made to those?

24 MR. VOIGHT: No.

25 CHAIRMAN RANKIN: And you do not object to those being

1           made a part of the record?

2   MR. VOIGHT: I do not.

3   (EXHIBIT 11 - JUDICIAL MERIT SELECTION COMMISSION

4   PERSONAL DATA QUESTIONNAIRE OF GREGORY KENNETH VOIGHT)

5   (EXHIBIT 12 - JUDICIAL MERIT SELECTION COMMISSION SWORN

6   STATEMENT OF GREGORY KENNETH VOIGHT)

7   CHAIRMAN RANKIN: If you'll hand those over to Lindi  
8           to the left. Mr. Voight, this Commission has  
9           thoroughly investigated your candidacy and  
10          qualifications for the bench. We've focused on  
11          nine evaluative criteria which you're familiar  
12          with. For the record, there are five or six of  
13          those that call particular attention to which  
14          include check for economic conflicts of interest,  
15          search for newspaper articles in which your name  
16          may appear, verification of your compliance with  
17          the state ethics laws, thorough study of your  
18          application materials, and a valid ballot box  
19          survey. We received no affidavits filed in  
20          opposition of your candidacy and there are no  
21          witnesses who have wished to be here to testify.  
22          You now, sir, have an opportunity to make a very  
23          brief opening statement. You're not required,  
24          but you are certainly welcome to do that before  
25          we turn you over to questions from staff.



1 MR. VOIGHT: Well, I want to thank everybody here on  
2 the Committee and I want to tell you I do  
3 appreciate the thoroughness with which you vet  
4 all of your candidates. I know that your  
5 attorneys work hard at making sure that we're  
6 prepared for your questions and that there are  
7 answers to the questions that you might have. I  
8 think I have thoroughly gone through my  
9 application, what I think what my experience is.  
10 Temperament is always to be judged by others, so  
11 I'll let others speak to that.

12 CHAIRMAN RANKIN: All right.

13 MR. VOIGHT: But I'll be happy to answer any questions  
14 that you might have.

15 CHAIRMAN RANKIN: Super. Mr. Hinson, if you will.

16 MR. HINSON: I note, for the record, that based on the  
17 testimony contained in the candidate's PDQ, which  
18 has been included in the record with the  
19 candidate's consent, Mr. Voight meets the  
20 constitutional and statutory requirements for  
21 this position regarding age, residence and years  
22 of experience.

23 EXAMINATION BY MR. HINSON:

24 **Q: Mr. Voight, how do you feel your legal and**  
25 **professional experience thus far renders you**

1           **qualified and will assist you to be an effective**  
2           **Circuit Court judge?**

3    A:       All right. The Circuit Court judge position is  
4           really where the rubber meets the road in our  
5           civil system and our criminal justice system. I  
6           have been a creature of trial courts in my entire  
7           career. I have tried to jury more cases than I  
8           can remember, but it's in excess of 100. I find  
9           that I have been in courtrooms my entire career  
10          on both sides of both issues. I've defended  
11          civil cases. I've been a plaintiffs attorney.  
12          I've been a prosecutor, and I've been a defense  
13          attorney. And I think that for the Circuit Court  
14          bench as opposed to the Appellate Court benches,  
15          I think that those times in the trenches, the  
16          scars that you accumulate through years of  
17          litigation is exactly the sort of experience that  
18          you're looking for for someone who's going to be  
19          mediating those sorts of cases.

20    Q:       **Thank you for that. Mr. Voight, the Commission**  
21           **received 90 ballot box surveys regarding you**  
22           **with 11 additional comments. The ballot box**  
23           **survey, for example, contained the following**  
24           **positive comments. One stated, "You would be a**  
25           **terrific judge." Another stated, "You were well**

1           **respected by the Defense Bar and the**  
2           **prosecution." Five of the written comments**  
3           **expressed concerns regarding your experience,**  
4           **specifically your lack of civil trial**  
5           **experience. Can you address that, please?**

6   A:       I can. Now, it's true that since I've been in --  
7           I've been in South Carolina now nearly half of my  
8           legal career and most of that time has been spent  
9           at the Solicitor's Office in Charleston. Prior  
10          to that though, I had an extensive career in  
11          civil litigation in Louisiana, and I know  
12          Louisiana is a different animal. I know it is.  
13          It's a minority jurisdiction, and they've got  
14          different words for everything, and when you  
15          studied in law school how 90 percent of the  
16          country did it, Louisiana did it the other ten  
17          percent. I've tried personal injury cases. I've  
18          defended personal injury cases. I've tried  
19          zoning cases and tried all manner of taxation  
20          cases and things like that. Since I've returned  
21          to private practice, I have won motions for  
22          summary judgment in Circuit Court in cases  
23          involving nuisance and statutory violations, and  
24          I've won civil settlements -- or I've gotten  
25          civil settlements. You know, don't quite win

1           them. It's kind of a draw. But I've taken on  
2           personal injury cases like I did ten years ago  
3           and been paid for it, which I think is -- I think  
4           I've got a little bit more civil experience than  
5           people recognize, and we don't have two codes of  
6           evidence. We have one code of evidence that  
7           applies equally to both, and I think I've been  
8           inside that beast a bit.

9   **Q:       Thank you. Other comments questions your**  
10   **demeanor toward your colleagues. What response**  
11   **would you offer to these concerns?**

12   **A:**     Every trial attorney worth their salt is going to  
13           be -- every once in a while rub somebody the  
14           wrong way. When I walk into a courtroom, I try  
15           to be -- it's my courtroom. I try to be the most  
16           prepared lawyer in the room. I try to be the  
17           alpha lawyer in the room. Sometimes that  
18           confidence comes off as arrogance. That's  
19           something that all trial attorneys have to deal  
20           with. But I think that I try to be magnanimous  
21           in victory and I try to be gracious in defeat,  
22           and I try to comport myself the civility oath  
23           that we all take. That is one of the biggest  
24           adjustments I had coming from -- being trained in  
25           another jurisdiction where throwing sharp elbows

1           was more the norm. I had to learn how we do in  
2           South Carolina which is really treat everybody  
3           with respect. Not talking through objections and  
4           no ad hominem or anything like that. I think  
5           most people are actually happy with me.

6 MR. HINSON: Thank you. At this time, Mr. Chairman, I  
7           would request that we move into executive session  
8           to handle a matter.

9 REPRESENTATIVE SMITH: So move.

10 MR. HAYES: Second.

11 CHAIRMAN RANKIN: And seconded by Senator Hayes.

12           (Executive Session from 1:29 p.m. to 1:33 p.m.)

13 CHAIRMAN RANKIN: All right. We are back on the  
14           record and the Judicial Merit Selection  
15           Commission during the executive session that we  
16           were in neither discussed any business, took no  
17           action and cast no vote. Mr. Hinson, continue  
18           questions for Mr. Voight, please.

19 MR. HINSON: Thank you, Mr. Chairman.

20           EXAMINATION RESUMED BY MR. HINSON:

21 **Q:           Mr. Voight, just a couple housekeeping**  
22 **questions. Are you aware that as a judicial**  
23 **candidate you are bond by the Code of Judicial**  
24 **Conduct as found in Rule 501 of the South**  
25 **Carolina Appellate Court Rules?**

1 A: Yes.

2 Q: Since submitting your letter of intent, have you  
3 contacted any members of the Commission about  
4 your candidacy?

5 A: I have not.

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

10 A: I have not.

11 Q: Are you familiar with Section 2-19-70, including  
12 the limitations on contacting members of the  
13 General Assembly regarding your screening?

14 A: I am.

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

19 A: No.

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

23 A: I have reviewed it and I am aware.

24 MR. HINSON: Thank you very much. I would note that  
25 the Low Country Citizens Committee reported that

1 Mr. Voight is qualified as to constitutional  
2 qualifications, ethical fitness, professional and  
3 academic ability, character, reputation, physical  
4 health, mental stability, experience and judicial  
5 temperament. I would also note for the record  
6 that any concerns raised during the investigation  
7 by staff regarding the candidate were  
8 incorporated into the questioning of the  
9 candidate today. And with that I have no further  
10 questions.

11 CHAIRMAN RANKIN: All right. Opening up for questions  
12 from the Commission. Representative Smith.

13 EXAMINATION BY REPRESENTATIVE SMITH:

14 **Q: Mr. Voight, appreciate your being here today and**  
15 **appreciate you offering for this candidacy. I**  
16 **just ask everybody -- I presume when you are a**  
17 **special assistant solicitor for 2005 through**  
18 **2015 was that a full-time position or --**

19 **A:** That was a full-time position.

20 **Q: I presume you've tried numerous cases through**  
21 **verdict throughout that; is that correct:**

22 **A:** I averaged as first chair between four and six a  
23 year, and as second chair as many as 12 in a  
24 year.

25 **Q: Okay. How about civil trials? Have you tried**

1           **any cases to jury in civil court?**

2   A:       I have, but it has probably been in 2004 and 2005  
3           since I've tried a civil trial.

4   Q:       **Okay. Associate in Lawrence and Olinde. Was**  
5           **that in Louisiana or was that --**

6   A:       It was.

7   Q:       **And so, your first job when you moved back up**  
8           **here was as an assistant solicitor?**

9   A:       When I evacuated during Katrina, I sent my resume  
10          to the Solicitor's Office and the Public  
11          Defender's Office because I figured my skill set  
12          fit most easily in both of those two places.

13          Ralph Hoisington hired me two days later. The  
14          Public Defender's Office got around to calling me  
15          six months later. So I began with the Solicitor.

16   Q:       **All right. But that's when you moved to South**  
17          **Carolina and you've been --**

18   A:       That's right.

19   Q:       **-- you've been a solicitor and now you're in**  
20          **your private practice since 2015?**

21   A:       That's right.

22   Q:       **All right. In regards to if you were successful**  
23          **in your candidacy you obviously understand the**  
24          **hierarchy of courts and with Appellate Court**  
25          **rules. So if somebody had a motions hearing or**



1 a family court hearing that had been scheduled  
2 for months and you were on the Circuit Court  
3 bench and it was interfering with a motion or a  
4 hearing or maybe even a trial that you could  
5 start the next day, how would you handle those  
6 situations?

7 A: Because I've got one foot in the family court  
8 world now, which I kind of always have in my  
9 private practice, I think -- and I've found that  
10 court's accommodate me in terms of time. It's  
11 only really when -- and if you have two trials  
12 that are going head-to-head, that's a failure of  
13 you to schedule properly. But motion hearings  
14 and things come up on a little bit speedier  
15 basis. I would try to accommodate the attorneys  
16 to the extent possible by either starting later,  
17 starting earlier. I know that in Berkeley and  
18 Charleston where I do most of my family court  
19 work we're now in January, and if there was some  
20 sort of emergency situation in the family, I  
21 would hate to have a fairly perfunctory Circuit  
22 Court motion kick that into February or March of  
23 next year. And I think it's really incumbent on  
24 all the courts that work together just to make --  
25 you know, because scheduling is the primary

1 complaint that everybody has. You have to really  
2 accommodate everybody to make sure that things  
3 get done.

4 **Q:** When you were a solicitor, do you always have --  
5 you control your docket, I presume, and so you  
6 got to decide when to call a case to trial or  
7 not call a case to trial? If you called an  
8 attorney and said, look, I have a family court  
9 case that will start Monday, can we start later  
10 in the week, or I have, you know, another  
11 conflict, how did you generally approach those  
12 as a solicitor?

13 **A:** When I had a defense attorney on the other side  
14 who had a time issue my philosophy was always  
15 time I've got. I can deal with time. Now, if  
16 you're giving me a song and dance as to why we  
17 can't adjudicate this one case and it's getting  
18 old and I've got fly victims in or witnesses in,  
19 there are times where you have to pick a date and  
20 go with it. But for the most part, because I was  
21 the scheduler, I appreciated the uneven power in  
22 the system and accommodated people to the best of  
23 my ability, because I know what it's like on the  
24 other side and I don't appreciate being jerked  
25 into court without any sort of power. I was

1           appointed a guardian ad litem yesterday and was  
2           told to be in Moncks Corner this morning, so I  
3           kind of -- I was like, well, you guys are going  
4           to be my second dance today. I'm not going to do  
5           it. But I understand the situation, so I always  
6           try -- as a solicitor I was not my way or the  
7           highway kind of guy when it came to scheduling.

8 REPRESENTATIVE SMITH: Thank you, Mr. Voight.

9           Appreciate you answering those questions.

10 CHAIRMAN RANKIN: Any other questions? Representative  
11           Murphy.

12 REPRESENTATIVE MURPHY: Just really an observation,  
13           Mr. Chairman, to piggyback on what Representative  
14           Smith said. I had worked with Mr. Voight when he  
15           was a solicitor on a case and he was a  
16           professional to deal with and I always  
17           appreciated the way that he approached this case  
18           and we were able to work it out. Not the way my  
19           client really wanted to work it out, but he was  
20           very professional in the way that he handled the  
21           whole situation. So thank you for that.

22 MR. VOIGHT: Thank you. Thank you. I appreciate  
23           that. I think she did better than her co-  
24           defendants by a long mile.

25 REPRESENTATIVE MURPHY: Also, too, your law partner is no

1 relation -- and I think that's -- is that Lynn Murphy?

2 MR. VOIGHT: Lynn Murphy works for me kind of as an of  
3 counsel basis.

4 REPRESENTATIVE MURPHY: Right.

5 MR. VOIGHT: She really has kind of scaled back her  
6 practice quite a bit. We get some of your phone calls  
7 from time to time, but we direct them to Summerville.

8 REPRESENTATIVE MURPHY: The only thing negative I had  
9 to say about Lynn was that she registered the law  
10 firm Murphy Law Firm domain name I think the day  
11 before I did. I was very upset about that.

12 REPRESENTATIVE SMITH: She'll sell it back to you.

13 CHAIRMAN RANKIN: That's right. All right. Any other  
14 questions?

15 EXAMINATION BY CHAIRMAN RANKIN:

16 **Q: Mr. Voight, a couple of things. You just**  
17 **recently moved to Charleston from Summerville?**

18 A: That's right.

19 **Q: And how long were you in Summerville?**

20 A: I bought a house in Ridges of Summerville  
21 February of 2006. And so, I resided there until  
22 November of last year -- or no, November of '17.  
23 Sorry. November, '17.

24 **Q: Last year.**

25 A: And I stayed in Summerville -- we bought a condo

1 that required some work. And so, while the work  
2 was progressing, and while it was under contract,  
3 we stayed in an apartment in Summerville until  
4 the fall of this year, really so that my daughter  
5 could complete the school year in Dorchester  
6 District Two and stay in her classes.

7 **Q: It had nothing to do with the traffic from**  
8 **Summerville to Charleston, did it?**

9 A: I just lost a paralegal to traffic two weeks ago.  
10 She lived near Moncks Corner and she told me she  
11 was spending 15 hours a week in her car and she  
12 couldn't do it anymore. I mean, it was a quality  
13 of life issue. I spent a lot of time in my car.  
14 Some people had the Summerville market all locked  
15 up, so I knew I had to stay in West Ashley where  
16 I was. But no, I was spending -- there were  
17 times in 2007, before they widened Aviation or  
18 before the economic crash where I was spending  
19 18, 20 hours a week in my car commuting to the  
20 Solicitor's Office, and then when I moved my --  
21 you know, when I went out to private practice I  
22 was spending about 14, 15 hours a week in my car.  
23 I like my car, but not that much.

24 **Q: Your time in the law practice before was all in**  
25 **New Orleans?**

1 A: I was a law clerk in Denver, Colorado a long,  
2 long, long time ago, for Travelers Insurance  
3 Company doing insurance defense. And then I was  
4 in private practice, and then I went to the DA's  
5 office and back to private practice in New  
6 Orleans. Katrina comes, the law firm shuts down,  
7 breaks up, stops paying me. And I'm here because  
8 I've got a -- my college roommate is a lawyer in  
9 Charleston from Tulane. He convinced me to come  
10 because we had nowhere else to go because I had  
11 four feet of water in my house, so we weren't  
12 going back any time soon. Got to the Solicitor's  
13 Office, as I described earlier. And frankly, if  
14 it wasn't for the economic downturn, I probably  
15 would have gone back to private practice a little  
16 bit early, but I think a lot of us held on to our  
17 government jobs for a little bit while it was  
18 safe.

19 Q: **Total rabbit here. Beignets. Best Beignets in**  
20 **New Orleans. Where do you get that?**

21 A: I'll still say the Cafe Du Monde. Morning Call  
22 in Metairie is a really close second, and if I  
23 blindfolded you, you couldn't tell the  
24 difference. Morning Call used to be in the  
25 French Quarter.

1 Q: Spell Metairie, if you will, please, for the  
2 record.

3 A: What?

4 Q: Spell Metairie.

5 A: M-E-T-A-I-R-I-E.

6 Q: Very good. We've got some culinary eyebrows up  
7 here, too, that are trying to help you spell  
8 that.

9 MR VOIGHT: It's actually in the Fat City neighborhood,  
10 which nobody calls neighborhoods Fat City in  
11 places so...

12 CHAIRMAN RANKIN: Super. Well, I appreciate your  
13 offering, and unless there are other questions.  
14 You've got some great endorsers. Your letters of  
15 reference are glowing. And so, you are to be  
16 commended.

17 MR. VOIGHT: Thank you all. I appreciate it.  
18 Anything I can answer, I'll be happy to answer.

19 CHAIRMAN RANKIN: Unless there are any questions, that  
20 will conclude this portion of the screening  
21 process. Remind you that we are very strict in  
22 adherence to both the letter and the spirit of  
23 the law and that you, too, abide by that, with  
24 particular regard to the South Carolina ethics  
25 rules. Any violation or appearance of

1           impropriety in that realm will be deemed very  
2           serious, considered very heavy in any  
3           deliberations that we would have to conduct. So  
4           with that, I will remind you that the record  
5           remains open until the qualifications have been  
6           established and a record made. We would have the  
7           option to call you back to put you back under  
8           oath. You are aware of that, correct?

9   MR. VOIGHT: I'm aware in watching recent history. So  
10           I know it catches up to people.

11   CHAIRMAN RANKIN: Very good. Thank you and that will  
12           conclude this record and you are free to go.  
13           Safe travels back home. And if you'd like  
14           lemonade, tea, or a jug of tea, you're welcome to  
15           get some over there.

16   MR. VOIGHT: No thank you. Thank you all very much.

17   CHAIRMAN RANKIN: Yes, sir. Nice meeting you.

18   (Candidate excused.)

19   CHAIRMAN RANKIN: Mr. Safran moves to go into executive  
20           sessions, seconded by Senator Sabb.

21   (Executive Session from 1:47 p.m to 3:21 p.m.)

22   CHAIRMAN RANKIN: We are now on the record. Judicial  
23           Merit Selection Commission is back on the record  
24           and would like to state that while in executive  
25           session no decisions were made, no votes were



1 taken, and now we are back on the record and will  
2 proceed to a vote. Ms. Crawford, if you will  
3 poll the Commission members.

4 MS. CRAWFORD: Mr. Chairman, first we will take a vote  
5 as to whether the candidate is qualified. I'll  
6 read the candidates in alphabetical order. Ryan  
7 Kirk Griffin. If he's qualified. (At this time  
8 the members signified by raising their hands.)

9 REPRESENTATIVE SMITH: Yes. I vote proxy for Ms.  
10 McIver.

11 MS. CRAWFORD: Okay. That's ten found qualified. John  
12 Patrick, or Jack Riordan, whether he's qualified.  
13 (At this time the members signified by raising  
14 their hands.)

15 REPRESENTATIVE SMITH: Yes. I vote for her for proxy.

16 MS. CRAWFORD: So that's ten members found him  
17 qualified. Gregory Kenneth Voight. (At this time  
18 the members signified by raising their hands.)

19 REPRESENTATIVE SMITH: And for the record, Ms. McIver  
20 said, since she was not present, she would  
21 abstain from voting on him.

22 MS. CRAWFORD: So there are three votes that found him  
23 qualified. Those in opposition. (At this time  
24 the members signified by raising their hands.) So  
25 that's six find him unqualified. So by a vote of

1 three votes affirmative, six negative and one  
2 abstention, he is found unqualified. The next  
3 vote would be of those candidates found  
4 qualified, the three -- or those that are  
5 nominated.

6 REPRESENTATIVE SABB: Can I move to find all the other  
7 qualified to be nominated?

8 MS. CRAWFORD: Yes, you may.

9 REPRESENTATIVE SABB: So move.

10 REPRESENTATIVE MURPHY: I second.

11 CHAIRMAN RANKIN: Second.

12 MS. CRAWFORD: Now, that would be Ryan Kirk Griffin is  
13 nominated and Jack Riordan is nominated, and we  
14 will make a notation in the record pursuant to  
15 2-19-80(a) as to why the candidate -- a written  
16 explanation for submitting fewer than three names.

17 SENATOR YOUNG: Do we have to actually have a vote?

18 CHAIRMAN RANKIN: That is a unanimous vote.

19 SENATOR YOUNG: Okay, a unanimous vote.

20 CHAIRMAN RANKIN: So there is no one voting in  
21 opposition to the qualification and nominations  
22 of Mr. Riordan and Mr. Griffin, correct? So a  
23 show of hands of those who vote as to Mr. Griffin  
24 and Mr. Riordan as qualified and nominated,  
25 please. (At this time members signified by

1 raising their hands.)

2 REPRESENTATIVE SMITH: And let the record reflect Ms.  
3 McIver votes for both of them to be qualified and  
4 nominated.

5 MS. CRAWFORD: So each candidate of these two  
6 candidates receive ten votes. With that, I have  
7 no further business.

8 CHAIRMAN RANKIN: All right. And that'll conclude  
9 today's hearing and we'll see you all next  
10 Monday.

11 (There being nothing further, the proceeding concluded at  
12 3:23 p.m.)

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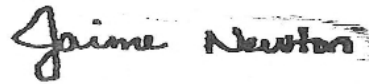
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CERTIFICATE OF REPORTER

I, JAIME D. NEWTON, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I REPORTED THIS PROCEEDING, ON THURSDAY, THE 15TH DAY OF NOVEMBER, 2018, AND THAT THE FOREGOING 82 PAGES CONSTITUTE A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 27TH DAY OF NOVEMBER, 2018.



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JAIME D. NEWTON, COURT REPORTER  
MY COMMISSION EXPIRES MAY 19, 2027

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