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## **PROCEEDINGS**

*November 19, 2018*

**Judicial Merit Selection Commission, 2018**

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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5 JUDICIAL MERIT SELECTION COMMISSION

6 TRANSCRIPT OF PUBLIC HEARINGS

7 \* \* \* \* \*

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

18

19 \* \* \* \* \*

20 DATE: November 19th, 2018

21 TIME: 9:00 a.m.

22 LOCATION: Gressette Building

23 1101 Pendleton Street

24 Columbia, South Carolina 29201

25 REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN RANKIN: A motion was made by Senator Sabb,  
 2 seconded by Senator Hayes that we go into  
 3 executive session.

4 (Executive Session)

5 CHAIRMAN RANKIN: We are back on the record, folks.  
 6 The Judicial Merit Selection Commission, while in  
 7 executive session, took no action, no decisions  
 8 were made, no votes were taken. And now we're  
 9 back on the record. Thank you.

10 HONORABLE ANNE G. JONES

11 JUDGE JONES: Good morning.

12 CHAIRMAN RANKIN: Good morning. Judge Jones, welcome.

13 JUDGE JONES: Thank you.

14 CHAIRMAN RANKIN: Judge, we appreciate you being here  
 15 early --

16 JUDGE JONES: Thank you.

17 CHAIRMAN RANKIN: -- and bearing with us as we took  
 18 care of some housekeeping matters in -- before we  
 19 got started. Let me as you first to raise your  
 20 right hand.

21 HONORABLE ANNE GUE JONES, having been duly sworn,  
 22 testifies as follows:

23 CHAIRMAN RANKIN: Do you have before you two documents  
 24 that you're familiar with - You've done it  
 25 before. A PDQ updated and a Sworn Statement; is

1           that correct?

2       JUDGE JONES:   Yes, sir.

3       CHAIRMAN RANKIN:  Either one of those need to be  
4           changed?

5       JUDGE JONES:  No, sir.  I did amend my PDQ with Ms.  
6           Mottel.  I sent in a written amendment, and it is  
7           attached.  So, no, there's no other changes that  
8           are needed.

9       CHAIRMAN RANKIN:  If you'll hand those to Lindi, we'll  
10           put them in the record.  You don't object to  
11           those being made a part of the record?

12      JUDGE JONES:  No, sir.

13      (Exhibit Number 1 was marked for identification  
14      purposes - (15 pages) Hon. Anne Gue Jones - Personal  
15      Data Questionnaire.)

16      (Exhibit Number 2 was marked for identification  
17      purposes - (1 page) Hon. Anne Gue Jones - Amendment to  
18      Personal Data Questionnaire.)

19      (Exhibit Number 3 was marked for identification  
20      purposes - (15 pages) Hon. Anne Gue Jones - Sworn  
21      Statement.)

22      CHAIRMAN RANKIN:  Okay.  Judge, you, again, know this  
23           drill, but for the record we --

24      JUDGE JONES:  Actually, I've not been for a hearing  
25           since I was elected in 2001.  I have been waived

1 every time. This is my first hearing since 2001,  
2 so I did some reading yesterday afternoon to kind  
3 of see how this goes.

4 CHAIRMAN RANKIN: Well, let me tell you. We're waving  
5 at you right now, but you're not being waived  
6 off.

7 JUDGE JONES: I understand.

8 CHAIRMAN RANKIN: But you're familiar with the process  
9 and --

10 JUDGE JONES: Yes, sir.

11 CHAIRMAN RANKIN: -- and the criteria we look for, in  
12 terms of our thorough investigation of your  
13 qualifications to continue on the bench, right?

14 JUDGE JONES: Yes, sir.

15 CHAIRMAN RANKIN: Nine of them, but specifically  
16 there's six or five that would apply to you,  
17 which is a ballot box survey, a thorough study of  
18 your application material, verification of your  
19 compliance with state ethics laws, check  
20 for economic conflicts of interest, and a search  
21 for newspaper articles in which your name  
22 appears. We have received no affidavits found in  
23 opposition of your candidacy, no witnesses are  
24 present to testify for you or agin you, and you  
25 have the opportunity for the first time ever, if

1           you'd like, to make a brief opening statement to  
2           the Commission. Otherwise, Ms. Mottel will start  
3           the questions and then members will ask as  
4           they deem fit.

5           JUDGE JONES: I would like to make a brief opening  
6           statement. I thank you all for the opportunity  
7           to meet with you today to talk with you about my  
8           qualifications for the family court bench. I  
9           appreciate the committee's time and your  
10          commitment to this process. I do believe we have  
11          an excellent process for electing judges in this  
12          state. And I want to ensure you that I do not  
13          take my position as a family court judge or my  
14          reelection to another term for granted. Thank  
15          you.

16          CHAIRMAN RANKIN: You're welcome.

17          JUDGE JONES - EXAMINATION BY MS. MOTTEL:

18           **Q. Judge Jones, after serving 17 years on the family**  
19           **court bench why do you want to continue serving**  
20           **as a family court judge?**

21           A. I have been in the family court arena for a total  
22           of 27 years now. It is what I know. I am the  
23           type of person who is comfortable to do what I  
24           know. I believe I am well equipped for the job  
25           and I am a person who has grown into this job. I

1 have learned to craft solutions to people's  
2 problems that allow them to move beyond their  
3 family court litigation and move forward with  
4 their lives. I also enjoy the job. I come to  
5 work everyday excited about what I'm going to do.  
6 I, after 17 years, still review every file before  
7 hearing. I make notes on each file before every  
8 hearing on my memo sheet. And I believe I do a  
9 good job with what I do. And, lastly, I would  
10 point out that I am the judge for our juvenile  
11 drug court in the First Circuit. I am the only  
12 juvenile drug court in the First Circuit. We  
13 started the juvenile drug court in 2005 as a  
14 collaboration between myself, the solicitor's  
15 office, the Department of Juvenile Justice, and  
16 the McCord Adolescent Treatment Facility in  
17 Orangeburg. And I do believe I do a big service  
18 to juveniles in Orangeburg and Calhoun counties  
19 by allowing them to have the opportunity for drug  
20 court, which would allow them to have their  
21 records expunged so that they will qualify to  
22 receive their education lottery money to go on to  
23 college if they chose to or to have their records  
24 expunged to go on into the military. And in  
25 Orangeburg and Calhoun counties, I believe that's

1 a huge service for young people.

2 **Q. Thank you. Judge Jones, please explain one or**  
3 **two brief accomplishments that you feel you have**  
4 **completed during your tenure and then a goal you**  
5 **would like to accomplish if reelected.**

6 A. Thank you. For the last eight years, I have been  
7 asked to be a presenter at the orientation school  
8 for new family court judges. It is run by court  
9 administration on the issue of custody, evidence,  
10 and contempt. And I believe that that is --  
11 speaks to what my colleagues that run the  
12 advisory committee think about my ability. I  
13 also would point out that for the last six years  
14 I have been the planner and the moderator for the  
15 family court bench bar seminar that's run by the  
16 bar every year, including the one that we have in  
17 two weeks. That means I plan the programs, I  
18 choose the topics, I arrange the speakers, and  
19 then I actually moderate the seminar. I've also  
20 been asked to speak through the years at numerous  
21 times at the bench bar. I was asked by the bar  
22 to be a presenter in 2016 to new Guardian ad  
23 Litems that are being trained. And my goal is to  
24 continue to learn about the law and strive to do  
25 what I do better and well so that, quite frankly,

1 my ratings for the bar, if I come to see y'all  
2 again, will be found well qualified in all areas.

3 **Q. Thank you. Judge Jones, you indicated in your**  
4 **PDQ that since your first screening you were**  
5 **named as a party in a federal civil lawsuit**  
6 **in the Fourth Circuit US District Court on**  
7 **October 27, 2011. Please explain the nature or**  
8 **disposition of this lawsuit?**

9 A. There's two lawsuits that were filed in 2011, and  
10 I don't remember which one is which, as far as  
11 October. But the first one was a Mr. Cox who  
12 sued everyone -- all the judges in the First  
13 Circuit. That case was dismissed. It was never  
14 served upon me. I did review his file later and  
15 I had never touched his file. I had never issued  
16 a bench warrant for him. I had never presided  
17 over a child support hearing or any type of  
18 hearing in family court. I think he just named  
19 me because I was a First Circuit judge. The  
20 other one was brought by a man by the name of Mr.  
21 Jamison, and that's the one I supplemented with.  
22 I did not know that that one existed until I met  
23 with Ms. Mottel and she told me that and I got  
24 the information on it. Mr. Jamison was upset  
25 because I had seen him on a rule to show cause

1 and given him an opportunity to purge by paying  
2 by certain date. When I didn't do that -- when  
3 he didn't do that, a bench warrant was issued.  
4 He came for a bench warrant issue and he saw  
5 Judge Wiley from our circuit, and Judge Wiley  
6 gave him a stricter term than I had offered him  
7 at the rule to show cause hearing and he was  
8 unhappy about that. So he came back in front of  
9 me and I said, "I can't help you, you're going to  
10 have to file a motion and get back in front of  
11 Judge Wiley." And that suit was also dismissed  
12 because they never -- he never served me with it.

13 **Q. Thank you. Judge Jones, what do you think your**  
14 **reputation is among attorneys that practice**  
15 **before you?**

16 A. I believe that my reputation is that if you come  
17 to court on time and you come to court prepared,  
18 you're going to be fine. I know that I've had  
19 issues and comments with my temperament and my  
20 patience. I don't take those comments  
21 negatively; I do take them to heart and I'm one  
22 to admit there's always room for improvement.  
23 But I do expect lawyers to be on time for court.  
24 I expect them to be prepared for court. I expect  
25 them to have their financial declaration signed



1 and actually have a financial declaration to give  
2 me; it's required by the rules. I expect them to  
3 prepare their clients for the decorum that is  
4 expected of their clients in the courtroom. And  
5 I believe that most lawyers that practice in  
6 front of me in the First Circuit would tell you  
7 that I am fair and I'm impartial. I am a  
8 stickler for the rules and I am a stickler for  
9 maintaining a tight courtroom and good decorum in  
10 the courtroom.

11 Q. Thank you. Judge Jones, the Commission received  
12 369 ballot box surveys regarding you, with 20  
13 additional comments. The ballot box survey, for  
14 example, contained the following positive  
15 comments: a wonderful judge who runs her  
16 courtroom well; please don't let Judge Jones  
17 leave the bench; she is a judge you can count on  
18 to make intellectual decision; she is a skilled  
19 jurist, even if you were on the losing end, you  
20 were treated fairly; Judge Jones is firm in her  
21 opinion, but remains open-minded to arguments of  
22 counsel. Six of the written comments expressed  
23 concerns. Five comments raised issues as to your  
24 demeanor and temperament towards attorneys and  
25 litigants, and one comment questioned your

1           **knowledge of the rules of Civil Procedure and**  
2           **Title 63. What response would you offer to these**  
3           **concerns or what potential changes would you make**  
4           **after being made aware of these concerns?**

5    A.    My first response is that I would never  
6           intentionally be rude or impatient with a lawyer  
7           or a litigant. I would -- I want everyone who  
8           leaves my courtroom to feel like they have been  
9           listened to, their case has been listened to, and  
10          they've been treated fairly. As you know, family  
11          court is highly emotionally charged and I often  
12          see people at their worst. Despite that, I am a  
13          stickler for the rules. I have had some lawyers  
14          that will argue with me about service of a Notice  
15          of Hearing on an unrepresented litigant for a  
16          final hearing. And I'm a stickler for the rules  
17          and I'm going to require that the rules be  
18          complied with. Having said that, I'm mindful of  
19          the fact, as I've said, that there's room for  
20          improvement. And I do work on perhaps being a  
21          little bit more soft with lawyers about things,  
22          but there are some lawyers that will get into an  
23          argument with me about whether or not they've  
24          complied with the rule for service of Notice of a  
25          Final Hearing and it's typically with an

1 unrepresented defendant and it's required to be  
2 served by certified mail; and many times lawyers  
3 don't serve it by certified mail. If that  
4 defendant is there, we're going forward. But if  
5 that pro se defendant is not there, we cannot go  
6 forward with that hearing.

7 Q. Thank you. I would note that the Lowcountry  
8 Citizens Committee reported that Judge Jones is  
9 qualified regarding the constitutional  
10 qualifications, physical health, and mental  
11 stability and that she is well qualified  
12 regarding ethical fitness, professional and  
13 academic ability, character, reputation,  
14 experience, and judicial temperament. Additional  
15 comments provided by the committee included:  
16 "very experienced, very capable." Judge Jones, I  
17 have a few housekeeping issues to discuss with  
18 you.

19 A. Yes, ma'am.

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

23 A. No.

24 Q. Are you familiar with Section 2-19-70, including  
25 the limitations on contacting members of the

1           **General Assembly regarding your screening?**

2           A.    Yes.

3           **Q.    Since submitting your letter of intent, have you**  
4           **sought or received the pledge of any legislator,**  
5           **either prior to this date or pending the outcome**  
6           **of you screening?**

7           A.    No.

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

12          A.    No.

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

16          A.    Yes.

17          MS. MOTTEL: I would just note for the record that any  
18          concerns raised during the investigation  
19          regarding Judge Jones were incorporated into the  
20          questioning of the candidate today. Mr.  
21          Chairman, I have no further questions.

22          CHAIRMAN RANKIN: Okay. Questions by the Commission?

23          JUDGE JONES - EXAMINATION BY CHAIRMAN RANKIN:

24          **Q.    Judge, I want to comment on the comments. And**  
25          **you obviously have received overwhelming**

1 positives, 369 comments highly qualified, well  
2 qualified, so I don't want the record to reflect  
3 that I'm tacking to the negative. But there is a  
4 little theme. And, again, your detractors are  
5 few. Few, quite few. But in the -- those who  
6 have taken the time to comment, six out of 20,  
7 they're -- and my term, not this, but a sense  
8 that, perhaps, that what you've already  
9 expressed, black and white, abide by the rule and  
10 they if they don't comply then they're not going  
11 to think favorably of you. That may well be the  
12 theme here. But the question for me would be, if  
13 someone wrote that they like you, but there  
14 again, my term, seems to be a bit of a heavy  
15 wearing of the robe, in terms of perhaps how you  
16 treat people, litigants, represented, attorneys.  
17 Again, with the caveat that there is -- this is  
18 the exception but is that a valid concern?  
19 Should that be a valid concern of mine?

20 A. I don't think it should be a valid concern of  
21 yours. You know, again, I expect people to be  
22 prepared and be on time. Maybe I'm not -- as I'm  
23 applying the law, I certainly would acknowledge  
24 that maybe I need to be more compassionate about  
25 the application of the law or the rules to the

1 certain situation, but I don't -- I really do not  
2 believe that I'm overhanded in my dealings with  
3 lawyers or litigants in family court. And I will  
4 add to that. One of the things that I do think  
5 is an issue is the time constraints that we have  
6 in family court. They are -- they're always  
7 there. And in family court, depending on the  
8 type of hearing that you have or the time  
9 allotted for your hearing, you don't have the  
10 luxury of endless amount of time to present your  
11 case. In the First Circuit, the lawyers who  
12 request a hearing tell us what amount of time  
13 they think they need. I'm pretty close to  
14 holding them to that time. Because, if I don't,  
15 then it's a trickle-down effect and the people  
16 behind them are going to be shorted on time or  
17 are going to end up spending hours waiting for  
18 their case to come up past the time that it was  
19 allotted. So I am pretty firm-handed about  
20 holding lawyers to the time that their case has.  
21 That doesn't mean that I'm not going to let them  
22 run over some, but I'm not going to let them run  
23 over and keep other lawyers and litigants who are  
24 scheduled behind them waiting. And I do think  
25 sometimes my patience and my demeanor a lot of

1 times comes from the fact that I try to keep us  
2 on task on the docket.

3 **Q. Your docket -- and you're in -- you're**  
4 **Orangeburg?**

5 A. Calhoun and Dorchester counties.

6 **Q. In a week's time, in a month's time, how much**  
7 **time are you actually on the bench?**

8 A. I am on the bench, typically, from 9:30 in the  
9 morning, maybe before 9:30 if we have bench  
10 warrants to hear or emergency scheduled. We  
11 break for lunch at one. Come back from lunch at  
12 two and on the bench until 5:00, Monday through  
13 Thursday. On Friday's we are typically on the --  
14 I'm typically on the bench from about somewhere  
15 around 9:15 or 9:30 until 1:00 o'clock.

16 **Q. And of that general time frame, how many -- what**  
17 **percentage would you say are represented or those**  
18 **who appear pro se? Approximately is fine.**

19 A. It's hard for me to say.

20 **Q. In a year's time, how about that, overall?**

21 A. I would say that we have about 60 percent of our  
22 people are represented and 40 percent are pro se.  
23 The rise of the self-represented litigants in  
24 our circuit, I think, is just phenomenal. And I  
25 realize that the ballot box surveys are coming

1 from lawyers, but self-represented litigants  
2 coming into court, they don't have an  
3 understanding a lot of times of how things are  
4 supposed to happen. They think it's like what  
5 they see on court TV. And I think there's a  
6 definite struggle between lawyers who are  
7 representing people and having to have a self-  
8 represented litigant on the other side. I don't  
9 want the self-represented litigant to think that  
10 the lawyer's real chummy with me or that -- I'm  
11 pretty -- I'm a little standoffish about being  
12 real friendly with lawyers when they come and go  
13 out of the courtroom because I don't want anybody  
14 to think that they're getting an advantage or  
15 that lawyer is real friendly with her, whether  
16 they're represented or not. So I try to, you  
17 know, -- I'm not going to let a lawyer come in  
18 and talk to me about a case if there's a self-  
19 represented litigant on the other side. They're  
20 going to have to all come in the courtroom at the  
21 same time.

22 **Q. I praise you for what you're doing. Your job is**  
23 **one of the hardest, I would think, because**  
24 **you're, as you said, dealing with issues fraught**  
25 **with emotions, incredible push-and-pull going on**



1 in your courtroom on any number of fronts. So I  
2 would not do what you do. Lord bless you. I  
3 couldn't do it. I don't think my patience -- I  
4 don't believe I would be found qualified. I'm  
5 officially temperamentally averse to what you do.  
6 That would be my rap. I think self awareness  
7 would never put me where you are, so I praise you  
8 for what you're doing.

9 REPRESENTATIVE RUTHERFORD: And your timeliness.

10 Q. That said, it is incredibly that the public have  
11 a sense of fairness, confidence, not necessarily  
12 compassion, but I agree with you. A lawyer  
13 doesn't need to be saddling up to you try to  
14 suggest --

15 A. And sometimes they're not trying to -- I don't  
16 think they're trying to get anything over on me,  
17 but it's just too friendly. It's just "how you  
18 doing, Judge?", whatever.

19 Q. But to that point, that's not a bad thing, is it?

20 A. No. And I --

21 Q. You can't be -- you can't be so standoffish that  
22 it appears that you don't want anybody in your  
23 courtroom.

24 A. Not at all. And I think if lawyers come into my  
25 courtroom and both lawyers come in, you know, and

1 I know them both well and they're both saying,  
2 "how you doing?", and maybe we're cutting up and  
3 it's just a difference as far as who the lawyers  
4 are and how friendly they are and who's on the  
5 other side and what do I -- how well do I know  
6 who's on the other side.

7 Q. That's all I have. Mr. Hitchcock.

8 JUDGE JONES - EXAMINATION BY MR. HITCHCOCK:

9 Q. Good morning, Judge.

10 A. Good morning.

11 Q. Thank you for being here and thank you for going  
12 through your first screening in quite a while, so  
13 hopefully it's not too painful. I just wanted to  
14 ask you just a couple of questions in a little  
15 bit building upon the theme of the Chairman. You  
16 were -- you graduated from law school in 1990?

17 A. Yes, sir.

18 Q. Okay. And then I think you went to go work for  
19 the Supreme Court for a little while after that?

20 A. Yes, sir.

21 Q. And then you were in a -- a partner in Bryant,  
22 Fanning, and Schuler in Orangeburg?

23 A. Yes, sir.

24 Q. And you did that for about ten years?

25 A. Yes, sir.

1 Q. And I think you -- it looks like that you mainly  
2 handled domestic and family court cases with the  
3 firm?

4 A. I did.

5 Q. How big was that firm?

6 A. At the time, that firm had five, six lawyers when  
7 I started, and I was hired to do the family court  
8 litigation. They did not -- they were male  
9 lawyers and they didn't want to deal with family  
10 court.

11 Q. I only lasted in family court for a year, so I  
12 can -- I understand. The -- did you practice in  
13 multiple counties?

14 A. I did practice in Orangeburg, Calhoun,  
15 Dorchester, and Richland counties. And I did go  
16 to Barnwell and Bamberg some.

17 Q. And you've been on the bench now for 17 years, I  
18 believe?

19 A. Yes, sir.

20 Q. And I completely understand your answers about  
21 being a stickler for people being on time and for  
22 knowing the rules, and I applaud you for that.  
23 The one thing, though, that I'd like for you to  
24 maybe kind of walk through with me a little bit  
25 is, you know, it's been a while since you were

1           that -- you know, that practitioner who  
2           was running kind of here and there --

3    A.    Yes, sir.

4    Q.    -- and all over the place and probably having to  
5           be in multiple counties at one time and trying to  
6           juggle schedules and clients and all those types  
7           things.  And certainly you have those types of  
8           lawyers that are now appearing in front of you,  
9           right?

10   A.    Yes, sir.

11   Q.    How do you kind of keep that connection or that -  
12           - empathy is probably the wrong word, but that --  
13           kind of that understanding of what it was like to  
14           be in those -- to be in those shoes and, you  
15           know, having to run from place to place and to  
16           make sure that you're being understanding of  
17           those types of -- not only of, you know,  
18           lawyers having to be in multiple places at one  
19           time, but also trying to balance a -- you know, a  
20           life of outside of practicing law, too, of being  
21           able to make soccer games and basketball games  
22           and those types of things but still be a, you  
23           know, stickler for being on time and then -- and  
24           knowing the -- and being prepared.

25   A.    Well, I think there's a difference between a

1 lawyer who has issues with getting on time if  
2 they have a hearing in another county. A lot of  
3 times they'll call ahead and let the clerk's  
4 office know, can she call my case last or can  
5 she call my case because I have to be somewhere  
6 else. And certainly I'm willing to do that. Or  
7 if you're running late, call the clerk's office,  
8 I'm running late. You know, I got held up longer  
9 in Charleston county and I've got to get out to  
10 Summerville. I understand all that and I  
11 certainly -- I'm certainly amenable to that.  
12 It's more that when lawyers show up and there's  
13 no legitimate reason for being late. And perhaps  
14 they are ones that often don't have their  
15 financial declaration or they don't have their  
16 service information or that type thing. I do --  
17 I certainly understand, especially when I'm in  
18 Summerville and Dorchester County. Most of those  
19 lawyers are practicing in Charleston and Berkeley  
20 and in Dorchester. And the traffic down there  
21 and the contentiousness of the dockets down there  
22 can often cause them to run late. And so I am  
23 mindful of that. I just would like for people --  
24 and I'll tell people when -- if they're late one  
25 time, next time call and let the clerk's office

1 know you're running late so that, you know,  
2 we know that and we can adjust whatever we've got  
3 out in the hallway, the dockets or whatever. And  
4 for that reason, I do try to -- you know, I try  
5 to ask lawyers to tell us that, just give us a  
6 heads-up about that.

7 CHAIRMAN RANKIN: Any other questions? Representative  
8 Rutherford.

9 JUDGE JONES - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

10 Q. Good morning, Judge.

11 A. Good morning, Mr. Rutherford.

12 Q. You stated that you would -- because this is the  
13 first time you've been screened that the next  
14 time you came back you'd like to see your  
15 comments all be where you want them to be. Given  
16 the number of comments that dealt with  
17 temperament and the number of questions that deal  
18 with temperament issues, how would you -- what  
19 would you fix?

20 A. I would fix my -- I guess my interaction with the  
21 attorneys that are coming into my courtroom, try  
22 to be more comfortable with them, more  
23 encouraging of them. I maybe need to explain  
24 things a little bit better than I do sometimes.  
25 With lawyers, for the benefit of their litigants

1 -- their clients, the litigants, basically that's  
2 what I would fix is just, you know, be more  
3 approachable and more willing to try to have a  
4 better interaction with them as they come and go  
5 for my courtroom.

6 **Q. Fair to say that because you have not been**  
7 **screened and this is the first time you've seen**  
8 **these comments and had to deal with them, do you**  
9 **wish that you had been screened more often so**  
10 **that you could have dealt with them before now**  
11 **and seen what your peers think of you?**

12 A. I went through the screening; I just didn't come  
13 for a hearing before you all before the whole  
14 Commission, so --

15 **Q. Right. And I'm not making the distinction being**  
16 **waived --**

17 A. Right.

18 **Q. -- I mean appearing here having to read the**  
19 **comments and address them.**

20 A. And so I had those comments last time, you know,  
21 and I had some questions about my patience last  
22 time. I am disappointed, dissatisfied personally  
23 with my -- with my results from the bar  
24 evaluations this time. I just -- I don't believe  
25 that my experience has declined in the last six

1 years in this job. And I have made a conscious  
2 effort since I got those evaluations to try be  
3 more patient and more -- come across as being  
4 more understanding of something that perhaps in  
5 the past I have not been. I certainly again -- I  
6 don't -- I don't dismiss the negative comments.  
7 I have taken them to heart and it's my hope and  
8 my plan to improve on those areas.

9 **Q. Do you think -- and I find this with myself**  
10 **because I've been doing it for a while now, that**  
11 **I get impatient with the clients that question me**  
12 **because maybe I would have listened to it ten**  
13 **years ago but now I just cut them off and say**  
14 **this is the way it is. Do you feel like your**  
15 **experience is leading you to maybe be**  
16 **shorter with lawyers so that that's why -- was it**  
17 **six of 20 comments were about -- negative**  
18 **comments about your temperament? Do you think**  
19 **that that may be it?**

20 **A.** I don't think that that's it. I do think a lot  
21 of it has to do with the time constraints that we  
22 have in family court and the fact that I just  
23 feel like I need to keep things moving along and  
24 I don't want to get terribly behind with my  
25 docket. I do think that primarily that's what my



1 concern is. When I have to hear 30 abuse and  
2 neglect cases in one day or 18 temporary hearings  
3 in one morning, we just don't have the luxury of  
4 a lot of time. And I have had a couple of  
5 incidents with lawyers where there was a clear  
6 failure to follow the rules on service and the  
7 lawyer just was -- just could not believe that I  
8 was not going to let him go forward because --  
9 but he hadn't complied with the Rule. And I just  
10 feel like if the person's not there and you  
11 haven't complied with the Rule, we can't go  
12 forward. And when there's other hearings waiting  
13 to be heard, I'm not terribly willing to have  
14 that back and forth. I try to explain this is  
15 what I think you need, this is what the Rule  
16 requires that you have, and that's not what you  
17 have. And so we can't go forward.

18 **Q. And, you know, that's the only bad part about the**  
19 **comments being anonymous is that that same lawyer**  
20 **probably also wouldn't take the time to write us**  
21 **a comment either. But if it's the other people**  
22 **that are in front of you on a regular basis that**  
23 **you think appreciate what you do and they are**  
24 **the ones writing the negative comments, then we**  
25 **really have to --**

1 A. And I certainly -- I agree with that and I  
2 understand that. But on the one hand, the  
3 positive comments are that I have good control of  
4 my courtroom and that I'm no nonsense, you know,  
5 so -- and it is a disadvantage to not know the  
6 context or the specifics of the negative  
7 comments. Not -- I don't need to know who the  
8 people are. But if I had more information about  
9 the specificity of it, then I feel like I could  
10 respond to it better.

11 Q. Again, I don't want to challenge you. I just --  
12 it always concerns me when I see temperament  
13 issues come up because it is so important, the  
14 position that you hold --

15 A. I agree.

16 Q. -- how you greet people in the morning,  
17 especially in family court, can make or ruin a  
18 lawyer's day. The fact that you said that you  
19 are cautious about speaking to lawyers that you  
20 know in front of pro se litigants, I hear you. I  
21 mean, as a pro se litigant, I can't imagine  
22 walking in and the other lawyer's extremely  
23 chummy with the judge and I'm sitting there  
24 waiting to get reamed. But I just caution you,  
25 moving forward, about the number of negative

1           comments. Because we do have some judges that  
2           move through here that do not have any, so --

3           A. I understand that. I certainly -- and, again, I  
4           take it to heart and it's my intention to  
5           personally commit to improve on that and I've  
6           already begun doing that.

7           Q. Okay. No further questions.

8           JUDGE JONES - EXAMINATION BY MS. MCIVER:

9           Q. Thank you, Judge Jones. I'm going to turn a  
10          little bit and ask you about, I guess, more of a  
11          positive thing that you mentioned. And after  
12          reading one of the letters we've received from  
13          Thomas Bryant, who I know is one of your former  
14          law partners.

15          A. Yes, ma'am.

16          Q. He says, "I continue to be immensely pleased with  
17          what I hear about Judge Jones and my own  
18          observations of her throughout these years. Her  
19          character, ability in the law, judicial  
20          temperament and total fairness to attorneys and  
21          litigants could not be higher." I used to  
22          practice in family court and I know how  
23          emotionally charged it can be. And how when  
24          attorneys come in they are so set in their ways.  
25          And of the things you mentioned this morning was

1           that you help craft solutions to people's  
2           problems. Can you give us some examples of how  
3           you may have worked with the lawyers who seem so  
4           dug in on working to find a solution for the  
5           litigants?

6       A. Well, particularly, where I see that I think I'm  
7           the best at crafting solutions to some people's  
8           problems is the issues related to custody or  
9           joint custody. I have learned ways to maybe --  
10          maybe they've both dug their heels in about  
11          something to do with the visitation, even  
12          something as simple as the exchange point for the  
13          visitation for the children. And so I believe  
14          that I can craft a solution where both parties  
15          feel like they've won something and they're  
16          satisfied because I didn't just go, oh, I went  
17          with the whole way with this person's position.  
18          Instead, I kind of take it and give them both a  
19          little bit of what they're asking for, but craft  
20          a solution that really works for everybody so  
21          that nobody walks away with that feeling that I  
22          have, you know -- I didn't win anything here, my  
23          position wasn't even heard, nothing that I wanted  
24          was done. Kind of that position, as far as I can  
25          think outside the box and say well, we can do

1           this or we can do that. It doesn't have to be  
2           all one way or the other.

3           **Q. Thank you.**

4           A. Thank you.

5           CHAIRMAN RANKIN: Anyone else?

6           JUDE JONES - EXAMINATION BY MR. SAFRAN:

7           **Q. Good morning.**

8           A. Good morning.

9           **Q. Let me, I guess, take one more step from what**  
10           **you've been hearing and just kind of put it in**  
11           **context. I know that in the time I've been here**  
12           **one thing that has been a very salient point with**  
13           **every judge that's come in is, the idea that the**  
14           **courtroom should be a place that no one should**  
15           **fear to go into. And I know that, particularly**  
16           **when you're dealing in a family court context,**  
17           **it's hard to maintain control because of the**  
18           **emotions that seem to fly. And I get the sense**  
19           **that, you know, you've tried to kind of make sure**  
20           **that there's no question about fairness. And I**  
21           **think the comments are pretty much consistent,**  
22           **that nobody questions your fairness, that you**  
23           **really try to make the right decision and that**  
24           **nobody walks out feeling like they hadn't been**  
25           **heard, which, again, is what we look for in**

1 judges.

2 A. Right.

3 Q. I think, obviously, there's a balance. And from  
4 what I'm gathering, maybe because of the volume  
5 of what you're doing, the time constraints and  
6 the fact that you do encounter people, as we all  
7 do, that make a point of being disruptive that,  
8 you know, you're trying to maintain some control  
9 but at the same time I think what we're looking  
10 at is it's temperament has just become something  
11 that has been a very high priority for us over  
12 the last several years. And I don't think  
13 there's a person that comes in here that we don't  
14 say something one way or the other to them about  
15 it. And so I think, again, don't in any way  
16 think that comments like these are ones that are  
17 directed to your quality as a judge, because I  
18 think it's very high. It's just a matter of  
19 maybe the days when you and I came up where you  
20 could go into a courtroom and the judge might be  
21 somebody that, you know, you were really always  
22 having to watch what you were doing and just had  
23 to sometimes be ready to take a little slap. I  
24 don't think those days exist anymore.

25 A. I agree with you. They don't exist. You know,

1           there are no Al Biggs on the family court bench  
2           anymore.

3   **Q.**   **Exactly. And, you know, we've all run into it.**  
4           **And, you know, some of us that who have a little**  
5           **bit of age, we ran into it probably more than we**  
6           **do now. And I guess the whole point is, is while**  
7           **a judge certainly has every right and**  
8           **expectation that they're going to run the show in**  
9           **the courtroom, that, you know, what we're looking**  
10          **at is it can be done, you know, in a manner**  
11          **that's probably a little bit more comfortable,**  
12          **unless circumstances require otherwise. And I**  
13          **think you get that.**

14   **A.**   **Oh, I do. I get that 100 percent. And it's my**  
15          **belief that in the large part of these negative**  
16          **comments there had to be something in the**  
17          **circumstances that required otherwise --**

18   **Q.**   **Well --**

19   **A.**   **-- because in the day-to-day family court, I just**  
20          **don't believe that my temperament is the type**  
21          **that warrants the nature of the comments that --**  
22          **the negative comments that I've gotten.**

23   **Q.**   **And don't think that we're oblivious to the fact**  
24          **that, you know, people have lives outside of the**  
25          **courtroom and we know how those things can**

1 impact. And so, again, I think that we're -- I'm  
2 very personally satisfied to hear that you've  
3 taken them to heart and that, you know, you want  
4 to basically see if you can reach that balance.  
5 It might be ones that some of these folks that  
6 are saying some negative things might find out  
7 that maybe they were mistaken. So we appreciate  
8 you being here and enjoyed listening to you.

9 A. Thank you.

10 JUDGE JONES - EXAMINATION BY CHAIRMAN RANKIN:

11 Q. Judge, do you participate in these bench bar  
12 ballot box surveys?

13 A. I do if I know -- if I personally know the  
14 experience of somebody that is -- I don't do it  
15 if I don't know them.

16 Q. And I don't either. Again, for the record, 20  
17 comments, I think maybe only six not so positive,  
18 so it's not maybe one outlier, but maybe six  
19 outliers. And, again, the theme -- my concern,  
20 you've addressed that sufficiently. But  
21 remember, if you will, you're dealing with the  
22 public, not just the lawyer that may be  
23 perpetually late or perpetually unprepared. But  
24 you're dealing with the public and, obviously you  
25 have struck that balance because you've got



1 favorable as well. So, with that, unless there  
2 are any other questions, this will close this  
3 portion of our screening process. Remind you  
4 that a part of our evaluative criteria is that we  
5 adhere both to the spirit and the letter of the  
6 South Carolina ethics laws and expect candidates  
7 and judges seeking reappointment to likewise be  
8 charged. Any violation or appearance of  
9 impropriety will be deemed very serious and  
10 potentially deserving of having you come back to  
11 explain. This record will not be closed until  
12 the final record of qualifications is issued. So  
13 I don't think we're going to see you again, but  
14 you understand that that's --

15 A. Yes, sir, I do.

16 Q. And now just before we close the record, Senator  
17 Young would like to be heard.

18 JUDGE JONES - EXAMINATION BY SENATOR YOUNG:

19 Q. Thank you, Mr. Chairman. Judge Jones, you've  
20 been on the bench 17 years?

21 A. Yes, sir.

22 Q. One question I have is in the area of abuse and  
23 neglect. If you could improve the system in  
24 terms of how we handle abuse and neglect cases in  
25 family court if you could do one thing to improve

1           **it what would that be?**

2       A.    I think there needs to be better education of the  
3            people that are in the trenches that work for  
4            DSS, the caseworkers.  I sense that they just --  
5            I don't think they're paid enough and I don't --  
6            because of that, I don't think they're trained as  
7            well as they could be and probably should be.  
8            Abuse and neglect cases are overrunning our  
9            dockets in family court, unfortunately.

10       **Q.    And there's been a lot of enormous turnover at**  
11       **DSS --**

12       A.    There have been, and even on my local level.  I  
13            mean, you know, the turnover in the case workers  
14            is just phenomenal.  I can't even get used to  
15            somebody's face and name until they've gone onto  
16            something else where they're being paid more.

17       **Q.    Okay.  Thank you --**

18       A.    They don't have the stresses that they have with  
19            abuse and neglect.

20       **Q.    Thank you so much.**

21       CHAIRMAN RANKIN:  Judge, than you very much.  That  
22            will conclude this portion.  And, again,  
23            appreciate your being here early today and  
24            participating in this.

25       JUDGE JONES:  Thank you.

1 (Off the Record)

2 HONORABLE ANGELA W. ABSTANCE

3 CHAIRMAN RANKIN: Good morning, Judge.

4 JUDGE ABSTANCE: Good morning.

5 CHAIRMAN RANKIN: Welcome. We appreciate your being  
6 here early.

7 JUDGE ABSTANCE: Thank you.

8 CHAIRMAN RANKIN: If you will, raise your right hand.

9 HONORABLE ANGELA W. ABSTANCE, having been duly sworn,  
10 testifies as follows:

11 CHAIRMAN RANKIN: You've got a PDQ and a Sworn  
12 Statement there before you?

13 JUDGE ABSTANCE: Yes, sir.

14 CHAIRMAN RANKIN: And any changes that need to be made  
15 to those?

16 JUDGE ABSTANCE: No, sir.

17 CHAIRMAN RANKIN: And you don't have any objection to  
18 those being made part of the record?

19 JUDGE ABSTANCE: No objection.

20 (Exhibit Number 4 was marked for identification  
21 purposes - (15 pages) Hon. Angela W. Abstance -  
22 Personal Data Questionnaire.)

23 (Exhibit Number 5 was marked for identification  
24 purposes - (7 pages) Hon. Angela W. Abstance - Sworn  
25 Statement.)

1 CHAIRMAN RANKIN: All right. Hand those to Lindi, if  
2 you will. You were here with us not long ago?

3 JUDGE ABSTANCE: Yes, sir.

4 CHAIRMAN RANKIN: Last year?

5 JUDGE ABSTANCE: Last year.

6 CHAIRMAN RANKIN: Welcome back.

7 JUDGE ABSTANCE: Thank you.

8 CHAIRMAN RANKIN: You know what we do, what our  
9 criteria is that we look to investigate for you  
10 continuing to serve. And I need to put that on  
11 the record. There are nine specifics, six of  
12 which will apply to you, which includes the  
13 ballot box survey, thorough study of your  
14 application of materials, verification of your  
15 compliance with the state ethics laws, search of  
16 newspaper articles in which your name appears,  
17 past screenings, and check for economic conflicts  
18 of interest. No affidavits have been filed in  
19 opposition to your election, and no one is here  
20 to testify for you or against you. You have the  
21 opportunity, if you'd like to, to speak to all of  
22 us generally, briefly. If not, we'll turn it  
23 over to Mr. Appleby for questions specifically  
24 regarding your case.

25 JUDGE ABSTANCE: Thank you. And I'll waive any brief

1 opening statement, other than just to say I'm  
2 enjoying it. I appreciate the opportunity to  
3 serve and I hope I get to continue to do that.

4 CHAIRMAN RANKIN: Thank you.

5 JUDGE ABSTANCE - EXAMINATION BY MR. APPLEBY:

6 **Q. Judge Abstance, after serving on the family court**  
7 **since July of this year, why do you want to**  
8 **continue serving as a family court judge?**

9 A. I am really loving the job. I get to use my  
10 brain every day trying to solve problems. New  
11 little wrinkles come up every single time that  
12 you don't expect, and it's been a lot of fun  
13 getting to sort through those. I've enjoyed  
14 traveling around and meeting different attorneys  
15 and getting to see how they do things differently  
16 in different circuits, so I'm really enjoying  
17 that. I want to continue doing it.

18 **Q. Please explain one or two brief accomplishments**  
19 **that you feel you've completed during your brief**  
20 **tenure, and then a goal you would like to**  
21 **accomplish if reelected.**

22 A. Let's see, accomplishments? I'm not quite sure  
23 how to respond to that. I feel like I have  
24 started getting used to keeping the timetable  
25 moving, keeping that docket moving, and getting

1 more familiar with the heavy lifting that you do  
2 in temporary hearings. I don't think anybody  
3 ever gets comfortable with that, but I'm  
4 navigating my way thorough that system, so I hope  
5 to continue to be able to do that.

6 **Q. Judge Abstance, since your last screening**  
7 **there have been no lawsuits filed against you,**  
8 **correct?**

9 A. Right.

10 **Q. What do you think your reputation is among**  
11 **attorneys that practice before you?**

12 A. I hope that it's good. I try to be very -- very  
13 respectful and kind, as much as I can be on the  
14 bench. I try to be empathetic with the people  
15 that are in my courtroom. So I haven't heard any  
16 complaints. I hope that I'm doing okay on that  
17 respect.

18 **Q. Judge Abstance, the Commission received 227**  
19 **ballot box surveys regarding you, with five**  
20 **additional comments. The ballot box survey, for**  
21 **example, contained the following positive**  
22 **comments: has all the main character traits**  
23 **needed for this court; in a very short time on**  
24 **the bench Judge Abstance has justified her recent**  
25 **election; she's a fantastic lawyer and an even**

1 better person. One of the written comments  
2 expressed concerns. The comment indicated you  
3 were inexperienced and not qualified for judicial  
4 office at this point in your career. What  
5 response would you offer to this concern?

6 A. Well, I know everybody on the Commission has  
7 carefully reviewed my packet of information, so I  
8 would really just stand by my record. Prior to  
9 my election, I think I had done everything you  
10 can do in family court except for juveniles. I  
11 hadn't been a solicitor, I hadn't been a public  
12 defender, but I did -- make diligent efforts to  
13 sit in on those terms of court, talk with those  
14 attorneys who did that work. So I feel like I am  
15 qualified and I've been told I look rather young,  
16 so sometimes people who don't know me kind of are  
17 taken aback. But there's nothing I can do about  
18 that, so I just stand by my record on that.

19 Q. Judge Abstance, during your previous screening,  
20 there were questions by the Citizen's Committee  
21 regarding your perceived timid demeanor and  
22 questions of whether you could control a  
23 courtroom. How would you respond to that now  
24 that you have had a few months serving on the  
25 bench?

1 A. I just think it's always better to treat  
2 everybody with respect and kindness. And I think  
3 that doesn't mean that you can't be firm in  
4 the courtroom. I've had several occasions  
5 probably mainly with pro se defendants where, you  
6 do have to kind of step in and be a little more  
7 stern with them, but I think I've handled that  
8 well.

9 Q. Thank you, Judge Abstance. A few housekeeping  
10 issues. Since submitting your letter of intent,  
11 have you contacted any members of the Commission  
12 about your candidacy?

13 A. No.

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

17 A. Yes.

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

22 A. No.

23 Q. Have you asked any third parties to contact  
24 members of the General Assembly on your behalf or  
25 are you aware of anyone attempting to intervene



1           **in this process on your behalf?**

2           A.    No.

3           **Q.    Have you reviewed and do you understand the**  
4           **Commission's guidelines on pledging and South**  
5           **Carolina Code § 2-19-70(E)?**

6           A.    Yes.

7           MR. APPLEBY:  I would note the Midlands Citizen's  
8           Committee Reported Judge Abstance to be well  
9           qualified in the evaluation criteria of ethical  
10          fitness, professional and academic ability,  
11          character, reputation, experience, and judicial  
12          temperament, and qualified in the remaining  
13          evaluative criteria of constitutional  
14          qualifications, physical health, and mental  
15          stability.  I would note for the record that any  
16          concerns raised during investigation of the  
17          candidate were incorporated into the questioning  
18          of the candidate today.  Mr. Chairman, I have no  
19          further questions.

20          CHAIRMAN RANKIN:  Okay, thank you.  Questions by the  
21          Commission?  Senator Young.

22          SENATOR YOUNG:  Thank you, Mr. Chairman.

23          JUDGE ABSTANCE - EXAMINATION BY SENATOR YOUNG:

24          **Q.    Judge Abstance, thank you so much for your**  
25          **interest in continuing your service on the bench.**

1 I know you haven't been there long, but we're  
2 honored to have you serve in the Second Judicial  
3 Circuit. Where have you been holding court since  
4 you took -- since you got on the bench?

5 A. Well, I have been to Charleston and Greenville  
6 and Lexington. I got my first week in Lexington,  
7 and I sat with Judge Smoak in Beaufort and Judge  
8 McGee down in Charleston as well. And, other  
9 than that, I think I've been in the Second  
10 Circuit.

11 Q. One question I have is if you could recommend one  
12 change to the system for abuse and neglect cases,  
13 based on your experience as a private practice  
14 attorney, as a DSS lawyer, and then as a family  
15 court judge what would that be?

16 A. One of the biggest problems that I see in abuse  
17 and neglect cases is that they get rolling with  
18 those cases without giving notice and without  
19 serving the biological fathers many times. And  
20 DSS will request that this hearing happen without  
21 prejudice to the people who aren't served. And  
22 the cases go forward and then it may be two or  
23 three years into this abuse and neglect case and  
24 they decide that a TPR action is going to be  
25 filed, that the parent hasn't remedied those

1 conditions. And then you're filing a TPR where a  
2 biological father might never have had notice  
3 that their child was in foster care. So I really  
4 encourage DSS in the cases that I see to make  
5 every diligent effort to try to locate those  
6 parents before that happens. It's really  
7 difficult for them to intervene when the train  
8 has already left the station, is that far down  
9 the road to try to come in and have the  
10 opportunity to be a parent at that late date. So  
11 that's my biggest concern right now.

12 **Q. Do you get any push back from DSS on notifying**  
13 **the biological father earlier in the process?**

14 A. I wouldn't say I necessarily get push back. But  
15 I think that sometimes it's something that just  
16 hasn't been a priority for the case worker.  
17 They're focused on the people who are in front of  
18 them right now. And a lot of times, you know,  
19 that other parent may not be forthcoming with  
20 that information, so I understand it does make it  
21 hard. But I think that the child deserves every  
22 effort that they can to make sure that we've  
23 located everybody.

24 **Q. Thank you very much.**

25 CHAIRMAN RANKIN: Okay. Any other questions?

1 JUDGE ABSTANCE - EXAMINATION BY CHAIRMAN RANKIN:

2 Q. Judge, I want to thank you for last year's  
3 submission to this and your continued willingness  
4 to do this again for the bench bar ballot box  
5 standpoints. I call it bench bar. It's probably  
6 not even the term, but that's the way I remember  
7 it. Do you participate in that yourself, in the  
8 ballot box?

9 A. I didn't this year. I have in the past.

10 Q. Do you believe that to be a valuable tool, for  
11 good or bad?

12 A. I'm not sure. I know a lot of attorneys are  
13 still quite unsure if that's anonymous, so I  
14 think there's still some trepidation on answering  
15 those questions, but ...

16 Q. In terms of what we do, is that a tool that you  
17 recommend we use? One of them?

18 A. I don't have any objection to it being used. I  
19 think it's -- I think it's a good way. I don't  
20 know how else you would get that input from the  
21 bar other than that. And I think it's important  
22 to have that.

23 Q. Okay. You mark -- or rate very highly by your  
24 peers. And so keep up the good work.

25 A. Thank you.

1 CHAIRMAN RANKIN: Unless there are other questions,  
2 that will conclude this portion of our screening  
3 process. You remember from last year what we do.  
4 One of the things is that we pay very close  
5 attention to any actual violation of appearance  
6 of impropriety regarding any state ethics rules  
7 or laws. So if there would be a question about  
8 your stepping or venturing off the path, we --  
9 you understand we would have the right to call  
10 you back? You understand that?

11 JUDGE ABSTANCE: Yes, sir.

12 CHAIRMAN RANKIN: I don't expect that will be the  
13 case, but any violation or appearance would be  
14 deemed very serious or potentially weighted by us  
15 with very heavy, serious consideration. This  
16 record will remain open until formal closure of  
17 it and issuance of it. And if we would need to  
18 get you back, we would do that. And I don't  
19 expect that to be the case. With that, we bid  
20 you adieu and wish you godspeed in your  
21 continuing service.

22 JUDGE ABSTANCE: All right. Thank you very much.

23 CHAIRMAN RANKIN: Thank you.

24 (Off the Record)

25 HONORABLE ANGELA R. TAYLOR

1 CHAIRMAN RANKIN: Good morning.

2 JUDGE TAYLOR: Good morning.

3 CHAIRMAN RANKIN: Welcome. Judge Taylor?

4 JUDGE TAYLOR: Yes, sir.

5 CHAIRMAN RANKIN: We're glad to have you back with us.

6 JUDGE TAYLOR: Thank you.

7 CHAIRMAN RANKIN: If you will do, as you ask your  
8 litigants, to raise your right hand.

9 HONORABLE ANGELA R. TAYLOR, having been duly sworn,  
10 testifies as follows:

11 CHAIRMAN RANKIN: You have before you two documents.

12 That is the PDQ and Sworn Statement; is that  
13 right?

14 JUDGE TAYLOR: Yes, sir.

15 CHAIRMAN RANKIN: Any changes that need to be made to  
16 those?

17 JUDGE TAYLOR: No, sir.

18 CHAIRMAN RANKIN: And you don't object to those being  
19 made a part of the record with your sworn  
20 testimony?

21 JUDGE TAYLOR: No, sir.

22 CHAIRMAN RANKIN: If you'll hand them over. I'm  
23 pointing your right -- your left, my right. And  
24 those will be so marked. You've did -- you did -  
25 - you've been through screening how long ago?

1 (Exhibit Number 6 was marked for identification  
2 purposes - (13 pages) Hon. Angela R. Taylor - Personal  
3 Data Questionnaire.)

4 (Exhibit Number 7 was marked for identification  
5 purposes - (5 pages) Hon. Angela R. Taylor - Sworn  
6 Statement.)

7 JUDGE TAYLOR: I guess about six years ago. And I  
8 don't think we had this process at that time.  
9 They let us be exempt from that.

10 CHAIRMAN RANKIN: Okay. So what we do, as you know,  
11 and I know you've read up on this, but we're  
12 looking at our investigation nine particular  
13 evaluative criteria which includes a ballot box  
14 survey, study of your application materials,  
15 verification of your compliance with state ethics  
16 laws, and check for economic conflicts of  
17 interest. We've received no affidavits filed in  
18 opposition to your campaign or candidacy. No one  
19 has requested to speak today for you or against  
20 you. You're it. And you have the opportunity,  
21 if you want, you're not required, to make an ever  
22 so brief opening statement. If you don't, Ms.  
23 Mottel will take it over. And we welcome you.  
24 And you choose.

25 JUDGE TAYLOR: I don't think I have an opening

1 statement that I choose to make.

2 CHAIRMAN RANKIN: We appreciate that.

3 JUDGE TAYLOR: All right.

4 JUDGE TAYLOR - EXAMINATION BY MS. MOTTEL:

5 **Q. Thank you. Judge Taylor, after serving nine**  
6 **years on the family court bench, why do you want**  
7 **to continue serving as a family court judge?**

8 A. I don't know if I've really thought about that.  
9 I think it's an honor and a privilege to be able  
10 to serve as a judge in this state. And I think I  
11 have an opportunity, especially with young people  
12 that come before the Court to, hopefully, affect  
13 some positive change in their lives. In the  
14 position as a judge, you do have that opportunity  
15 to do that. So I guess that's the short answer  
16 to that question.

17 **Q. Thank you. Judge Taylor, please explain one or**  
18 **two brief accomplishments that you feel you have**  
19 **completed during your tenure and then a goal you**  
20 **would like to accomplish if reelected.**

21 A. I served on the Governor's domestic task force  
22 since being a judge. I've been a judge with the  
23 young people have their -- I can't think of the  
24 name of it. It's a law related education  
25 activity that they have, and I've served as a



1 judge with that. And it was a very enlightening  
2 experience because the young people were  
3 really well prepared, did an excellent job. As  
4 far as the goal, if I am reelected, I hope to  
5 continue to be able really for young people,  
6 young women in particular, to be able to allow  
7 them to see what they can achieve if they work  
8 hard.

9 **Q. Thank you. Judge Taylor, you have indicated in**  
10 **your PDQ that since your last screening a lawsuit**  
11 **was filed against you for intentional infliction**  
12 **of emotional distress. Please explain to the**  
13 **Commission the nature or disposition of this**  
14 **lawsuit.**

15 **A.** Well, it was dismissed. There was a gentleman  
16 that appeared in court on a child support matter.  
17 He owed money to his child's mother. He didn't  
18 think he should have to pay the money. I did  
19 order that he have to pay the money. He was  
20 brought back to court for a contempt action, and  
21 I found him in contempt but gave him an  
22 opportunity to pay what he owed. And then some  
23 time later he filed a suit in magistrate's court  
24 against me and the mother's attorney, with the  
25 assistance of a person in the community who feels

1           like she's trying to help people who are  
2           oppressed by the system. And the case was  
3           dismissed.

4   **Q.**   **Thank you. Your SLED report indicated that there**  
5           **was a lawsuit filed against you since your last**  
6           **screening. It was filed on -- in October 2017.**  
7           **The US District Court where the plaintiff was a**  
8           **prisoner. You were never served and the matter**  
9           **was terminated against you in January of 2018; is**  
10          **that correct?**

11   **A.**   As far as I know. The first time I heard about  
12          the suit was when I met with you. So, as far as  
13          I know, that was the disposition.

14   **Q.**   **Judge Taylor, what do you think your reputation**  
15          **is among attorneys that practice before you?**

16   **A.**   That I like to stay on schedule and stay on time.  
17          That I'm usually prepared for the hearings in  
18          advance and that I try to be fair to the  
19          litigants and anybody that appears in front of  
20          me.

21   **Q.**   **Thank you. Judge Taylor, the Commission received**  
22          **317 ballot box surveys regarding you, with 21**  
23          **additional comments. And, for example, a few of**  
24          **those positive comments are that you treat all**  
25          **parties with respect and honor and you honor the**

1 public role. You are a blend of good humor and  
2 instance of fairness. One of the most consistent  
3 judges I've had the privilege to appear before.  
4 Firm but fair. Consistently impressed with her  
5 judicial temperament. Only one of the written  
6 comments expressed concern. The comment  
7 indicated that you are tough and the individual  
8 felt less than welcome in your courtroom. What  
9 response would you offer to this concern?

10 A. I guess it's just that individual. I do take  
11 court very seriously and we do have occasions  
12 where individuals that come that they're not  
13 serious or less than serious. And I can only  
14 assume that maybe that individual might have not  
15 been as serious as I think that court warrants.  
16 That's the only thing I can say. I can't -- I try  
17 not to mistreat anybody. I try to treat  
18 everybody the same when they come into the  
19 courtroom, so that's -- I can't say any more than  
20 that. That that just may be that individual's  
21 perception.

22 Q. And in line with your treatment of attorneys and  
23 litigants, how do you deal with difficult  
24 litigants?

25 A. Generally, when I start the hearing, I try to

1 start it off in a calm fashion and I try to give  
2 everybody an opportunity to be heard. I think  
3 that that probably keeps the environment calm,  
4 because people sometimes want to be heard and  
5 I'll allow them to be heard as long as they do it  
6 in an appropriate manner. I don't have a whole  
7 lot of problems with people. Sometimes, but not  
8 an extensive amount of difficulty.

9 **Q. You are approaching a decade on the bench. What**  
10 **would you like your legacy to be as a family**  
11 **court judge?**

12 **A.** I was fair; that I tried to do the right thing;  
13 that I gave people opportunity to be heard; that  
14 I adjudicated their cases as fairly as I could.  
15 That's pretty much it.

16 **Q. Well, thank you. I would note that the Pee Dee**  
17 **Citizen's Committee reported that Judge Taylor**  
18 **qualified in the evaluative criteria of**  
19 **constitutional qualifications, physical health,**  
20 **and mental stability. The Committee found Judge**  
21 **Taylor well qualified in the criteria of ethical**  
22 **fitness, professional and academic ability,**  
23 **character, reputation, experience, and judicial**  
24 **temperament. And, Judge Taylor, I have a few**  
25 **housekeeping items for you. Since submitting**

1           your letter of intent, have you contacted any  
2           members of the Commission about your candidacy?

3       A.    No, ma'am.

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

7       A.    Yes, ma'am. I don't know if I know it verbatim,  
8           but, yes, ma'am.

9       Q.    Thank you. Since submitting your letter of  
10          intent, have you sought or received the pledge of  
11          any legislator, either prior to this date or  
12          pending the outcome of your screening?

13      A.    No, ma'am.

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

18      A.    No, ma'am.

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

22      A.    Yes, ma'am.

23      MS. MOTTEL: I would just note for the record that any  
24          concerns raised during investigation regarding  
25          Judge Taylor were raised and incorporated into

1           the questioning of the candidate today. Mr.  
2           Chairman, I have no further questions.

3           CHAIRMAN RANKIN: All right, thank you. Any questions  
4           from the Commission members? Senator Sabb.

5           SENATOR SABB: Thank you, Mr. Chairman.

6           JUDGE TAYLOR - EXAMINATION BY SENATOR SABB:

7           Q.    And really not so much a question as much as a  
8           comment. I've known Judge Taylor for, gosh, more  
9           years almost than she would care for me to  
10          mention. But we served as assistant solicitors  
11          for the Third Judicial Circuit for a number of  
12          years and, well, all of us knew when she offered  
13          for the family court bench that she would be  
14          excellent, just in terms of how she had always  
15          interacted with her peers, respected her peers,  
16          presented herself in such a way that her peers  
17          respected her. And her calm demeanor we knew  
18          would be nothing short of an asset to the bench  
19          and to our state. And so I just want to  
20          congratulate her in that. All of the things that  
21          we thought have actually been realized based on  
22          her career and she's done us all proud on the  
23          bench. That's all I have, Mr. Chairman.

24          CHAIRMAN RANKIN: You can comment if you want, but I  
25          would invite you not to. Senator Young.

1 SENATOR YOUNG: Thank you, Mr. Chairman.

2 JUDGE TAYLOR - EXAMINATION BY SENATOR YOUNG:

3 Q. Judge, thank you for your service to our state on  
4 the family court bench. And I have a question as  
5 it relates to what you have observed since you've  
6 been on the bench, in particular as it relates to  
7 abuse and neglect cases. And what I would like  
8 to know is if you could change one thing to  
9 improve the system as it relates to abuse and  
10 neglect cases, what would that be?

11 A. Well, I've seen maybe -- I won't say an  
12 explosion, but a large number of cases, an  
13 increased number of cases, that the DSS or the  
14 abuse and neglect cases are beginning to, in many  
15 instances, encroach on private cases. Because in  
16 most places abuse and neglect cases have maybe  
17 one day a week in Sumter, they have one day every  
18 other week. But they also require other times  
19 because some of their cases cannot be heard  
20 during that time that's allotted. There has been  
21 some thought that maybe they need a separate time  
22 altogether for their cases to be heard. But that  
23 is the biggest problem, that they have a large  
24 number of cases. I think the last time I heard,  
25 DSS was about 18 for one day and some, you know,

1           are contested. So that makes it kind of  
2           difficult.

3           **Q. So I think what I'm hearing you say is that there**  
4           **needs to be more court time available to move the**  
5           **abuse and neglect cases?**

6           A. Yes, sir.

7           **Q. Thank you so much.**

8           CHAIRMAN RANKIN: All right. Mr. Safran.

9           JUDGE TAYLOR - EXAMINATION BY MR. SAFRAN:

10          **Q. Judge, thanks for being here. I think we were**  
11          **classmates many years ago.**

12          A. Yes, sir.

13          **Q. And I guess taking up from what --**

14          MR. HAYES: Class of '83.

15          A. That's right.

16          **Q. -- Senator Sabb --**

17          CHAIRMAN RANKIN: You look so much better than these  
18          guys. I want that on the record, too.

19          A. They probably don't color their hair.

20          **Q. Taking up from what -- Senator Sabb the other**  
21          **day, you're also one of the 1976 high school**  
22          **graduates, too, aren't you?**

23          A. Yes, sir.

24          **Q. And so you basically got the trifecta, I think.**  
25          **Let me ask this. I haven't been in family court**



1 in many years. And what I do, obviously, we have  
2 a schedule and basically things fall out. And if  
3 we have to wait, we wait. A lot of times, you  
4 know, we may have a hearing that's scheduled and  
5 we may not get in there for two or three hours  
6 beyond when we're scheduled for. I guess my  
7 question is, is listening to you and listening to  
8 what I heard earlier today, there seems to be a  
9 real, real pressure, as far as the scheduling,  
10 because you've got so many cases that you feel an  
11 obligation have to stay on schedule. I  
12 understand that at one level when people are  
13 coming in for temporary hearings, you're really  
14 restricted, or supposed to be, to the affidavits  
15 and maybe a little bit beyond that. But, I mean,  
16 whether it be an abuse and neglect or otherwise,  
17 when you start getting into the substantive  
18 hearings, do you feel like you're more or less  
19 being pushed really because of the fact that you  
20 got so many cases being set all in one day?

21 A. I mean, you can feel that way. I mean, to be  
22 honest, you know, say, for instance, with  
23 temporary hearings, if people ask for 15 minutes  
24 a lot of times it can go beyond 15 minutes --

25 Q. Sure.

1           A.    -- and then you have several other temporary  
2           hearings behind that that are supposed to be 15  
3           minutes, so it can be a pressure.  In Richland  
4           County, they set a block of cases from like 9:30  
5           to 11:00, and then another block of temporaries  
6           from 11:00 to about 1:00.  And most of the time  
7           you can -- you end up going way past that because  
8           of the number of cases, and then just the issues  
9           that are involved.  So it is sometimes hard to  
10          stay on schedule, but, you know, you have that  
11          other consideration of litigants who are being  
12          billed by the hour that you don't want them  
13          standing in the hall for two and three hours  
14          before their cases are brought before the court.  
15          So, it is some pressure associated with that.

16          **Q.    Thank you very much.**

17          CHAIRMAN RANKIN:  Any other questions?

18          JUDGE TAYLOR - EXAMINATION BY CHAIRMAN RANKIN:

19          **Q.    Judge, I want to commend you, as well.  You've**  
20          **been here -- you've been doing it now a total of**  
21          **how many years?**

22          A.    This is the ninth year.

23          **Q.    Ninth year.  Well, you have certainly earned the**  
24          **accolades of those who can say anything they want**  
25          **to about you, good or bad, and that you have only**

1 had effectively one naysayer out of the lot is  
2 commendable though they don't, in my words, lay a  
3 glove on you because, in fact, they say that you  
4 -- there's no question but that you know the law.  
5 So I want to commend you for your getting it  
6 apparently about just right, in terms of how you  
7 treat people, how you treat the litigants, and  
8 how you balance the pressures of this schedule  
9 but also consider issues that are before you and  
10 accommodate what has to be done, and not perhaps  
11 yield to the pressures of the train running on  
12 the time all the time. So, with that, unless  
13 there's any other comments, that will close this  
14 portion of the screening. And I want to remind  
15 you that part of our criteria is that we take  
16 seriously the appearance of any violation or the  
17 outright violation of the South Carolina state  
18 ethics laws. This report will not close until  
19 there's a final record of qualifications issued.  
20 And so we would have the right to call you back  
21 to ask you about any violation or appearance of  
22 impropriety in that regard, which I do not expect  
23 to be the case. But you do know that, correct?

24 A. Yes, sir.

25 Q. Okay. And with that, again, we thank you for



1 CHAIRMAN RANKIN: Any objection to you and us putting  
2 those in the record of this your sworn testimony?

3 JUDGE JENKINSON: (Shakes head negatively.)

4 CHAIRMAN RANKIN: If you'll hand those to Lindi, we  
5 will so mark those. Judge, you were here for  
6 screening how long ago?

7 (Exhibit Number 8 was marked for identification  
8 purposes - (16 pages) Hon. Gordon B. Jenkinson -  
9 Personal Data Questionnaire.)

10 (Exhibit Number 9 was marked for identification  
11 purposes - (1 page) Hon. Gordon B. Jenkinson -  
12 Amendment to Personal Data Questionnaire.)

13 (Exhibit Number 10 was marked for identification  
14 purposes - (5 pages) Hon. Gordon B. Jenkinson - Sworn  
15 Statement.)

16 JUDGE JENKINSON: 2012.

17 CHAIRMAN RANKIN: So you're familiar with the criteria  
18 --

19 JUDGE JENKINSON: Yes, sir.

20 CHAIRMAN RANKIN: -- what we're looking for?

21 JUDGE JENKINSON: Yes, sir.

22 CHAIRMAN RANKIN: Nine specific, but in your instance  
23 only six, which is the ballot box survey,  
24 thorough study of your application materials,  
25 verification of your compliance with state ethics

1 laws, search of newspaper articles in which your  
2 name appears, study of previous screenings, and  
3 the check for economic conflicts of interest.  
4 Those are six that I say, all nine apply though.  
5 You do understand that?

6 JUDGE JENKINSON: Yes, sir.

7 CHAIRMAN RANKIN: No one has filed an affidavit in  
8 opposition to your continuing to serve and no one  
9 is here list -- requesting to speak, but I do see  
10 someone behind you --

11 JUDGE JENKINSON: I don't think my wife's going to say  
12 anything bad about me. I hope not.

13 CHAIRMAN RANKIN: Well, let's give her that  
14 opportunity. What is her name? Stand up and  
15 tell us your name, please.

16 MS. JENKINSON: Peggy Jenkinson.

17 CHAIRMAN RANKIN: Peggy, you can -- we can talk later.  
18 You can talk now, but you don't have to say a  
19 word. We're glad you're here.

20 MS. JENKINSON: I'm fine.

21 CHAIRMAN RANKIN: Judge, you have the opportunity to  
22 make a brief statement -- opening statement.  
23 It's not required. And if you don't --

24 JUDGE JENKINSON: Well, I'll just say this: I hope  
25 y'all nominate me again. I really enjoy my job.

1 CHAIRMAN RANKIN: Very well. We will now turn it over  
2 to Roland Franklin who's going to ask you a few  
3 questions. And take it away.

4 MR. FRANKLIN: Thank you, Mr. Chairman.

5 JUDGE JENKINSON - EXAMINATION BY MR. FRANKLIN:

6 **Q. Good morning, Judge Jenkinson.**

7 A. Good morning.

8 **Q. After serving eleven years on the family court,**  
9 **why do you want to continue serving as a family**  
10 **court judge?**

11 A. Well, I think I maybe just answered that in part,  
12 because I enjoy it and I feel like -- I feel like  
13 I'm maybe doing a service to the people of the  
14 state of South Carolina. Maybe everybody  
15 wouldn't agree with that, but it's a good job.

16 **Q. Please explain one or two brief accomplishments**  
17 **that you feel you have completed during your**  
18 **tenure, and then a goal you would like to**  
19 **accomplish if reelected.**

20 A. Well, I have participated in the JOE Program  
21 which is a program where law students sit with me  
22 generally for about a week and I have really  
23 enjoyed sitting with them. I don't get as many  
24 as I'd like to because I practice in rural areas,  
25 primarily. And when I'm in Charleston or Sumter,

1 I get a good many of them. As far as  
2 accomplishments, of course, a judge can't work  
3 really outside his system. But I did try a case  
4 in Aiken a few years ago. It was a three-day  
5 case and it was an Indian Child Welfare Act. And  
6 I knew nothing about it. They had a tribal  
7 lawyer. It was a Catawba tribe up around Rock  
8 Hill. They had the chief counsel out of Miami.  
9 They had the Chief from the reservation. It was  
10 a case that I really got educated and I really  
11 found that it was a law that we really need on  
12 the books. It serves a wonderful purpose of  
13 trying to retain these Indian children within  
14 their tribes, if possible.

15 **Q. Judge Jenkinson, just for clarification, you've**  
16 **not been named as a party to a lawsuit since your**  
17 **last screening in 2012; is that correct?**

18 A. That is correct, yes, sir.

19 **Q. And, to your knowledge, all lawsuits brought by**  
20 **or against you before 2012 have been resolved; is**  
21 **that correct?**

22 A. Yes, sir.

23 **Q. What do you think your reputation is among**  
24 **attorneys that practice before you and also your**  
25 **reputation among court personnel?**



1 A. Well, as far as court personnel, I hope they find  
2 that I'm easy to work with and courteous. As far  
3 as -- you asked about the lawyers that practice  
4 in front of me. I hope they think I'm fair. I  
5 practiced in front of four or five family court  
6 judges, circuit court judges, and there was so  
7 much partiality that I saw in my younger years.  
8 You don't see that as much anymore, at least I  
9 hope not. I try to be fair with everyone. Treat  
10 everyone the same.

11 A. Judge Jenkinson, the Commission received 417 box  
12 surveys regarding you, with 27 additional  
13 comments. The ballot box survey, for example,  
14 contained the following positive comments:  
15 First, Superior in every aspect as a judge and  
16 dedicated to the fairness and respect for South  
17 Carolinians in our judicial system. Second,  
18 Judge Jenkinson is a wonderful judge. He always  
19 -- he's always professional and treats the  
20 lawyers and litigants with respect. Thirdly, in  
21 all of my appearances before Judge Jenkinson, I  
22 have been consistently impressed with his  
23 judicial temperament. He is courteous and fair  
24 to all parties. A handful of comments expressed  
25 concerns, however. For example, one comment

1 states that you don't always make decisions based  
2 on the evidence presented and that you seem to  
3 come into the courtroom with your mind already  
4 made up. What response would you offer to that  
5 concern?

6 A. I would categorically deny that. And I have had  
7 a number of experiences where I would read the  
8 file before I went in there and I would say,  
9 well, this is a no-brainer, this is not going to  
10 give me any problem making a decision and then I  
11 hear the testimony and I just say, oh, my God, I  
12 was wrong. So I don't agree with that.

13 **Q. Another comment states that you seem to be more**  
14 **sympathetic to female litigants. How would you**  
15 **respond to that concern?**

16 A. I don't think so. The only female litigant that  
17 I might be partial to is my daughter, who is a  
18 Charleston County public defender, but I don't  
19 let her appear before me.

20 **Q. Another comment states that you are not competent**  
21 **enough to "be making decisions about property**  
22 **cases and most certainly not about the interest**  
23 **of children." How would you respond to that**  
24 **criticism?**

25 A. Well, that's the first time I've ever heard any

1 criticism like that, and I don't know where it  
2 came from; don't want to know where it came from.  
3 I have not heard anymore criticisms other than  
4 that anonymous person right there. I've almost  
5 practiced family law for 33 years. I've been in  
6 this job for eleven years, and I do think I have  
7 a hold on family law.

8 **Q. And, finally, Judge Jenkinson, in a number of the**  
9 **written comments concern your alleged inability**  
10 **to hear. One writer went so far as to say that**  
11 **your inability to hear has directly impacted some**  
12 **of your rulings. How would you respond to that**  
13 **concern?**

14 **A.** Well, I do have somewhat of a hearing problem,  
15 but I have learned to work with it. I just  
16 invested over \$6,000 in state-of-the-art hearing  
17 aids that I bought last August, and it's amazing  
18 the technology in these hearing aids. But my  
19 court reporter, who I've worked with my entire  
20 career, we have a system where if I ask a witness  
21 or a lawyer the second time to repeat something,  
22 she looks at me and if I just nod at her, she'll  
23 repeat it. But I don't think I have any more of  
24 a problem than most of the middle-aged and older  
25 lawyers practicing in the family court. And I do

1 have an expression, I will tell people to speak  
2 up. And then I then tell, I'll say if I can't  
3 hear you, I can't help you. So I think I'm  
4 dealing with that problem.

5 **Q. Thank you. Judge Jenkinson, in your PDQ you**  
6 **state that you have a Facebook page "for the sole**  
7 **purpose of advertising my books." You continue,**  
8 **"I never post on it. I would say that I'm not an**  
9 **active member." Is that statement correct and --**

10 **A. Yes, sir, it is. In fact, my wife and I just had**  
11 **twin grandchildren that are eight weeks old**  
12 **today, and I had to get my older daughter to post**  
13 **that. I wanted to tell people about that, but,**  
14 **no, I couldn't post anything on it. Don't want**  
15 **to post anything on it. And I did get clearance**  
16 **from the office of -- the disciplinary office and**  
17 **I sent them a scenario and says I want to**  
18 **advertise my books. I'm not going to say**  
19 **anything about being a judge. And they -- they**  
20 **authorized that, approved it.**

21 **Q. Judge Jenkinson, in 2014, the Hilton Head Island**  
22 **Packet published a story criticizing a decision**  
23 **you made to close the courtroom. Specifically,**  
24 **the article states that during a contempt hearing**  
25 **before you involving the nonpayment of attorneys**

1 fees, you closed the Beaufort County Family  
2 Courtroom to the press and you mistakenly did so  
3 after seeking the advice from a deputy sheriff.  
4 Tell the Commission about that incident. In  
5 looking back, do you believe it was the right  
6 thing to do?

7 A. Well, I think -- it involved a state  
8 representative who had recently resigned and had  
9 filed bankruptcy. And it had been in a lot of  
10 the newspapers. And I think I approved the  
11 settlement. I could be mistaken on that. But  
12 they -- the deputy -- chief deputy head of  
13 security in my courtroom asked me, he said the  
14 newspapers are out, do you want to let them in.  
15 And I said sure, let them in. And I don't get  
16 many opportunities to deal with the press in the  
17 rural areas I work in, but I said, yeah, bring  
18 them in. Well, he said let -- he said let me  
19 approach the bench. He said our clerk has a rule  
20 that they can't come in the courtroom unless they  
21 file a written request and they have not done  
22 that. So I did not let them in. I may have  
23 violated the law. I know Jay Bender, who is the  
24 journalism guru for -- in South Carolina, and he  
25 was quoted in the State paper. In fact, I think

1 the State paper really took me to the woodshed.  
2 But Mr. Bender said, as I recall, he may have  
3 violated the law. If I had had it to do over  
4 again, I would let them in.

5 Q. Thank you, Judge Jenkinson. Now for a few  
6 housekeeping issues. Since submitting your  
7 letter of intent, have you contacted any members  
8 of the Commission about your candidacy?

9 A. No, sir.

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

13 A. Yes, sir.

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

18 A. No, sir.

19 Q. Have you asked any third parties to contact  
20 members of the General Assembly on your behalf or  
21 are you aware of anyone attempting to intervene  
22 in this process on your behalf?

23 A. No, sir.

24 Q. Have you reviewed and do you understand the  
25 Commission's guidelines on pledging and SC Code §

1           **2-19-70(E)?**

2           A.    Yes, sir.

3           MR. FRANKLIN: I would just note that the Pee Dee  
4           Citizen's Committee reported that Judge Jenkinson  
5           is qualified in the areas of constitutional  
6           qualifications, physical health, and mental  
7           stability. The Citizen's Committee found Judge  
8           Jenkinson to be well qualified in the areas of  
9           ethical fitness, professional and academic  
10          ability, character, reputation, experience, and  
11          judicial temperament. I would just note for the  
12          record that any concerns raised during the  
13          investigation regarding the candidate were  
14          incorporated into this questioning of the  
15          candidate today. Mr. Chairman, I have no further  
16          questions.

17          CHAIRMAN RANKIN: Thank you, sir. Senator Young.

18          SENATOR YOUNG: Thank you, Mr. Chairman.

19          JUDGE JENKINSON - EXAMINATION BY SENATOR YOUNG:

20          **Q.    Judge, thank you for your interest in continuing**  
21          **your service to our state and to the family court**  
22          **bench. I have a question for you.**

23          A.    All right, sir.

24          **Q.    And it relates to your insight from having served**  
25          **on the bench for a number of years, and, in**

1 particular, it's in the area of abuse and neglect  
2 cases. What I am interested in knowing is if you  
3 could recommend one change to our system as to  
4 how we handle abuse and neglect cases, what would  
5 that be and why?

6 A. I hope this answers your questions, but I've seen  
7 some problems with the Guardian ad Litem,  
8 particularly the lay guardians have not properly  
9 done their job. And, as I understand it -- well,  
10 let me back up. I had one guardian -- I forgot  
11 where it was, but she was sending ex parte orders  
12 to judges, sent a bill -- an exorbitant bill for  
13 her services, and I inquired about it with some  
14 lawyers that do a lot of abuse and neglect. I  
15 said is it some agency I can report this person,  
16 what she's done; it's not right. And I was  
17 told -- and this was probably a year or so ago.  
18 They said there's nothing in place yet. So, if  
19 there's nothing in place yet, I would say that's  
20 my biggest problem. And hopefully it could be  
21 rectified by a proper committee or agency that  
22 would oversee the work of these guardians. Does  
23 that answer your question, Senator?

24 Q. Well, so what would need to be in place? The  
25 Guardian ad Litem --



1           A.    Some way to discipline them or oversee what they  
2                    are doing.  I was just told there's no safety net  
3                    in there.

4           **Q.    All right.  Thank you, sir.**

5           A.    Yes, sir.

6           CHAIRMAN RANKIN:  Representative Murphy.

7           REPRESENTATIVE MURPHY:  Thank you, Mr. Chairman.

8           JUDGE JENKINSON - EXAMINATION BY REPRESENTATIVE MURPHY:

9           **Q.    Judge, it's always good to see you.**

10          A.    Thank you.  Same here.

11          **Q.    And I know you were as proud as I was of the**  
12                   **Bulldog's effort on Saturday.**

13          A.    I sure was.

14          **Q.    At least for a half.  At least for a half.**

15          A.    And my father-in-law, Peggy's father, was a big  
16                    Carolina fan and we'd almost beat somebody good,  
17                    and he'd say, son, don't brag about getting beat.  
18                    But I'm bragging about getting beat.

19          **Q.    For a half there, we were hoping.**

20          A.    We were on top of the world.

21          **Q.    We were, we were.  But also, Judge, I just wanted**  
22                   **to -- just a comment that I appreciate the way,**  
23                   **having appeared before you a number of times in**  
24                   **Berkeley and Charleston and Dorchester County,**  
25                   **you're professionalism, the way that you treat**

1 all the litigants, the parties in the courtroom  
2 and the speed which -- with which you make  
3 decisions, particularly being an out-of-circuit  
4 or a judge -- a visiting judge, it does help to  
5 move the process along. And, on a final note, I  
6 wanted to wish you a happy birthday, because I  
7 believe today is your birthday.

8 A. It's the big 7-0.

9 Q. Big 7-0.

10 A. I've reached the biblical allotment, so --

11 Q. So happy birthday and we're glad you're spending  
12 it with us, Judge.

13 A. Thank you very much. Anything else, Mr.  
14 Chairman?

15 CHAIRMAN RANKIN: Oh, we got plenty. You're not  
16 blowing any candles out just yet.

17 A. All right.

18 CHAIRMAN RANKIN: Anything? Senator Sabb. Dying to  
19 make a birthday comment, I'm sure.

20 SENATOR SABB: Absolutely.

21 JUDGE JENKINSON - EXAMINATION BY SENATOR SABB:

22 Q. I certainly want to wish our friend a happy  
23 birthday. But I wanted the Commission to know  
24 something. Of course, we're all from Kingstree,  
25 Williamsburg County area and, you know, we read

1 about this judge and he's referred to as Judge  
2 Jenkinson, but around home they call him Judge  
3 Bubber because that's his name. But I think that  
4 that sort of speaks to how he's not gotten bigger  
5 than the position that he's in. And he's still  
6 viewed as being a home boy, in spite of the  
7 obligations that he has in representing our  
8 state. And so we continue to be very proud of  
9 him, Mr. Chairman.

10 A. Thank you, sir.

11 JUDGE JENKINSON - EXAMINATION BY CHAIRMAN RANKIN:

12 Q. Thank you. And I was going to ask, and you  
13 actually spell it B-u-b-b-e-r. Sir, how do we  
14 pronounce the nickname?

15 A. It's Bubber. The pronunciation's the same. A  
16 lot of people ask me about it and I tell them  
17 it's a class thing. The e-r Bubbers are the  
18 aristocratic rednecks.

19 Q. And the a's would be the sure-enough rednecks?

20 A. Yeah.

21 Q. Have you ever used the term Bo in your courtroom?

22 A. Bo?

23 Q. Yes, sir.

24 A. No, sir.

25 Q. Have you ever addressed anyone else by the

1 name Bubba or Bubber in your courtroom?

2 A. Not that I know of. No, sir, I don't think so.

3 Q. All right. And I noted, as well, your birthday  
4 today. What a fine way to spend it. I hope  
5 y'all are going to go to Tapp's. Wait a minute,  
6 they're closed. Some other fine store here in  
7 Columbia --

8 A. She likes the Gourmet Shop and that's where we're  
9 headed.

10 Q. I hope they're open on Monday.

11 A. I hope so too.

12 Q. In all seriousness, Judge, I want to commend you  
13 again, as the others have expressed, your  
14 willingness to serve and your investment in that  
15 state-of-the-art system, which my father -- it  
16 wasn't state-of-the-art enough for him. He  
17 couldn't operate them, but he really needed  
18 them as an older person. Your ballot box  
19 survey responses are stellar. And, as Senator  
20 Sabb knows and Representative Murphy in your  
21 area, you must be doing it just right because you  
22 -- again, other than the hearing comment and a  
23 couple of comments that you were asked about,  
24 overwhelmingly, you are held in very high regard.  
25 So, you are expressing and exhibiting the

1           temperament that folks that you appear before are  
2           applauding. So I will not ask any other  
3           questions. Again, if you'd like me to put your  
4           wife under oath and tell us what she'd like or  
5           has for your birthday, I'm happy to do that.

6 JUDGE JENKINSON: You want to come forward? Just  
7           don't ask her to show you any pictures of our new  
8           grandbabies.

9 CHAIRMAN RANKIN: I'm embarrassed to say that like  
10          you, I have to get somebody else to put these  
11          things on Facebook, and I'm 56. So, anyway,  
12          Judge, with that, this will conclude this portion  
13          of the screening process. And, again, we  
14          appreciate your willingness to continue to serve  
15          the people. As you said from the outset, it is  
16          service and you're wearing that apparently --  
17          that robe of service and that responsibility of  
18          service very lightly, so we appreciate that.

19 JUDGE JENKINSON: Thank y'all very much.

20 CHAIRMAN RANKIN: This part of the criteria, you know  
21          we're looking at specific things, which includes  
22          a very strict adherence to both the letter and  
23          the spirit of the South Carolina ethics laws.  
24          Any violation or appearance of impropriety, a  
25          violation of those, would be taken very seriously

1 by this Commission and would warrant us calling  
2 you back, should the need arise. This record will  
3 not close until final record of qualifications is  
4 issued. So you're aware that we could call you  
5 back if need be, right?

6 JUDGE JENKINSON: Yes, sir.

7 CHAIRMAN RANKIN: We don't expect that to be the case.  
8 And so with that, if you'd like us to call ahead  
9 to the Gourmet Shop so you can have a table?

10 JUDGE JENKINSON: That's all right, sir.

11 CHAIRMAN RANKIN: Very well. Thank y'all.

12 JUDGE JENKINSON: Thank y'all. Y'all have a good  
13 Thanksgiving.

14 CHAIRMAN RANKIN: And happy birthday to you.

15 JUDGE JENKINSON: Thank you.

16 CHAIRMAN RANKIN: And thank you for being early, as  
17 well.

18 (Off the Record)

19 HONORABLE SALLEY HUGGINS MCINTYRE

20 CHAIRMAN RANKIN: Judge McIntyre, welcome.

21 JUDGE MCINTYRE: Thank you, thank you.

22 CHAIRMAN RANKIN: You ready?

23 JUDGE MCINTYRE: I am, yes, sir.

24 CHAIRMAN RANKIN: Let's go on the record. If you will  
25 raise your right hand.

1 HONORABLE SALLEY HUGGINS MCINTYRE, having been duly  
2 sworn, testifies as follows:

3 CHAIRMAN RANKIN: You have completed for us a PDQ,  
4 Personal Data Questionnaire, and a Sworn  
5 Statement; is that right?

6 JUDGE MCINTYRE: Yes, sir.

7 CHAIRMAN RANKIN: Any changes that need to be made to  
8 those?

9 JUDGE MCINTYRE: I sent an amendment in last week to  
10 paragraph 58 correcting two spelling errors.

11 CHAIRMAN RANKIN: Okay. Those were not our errors;  
12 those were yours?

13 JUDGE MCINTYRE: Oh, clearly my errors.

14 CHAIRMAN RANKIN: Hallelujah we didn't make a mistake.  
15 You don't object to those being made a part of  
16 the record?

17 JUDGE MCINTYRE: No, sir.

18 CHAIRMAN RANKIN: All right. If you'll hand those to  
19 Lindi, we'll put them in. You were last screened  
20 when, Judge?

21 (Exhibit Number 11 was marked for identification  
22 purposes - (16 pages) Hon. Salley Huggins McIntyre -  
23 Personal Data Questionnaire.)

24 (Exhibit Number 12 was marked for identification  
25 purposes - (1 page) Hon. Salley Huggins McIntyre -

1 Amendment to Personal Data Questionnaire.)  
2 (Exhibit Number 13 was marked for identification  
3 purposes - (7 pages) Hon. Salley Huggins McIntyre -  
4 Sworn Statement.)

5 JUDGE MCINTYRE: 2011. Well -- yes, 'll.

6 CHAIRMAN RANKIN: Okay. You're very familiar with  
7 what we do and the criteria that we use to  
8 investigate your candidacy, right?

9 JUDGE MCINTYRE: Yes, sir. But last time I was  
10 sitting. It was much easier.

11 CHAIRMAN RANKIN: Well, it will be like sitting again,  
12 we hope. So shouldn't be any great difficulty.  
13 Nine evaluative criteria, which we're looking at,  
14 investigate your offering for continued service,  
15 which includes the ballot box survey, a study of  
16 your application materials, verification of your  
17 compliance with state ethics laws, search of  
18 newspaper articles in which your name appears,  
19 study of past screenings and applications and  
20 service. Finally, for a check of economic  
21 conflicts of interest. No one has signed or  
22 filed an affidavit in opposition to your  
23 candidacy; no one's here to -- or requested to  
24 testify for you or against. You now are welcome,  
25 if you want, to make an ever so brief opening



1 statement. And if not, we will turn you over to  
2 the ever-friendly staff for a few questions.

3 JUDGE MCINTYRE: I don't have anything other than I  
4 appreciate y'all allowing us to do this.

5 CHAIRMAN RANKIN: Thank you. Thanks for being here.

6 JUDGE MCINTYRE - EXAMINATION BY MR. STIMSON:

7 **Q. Judge McIntyre, after serving nine years on the**  
8 **family court, why do you want to continue serving**  
9 **as a family court judge?**

10 A. I enjoy helping others. The -- going into a  
11 courtroom can be a difficult procedure and  
12 process for a lot of people. I like making the  
13 transition from -- easier for them and soothing  
14 things down and settling things down. It's a lot  
15 different than practicing law and a lots of times  
16 it's really hard to take your lawyer hat off and  
17 be a judge, but I enjoy helping people feel  
18 better in the process of what they have to go  
19 through in the courtroom.

20 **Q. Judge McIntyre, please explain one or two brief**  
21 **accomplishments that you feel you have completed**  
22 **during your tenure, and then a goal you would**  
23 **like to accomplish if reelected.**

24 A. I guess one of the biggest accomplishments I've  
25 done is help -- well, during my whole career was

1 raising my children, but helping my children  
2 understand the process and helping their friends.  
3 I go to school and speak a lot. I've done some  
4 mock trial things. I have -- as a matter of  
5 fact, I've got to go tomorrow to school for  
6 career day. The children love to see what goes  
7 on and what we do, other than just hearing things  
8 about coming into the courtroom on truancy or  
9 their parents getting a divorce or the bad things  
10 that go on with DSS. It helps to go into the  
11 school and help them understand that going to  
12 family court isn't such a bad thing. What I'd  
13 like to see happen in the future is for us to  
14 help participate in teaching some classes for  
15 children to understand the importance of  
16 continuing their education and at least achieving  
17 their high school diploma and then furthering  
18 their education.

19 **Q. Judge McIntyre, what do you think your reputation**  
20 **is among attorneys that practice before you and**  
21 **court personnel you work with?**

22 A. Well, I hope it's good. I think it's good.  
23 We're a little bit different in the Fourth  
24 Circuit. We're more like a family than some of  
25 the larger circuits that have some more

1 contentions relationships. I remember when I  
2 first went on the bench, I'm not one that  
3 carries my computers around or checks my emails  
4 when it's not the work day. So I allow attorneys  
5 to have my cell phone number, if for some reason  
6 they can't get a hold of my office, to get in  
7 touch with me. They can have their office call  
8 if there's a scheduling problem, if they're  
9 running late, if something's happened. I allow  
10 them to have my cell phone number. I had a judge  
11 tell me that wasn't such a good idea, but it's  
12 worked well. And in the Fourth Circuit, we let  
13 our attorneys have our cell phone number and  
14 we're completely accessible to them, should  
15 something come up on a weekend and they need to  
16 get hold of us. I think we -- I think that I, in  
17 the Fourth Circuit, we get along with our  
18 attorneys very well and we're just kind of a big  
19 family. Not to disadvantage another attorney  
20 that comes in, but they can tell you that we're  
21 very easy going with the entire process and very  
22 understanding.

23 **Q. Judge McIntyre, the Commission received 318**  
24 **ballot box surveys regarding you, with 23**  
25 **additional comments. The ballot box survey, for**

1           example, contained the following  
2           positive comments: Judge McIntyre has good  
3           control of her docket and courtroom; She is an  
4           excellent judge and knowledgeable. In a second  
5           comment: Judicial temperament is beyond reproach;  
6           Pro se clients find her to be very welcoming and  
7           calming. Eight of the written comments express  
8           concerns with certain themes out of the 23  
9           written comments that were submitted. Judge  
10          McIntyre, several comments indicate that you may  
11          have poor judicial temperament. What response  
12          would you offer to this concern?

- 13        A.    Obviously, I'd like to focus on the other  
14            comments that were very positive about judicial  
15            temperament. When you have a DSS parent and  
16            feelings are very high -- I think feelings are  
17            very high more so in a family courtroom than any  
18            other courtroom. You know, we can take your --  
19            adjust your whole living situation from your  
20            retirement, to your children, to your dogs, so  
21            emotions are very high. I try my best to explain  
22            to everyone before I issue a ruling, or when they  
23            come into the courtroom, that we're not going to  
24            have a whole lot of emotions or outbursts. But  
25            when you have juveniles and you have DSS, some of

1           those parents don't understand and some of those  
2           juveniles don't understand. So you may have to  
3           raise your voice, particularly in a -- with a  
4           juvenile who comes in and is showing out. I  
5           think, overall, my temperament's pretty good.

6   **Q. Thank you. Judge McIntyre, the second concern**  
7   **comes from several comments suggesting your**  
8   **scheduling and docket management could use some**  
9   **work, as there is a perception you put personal**  
10   **preferences over the needs of litigants. What**  
11   **response might you offer to this concern?**

12   **A.** Shortly after -- we discussed this earlier. I  
13       don't understand where that would come from. But  
14       when I first went on the bench, my child was  
15       diagnosed with cancer so I had to adjust some of  
16       my scheduling. I'd always tell them before we  
17       started the hearing I'm expecting a phone call  
18       from MUSC, I'm going to leave my phone out. If a  
19       call comes in, I'm going to have to step off the  
20       bench for a second. We don't know -- we don't  
21       set our schedules. They're set for us. I've  
22       never cancelled court for a doctor's appointment  
23       or anything with any of my four children that I  
24       have. But what I have found out is that for  
25       DJJ and DSS, where we don't set the docket, they

1 may continue things and tell the litigants or the  
2 attorneys that they've continued it and I have no  
3 idea why they've told them that. Some of the  
4 reasons that have come back to me have been quite  
5 baffling. I stay on docket on schedule. We have  
6 bench warrants in the mornings first thing. Some  
7 of them take longer than others, but I explain to  
8 the attorneys -- I get my attorneys in first, if  
9 there are several things scheduled at one time.  
10 And I explain to them I'm sorry we've had a  
11 delay, I'm going to try my best to get you back  
12 on schedule. If we have to work through lunch,  
13 I'll make sure that we work through lunch to get  
14 your matter heard. I'm very conscientious of my  
15 schedule and I don't like getting behind. But I  
16 also understand that things come up and matters  
17 may have come up and they didn't schedule enough  
18 time for the hearing. I do not let my personal  
19 scheduling interfere with my hearing things.

20 **Q. Judge McIntyre, the third and final concern comes**  
21 **from a couple of comments that question whether**  
22 **your judicial decisions are impartial, as they**  
23 **think you are influenced by personal knowledge of**  
24 **litigants in cases or political clout. What**  
25 **response can you offer concerning the question of**

1           **impartiality?**

2       A.    If I ever think that I have a conflict or any  
3           independent knowledge of a case, I put it on the  
4           record or I -- and let them decide whether they  
5           want to waive any potential conflict or I recuse  
6           myself.  There is one attorney in my hometown  
7           that I don't hear any of her cases because we go  
8           to lunch on a regular basis and I wouldn't want  
9           that to ever influence anyone to think that  
10          things were impartial.  In my circuit, we have a  
11          couple of lawyer legislators.  Attorneys don't  
12          like the fact that lawyer legislators get  
13          continuances during session.  We don't have a  
14          choice but to honor that.  I will always give my  
15          attorney -- my lawyer legislators an opportunity  
16          to schedule their matters during chambers week or  
17          schedule it out of the circuit in order to  
18          complete what their case is.  Overall, I wouldn't  
19          say anyone abuses that, but that some of the  
20          other attorneys don't understand that we give  
21          them that -- afford them that right to schedule  
22          it during other times.  I have days where we  
23          don't have anything on the docket.  I send memos  
24          out to everyone.  I mean, not just the lawyer  
25          legislators, but everyone that practices in the

1 circuit that they're free to schedule anything on  
2 that day if they want to, particularly if there's  
3 an agreement. If there's an agreement, we want  
4 to get it on the record and out of the way.

5 **Q. Judge McIntyre, what has been the most**  
6 **challenging aspect of serving as a family court**  
7 **judge?**

8 A. Sending my husband to the grocery store instead  
9 of me going. He refuses to let me go because I  
10 get cornered all the time. And the first thing I  
11 say is I can't give legal advice, I can't give  
12 legal advice. He makes me stay home and it's  
13 been challenging giving up some of the controls  
14 of the things of the house. And he has to go do  
15 it to avoid any conflict for me.

16 **Q. Okay. Judge McIntyre, if there was a piece of**  
17 **advice you could give to a newly-elected family**  
18 **court judge, to help with their transition to the**  
19 **bench, what would that advice be?**

20 A. Close your mouth and think before you open it.  
21 If you feel like you're losing your cool, tell  
22 them that you need to take a recess and step to  
23 the back. It can be quite difficult sometimes to  
24 not let your feelings come out before your mind's  
25 had a chance to process it. But always take a



1 break, go to the back, take a sip of water, go to  
2 the restroom, walk down the hall. Do whatever  
3 you need to do to remain cool and calm.

4 Q. Thank you, Judge McIntyre. I just have a few  
5 more housekeeping issues. Since submitting your  
6 letter of intent, have you contacted any members  
7 of the Commission about your candidacy?

8 A. Absolutely not.

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

12 A. Yes, sir.

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

17 A. No, sir, I have not.

18 Q. Have you asked any third parties to contact  
19 members of the General Assembly on your behalf or  
20 are you aware of anyone attempting to intervene  
21 in this process on your behalf?

22 A. I'm not aware of anything. I've made no  
23 attempts.

24 Q. Have you reviewed and do you understand the  
25 Commission's guidelines on pledging and SC Code §

1                   **2-19-70(E)?**

2           A.    Yes, sir.

3           MR. STIMSON:  I would note that the Pee Dee Citizen's  
4                   Committee reported that Judge McIntyre is well  
5                   qualified in the evaluative criteria of ethical  
6                   fitness, professional and academic ability,  
7                   character, reputation, experience, and judicial  
8                   temperament.  The Pee Dee Citizen's Committee  
9                   found Judge McIntyre qualified in the evaluative  
10                  criteria of constitutional qualifications,  
11                  physical health, and mental stability.  The  
12                  Committee did not offer any written comments.  I  
13                  would just note for the record that any concerns  
14                  raised during the investigation regarding this  
15                  candidate were incorporated into the questioning  
16                  today.  Mr. Chairman, I have no further  
17                  questions.

18           CHAIRMAN RANKIN:  All right.  Mr. Stimson, thank you.  
19                    Questions of the Commission members?  Senator  
20                    Young.

21           SENATOR YOUNG:  Thank you, Mr. Chairman.

22   JUDGE MCINTYRE - EXAMINATION BY SENATOR YOUNG:

23           **Q.    Judge McIntyre, so good to see you again.**

24           A.    You too.

25           **Q.    I have a couple of questions.  One comment first**

1 is that -- and that is I read your PDQ and your  
2 answer to number 58 about how your life's  
3 experiences have affected you and influenced the  
4 type of judge that you are is an exceptional  
5 answer. I wanted to commend you publicly for  
6 that. The second thing I wanted to ask you is,  
7 you've now been a family court judge for several  
8 years and before that you practiced almost  
9 exclusively in the -- I know you had -- you did a  
10 lot of family court work before you were on the  
11 bench?

12 A. Yes, sir.

13 Q. And so one of the questions I have for you is  
14 that if you could recommend one change to the  
15 system as it relates to abuse and neglect cases,  
16 to improve the system for these children and the  
17 parties that are in the abuse and neglect cases  
18 in the family court system, what would that  
19 change be?

20 A. Changes within the Department of Social Services  
21 or within the process of it getting before us?

22 Q. It makes it -- whatever would make it better for  
23 the children and easier for the court system,  
24 primarily. But more importantly or most  
25 importantly what's better for the children?

1 A. The biggest problem that we have in DSS is the  
2 time limits that they have. Cases can  
3 be continued because the 608 attorney, you know,  
4 has protection for military duty or has  
5 protection for one thing or another. And DSS, in  
6 our circuit, they don't have court every week.  
7 Darlington has it. They have court three out of  
8 four weeks a month. They only have certain days  
9 that they are allocated to have DSS. So what  
10 we've had to do, or at least I have this past few  
11 months, is I've had to open up the docket and  
12 clear some things off so that they could have  
13 some additional days. It's problems with  
14 continuances in cases because of other conflicts.  
15 Horry County, they have mediation. I think days  
16 of mediation for your contested cases is very  
17 beneficial to speed things up. We've had -- like  
18 I said, I opened up some time for them to have  
19 hearings because we don't have enough time in  
20 some of our circuits for DSS, not all of them. I  
21 would say Darlington is the thickest docket of  
22 all of them. As far as DSS, what I see happening  
23 is more and more foster parents intervening after  
24 the 120 days because I don't know whether they  
25 want to speed up the process, get involved, but

1 sometimes that 120 days doesn't give parents  
2 enough time to work their plan. If you've got a  
3 dad that's had -- that's requested paternity  
4 testing and there's a delay for whatever reason -  
5 - we've just recently had one in my circuit. A  
6 child was born in April. Paternity testing  
7 wasn't done until late July. He didn't get his  
8 results back until August. Therefore, he has had  
9 no time to start any treatment plan, if they were  
10 going to offer him one. He's completed drug  
11 testing; they were both positive. But what's  
12 happened is we just had a hearing. Foster  
13 parents have filed a motion to intervene, and  
14 they're allowed to after the 120 days. But dad  
15 hasn't had a chance -- although it's been six  
16 months of him visiting and not visiting, he  
17 hasn't had a chance to start visiting because it  
18 was the four month delay in getting the testing  
19 to even find out that he was the daddy. So  
20 things don't go along as fast as they should, as  
21 far as I'm concerned, for whatever reason. I  
22 also see problems -- and I might regret saying  
23 this, but I see problems when it comes time for  
24 foster care review to make recommendations for  
25 adoptions and you've had some parents, that for

1           whatever reason they're adoption has fallen  
2           through, a child's been in a home for some period  
3           of time and you've got some inner-agency  
4           struggles between placement, foster care, and  
5           what area adoptions is recommending for who to  
6           adopt. It is a problem because they all want to  
7           get to the same page but their policies don't  
8           allow them to get there. And sometimes we have  
9           to jump over that in a courtroom.

10          **Q. Horry County has a mediation of abuse and neglect**  
11          **cases?**

12          A. Horry County does mediations and they're on  
13          Fridays. And you have a duty judge that if they  
14          settle their cases, they go right in and put it  
15          on the record. The problem with that, that I've  
16          seen, is it takes your hearing time outside of  
17          the statutory requirement. But it works very  
18          well to keep them from getting a back log.

19          **Q. Thank you very much.**

20          A. Thank you.

21          CHAIRMAN RANKIN: Okay. Questions, comments by anyone  
22          else? Ms. McIver.

23          MS. MCIVER: Thank you, Chairman.

24          JUDGE MCINTYRE - EXAMINATION BY MS. MCIVER:

25          **Q. Judge McIntyre, one of your comments goes along**

1 with what you said about having your cell phone  
2 and providing your cell phone number. The  
3 comment says always available to the attorneys,  
4 whether on the bench, in chambers, or on  
5 vacation. A great asset to the bench. I can't  
6 imagine having your cell phone with you and  
7 dealing with these issues while on vacation. But  
8 how, if at all, has given your cell phone number  
9 out affected the number of emergency hearings  
10 that get scheduled before you?

11 A. Typically, they go through my office first. If  
12 for some reason -- my administrative assistant  
13 has had some medical issues with her mom and  
14 she had four weeks of either her mom in the  
15 hospital or her dad in the hospital. I  
16 travel and I'm in my home county once every five  
17 to six months and my office is not even where the  
18 courthouse is. And in the past four years --  
19 three years, my office has been flooded two of  
20 those four years. So I've been out -- out a lot,  
21 so to make myself available, I didn't really have  
22 much of a choice after a while. But it doesn't -  
23 - they don't abuse it. They know not to abuse  
24 it. They will contact my administrative  
25 assistant or they will contact the clerk's office

1 where I am first. And then I'm the last resort  
2 in an emergency situation. But, you know, we're  
3 -- all three of us are readily available for them  
4 to contact, should they not be able to get  
5 through to us through some other means.

6 **Q. Thank you. And I just read your response to**  
7 **number 58 on the PDQ that Senator Young**  
8 **mentioned, and it was great. Thank you.**

9 A. Well, thank you. My little fellow that we've  
10 been mentoring for a while got ejected from the  
11 ball game Friday night and I had to go have a  
12 powwow with him in the locker room. And, come to  
13 find out, he shouldn't have been the one ejected.  
14 So I had to send an apology to him for being a  
15 mom before I should have been a mom.

16 CHAIRMAN RANKIN: All right. Anything else from  
17 anyone else? All right.

18 CHAIRMAN RANKIN: Judge, thank you so much. And I,  
19 too, want to just comment briefly about your --  
20 the regard that you have with respect that you  
21 enjoy with your folks appearing before you, at  
22 least to the degree that they've participated and  
23 written overwhelmingly glowing positive comments.  
24 And there was one in particular that I thought  
25 worth of note. You've heard the bad. You were



1           asked about the bad. You gave comments on those.  
2           But the statement is, "One of the finest judges  
3           on the bench. I've known her for many years and  
4           she is unfailingly professional and courteous,  
5           both in and out of the courtroom." So that seems  
6           to kind of encapsulate the -- what would be  
7           probably what you would want to have said about  
8           you, right?

9 JUDGE MCINTYRE: Yes, sir.

10 CHAIRMAN RANKIN: So I appreciate your willingness to  
11           serve in this very difficult field in doing  
12           justice and being fair and treating people fairly  
13           as well, so.

14 JUDGE MCINTYRE: Thank you.

15 CHAIRMAN RANKIN: With that, unless there are other  
16           questions, we will close this portion of the  
17           screening. I want to remind you of what we're  
18           looking at here and how this continues forward,  
19           that any appearance of actual violation of state  
20           ethics laws would be deemed very serious and  
21           potentially worthy of heavy and serious  
22           deliberations by this Commission. You're aware  
23           of that, right?

24 JUDGE MCINTYRE: Yes, sir.

25 CHAIRMAN RANKIN: And you're aware that we could call



1 ready to be introduced into the record?

2 JUDGE HURLEY: Yes, sir, they are.

3 CHAIRMAN RANKIN: No changes or additions?

4 JUDGE HURLEY: No, sir.

5 CHAIRMAN RANKIN: And no objections from you to being  
6 included?

7 JUDGE HURLEY: No, sir.

8 (Exhibit Number 14 was marked for identification  
9 purposes - (20 pages) Hon. Michelle M. Hurley -  
10 Personal Data Questionnaire.)

11 (Exhibit Number 15 was marked for identification  
12 purposes - (6 pages) Hon. Michelle M. Hurley - Sworn  
13 Statement.)

14 CHAIRMAN RANKIN: Okay. Judge, you've been screened  
15 before?

16 JUDGE HURLEY: Yes, sir.

17 CHAIRMAN RANKIN: Remind me how long ago.

18 JUDGE HURLEY: In 2013 -- or 2012 for 2013.

19 CHAIRMAN RANKIN: Okay. You were prepared for this, I  
20 know, and you know what we're looking at as we  
21 thoroughly investigate your candidacy. That --  
22 nine particular criteria, evaluative criteria,  
23 which includes the ballot box survey, study of  
24 your application materials, verification of your  
25 compliance with state ethics laws, search of

1 newspaper articles in which your name appears,  
2 study of previous screenings, and a conflict  
3 check of -- economic conflict check -- conflicts  
4 of interest. I can't say that.

5 JUDGE HURLEY: Yes, sir.

6 CHAIRMAN RANKIN: You know what I'm talking about,  
7 right?

8 JUDGE HURLEY: Yes.

9 CHAIRMAN RANKIN: Very well. No affidavits have been  
10 filed in opposition to your candidacy; no one has  
11 requested to appear to speak for you or agin you,  
12 though I do notice you've got someone perhaps  
13 with you. Would you like to tell us who that is?  
14 You don't have to.

15 MR. HAYES: Do you want to call the police?

16 JUDGE HURLEY: He made me bring him. This is my  
17 husband, George Johnson.

18 CHAIRMAN RANKIN: George, stand up and be recognized,  
19 sir. You can leave now if you want.

20 MR. JOHNSON: President Rutherford over there standing  
21 up. I thought there would be a short joke or  
22 something.

23 CHAIRMAN RANKIN: Thank you. Judge Hurley, you have  
24 the opportunity now, with that little bit of  
25 embarrassment, to make a few brief opening

1 statements. You can if you want, you're not  
2 required to. Otherwise, Ms. Benson will give you  
3 a fierce going-over with questions about your  
4 record.

5 JUDGE HURLEY: No. But before we get started, I would  
6 like to thank Ms. Benson and I believe Ms.  
7 Crawford and Ms. Legare for their assistance  
8 during this process, as well as your committee --  
9 for your service to this Committee and to the  
10 state. And as well to my husband for making me  
11 very nervous, but for his support this morning.

12 CHAIRMAN RANKIN: Well, let's see if Ms. Benson can  
13 make you more nervous.

14 JUDGE HURLEY: Oh, okay.

15 JUDGE HURLEY - EXAMINATION BY MS. BENSON:

16 **Q. Judge Hurley, after serving about six years, I**  
17 **think, as a family court judge, why do you want**  
18 **to continue serving?**

19 A. Well, pretty much, I've dedicated my entire legal  
20 career to family law. And so my concern is  
21 always the best interest of the children. I'm a  
22 fierce advocate for children. I love what I do  
23 on the bench. I feel like in family court I can  
24 make the biggest impact on families and children.  
25 And it's just something that I'm passionate about

1 and what I love. And I would like to continue  
2 doing it.

3 **Q. Judge, please explain one or two brief**  
4 **accomplishments that you feel that you've**  
5 **completed during your tenure.**

6 A. Well, one of the things I'm most proud of, at  
7 this point, is very recently I've been asked by  
8 CASA, which is the guardian ad litem program in  
9 Richland County, to serve as a judge over what we  
10 call Project Home. Which CASA received a grant  
11 to go back and pull old cases where children have  
12 been languishing in foster care for years and to  
13 really go through them. And so we've had state  
14 office of DSS involved, we've had CASA involved,  
15 the attorneys involved. And we meet about once a  
16 month and we go through files and we'll have a  
17 case worker maybe contact an old family member  
18 because, as you know, DSS has quite a bit of  
19 turnover, a lot of attorneys, a lot of case  
20 workers, guardians change. And it could be that  
21 somewhere a long time ago there was a family  
22 member that got overlooked. And so I've been  
23 presiding over those kind of cases this year.  
24 And this year, I was able to -- the committee, we  
25 were able to send children back home. In one

1 particular case, I had brothers who were in  
2 foster care for 15 years and their parental  
3 rights -- the parent's parental rights were  
4 terminated. And we were able to go back, look at  
5 their parents again. The children came in when  
6 the parents were going through a hard time.  
7 They're no longer going through a hard time. And  
8 we were able to return custody to the mother and  
9 send them home. We just had a party last week.  
10 And so that's one of the things I'm really proud  
11 of, presiding over those hearings.

12 **Q. Do you have a goal for the future as you**  
13 **continue?**

14 A. Just continue working towards being the best  
15 judge I can be.

16 **Q. Thank you. Judge Hurley, what do you think your**  
17 **reputation is among the attorneys who practice**  
18 **before you?**

19 A. I think they would say that I am passionate, that  
20 I am patient, that I really give them their voice  
21 in court. I think they may see that I'm ethical.  
22 I believe that I have a pretty good reputation  
23 with family court attorneys. And you may tell me  
24 otherwise in a minute, but right now.

25 **Q. And how about among the court personnel, what do**

1           **you think your reputation is among them?**

2    A.    I believe I have a very good rapport with the  
3           court personnel, the deputies, the clerks. I  
4           believe we get along very well. And I think they  
5           come to me sometimes for -- you know, just to  
6           talk and just regular old advice, and so I think  
7           I have a really good rapport with them.

8    **Q.    Thank you, Judge. Judge, the Commission received**  
9           **220 ballot box surveys about you, with 22**  
10           **additional comments. A lot of the comments were**  
11           **very positive. For example, excellent family**  
12           **court judge; smart with wonderful temperament;**  
13           **one of the best judges in South Carolina; and**  
14           **thoughtful and well-reasoned in deliberations and**  
15           **gregarious in temperament. Two of the written**  
16           **comments expressed some concern. The first**  
17           **comment said that you showed poor knowledge and**  
18           **poor judgement. What response would you have to**  
19           **that comment?**

20   A.    Well, in family court, we have -- it's a very  
21           motion-driven, very quick docket. And so I have  
22           a lot cases. In one day, I may have 15 cases and  
23           so we are making decisions very quickly. And I  
24           can't -- I tell people all the time, every 15  
25           minutes I'm making someone mad because I may not



1 rule in their favor or the way they believe that  
2 I ruled. But what I do try to do is to be just,  
3 to be fair, and be reasonable and make decisions  
4 based on the information that's provided to me.  
5 And so it may be someone that they just didn't  
6 like how I ruled that day.

7 **Q. Thank you. And, Judge, the second concern**  
8 **indicated that you tended to give DSS a break**  
9 **when the agency failed to meet its due process**  
10 **obligations. What response would you make to**  
11 **that?**

12 A. That's pretty much, probably, not a DSS attorney  
13 because I believe if you ask the DSS attorney  
14 that they would not have the same response. I  
15 was a DSS attorney. And after I left DSS I went  
16 to the University of South Carolina to the  
17 Children's Law Center. And so I am very  
18 knowledgeable about the children's code and the  
19 regulations involving DSS. And so I have held  
20 DSS in contempt on several occasions for not  
21 abiding by prior court orders, not making  
22 reasonable efforts. I'm surprised by that  
23 response, actually.

24 **Q. Judge, in fact, didn't you tell me during our**  
25 **interview that you thought maybe you were harder**

1           **on DSS?**

2    A.    And I honestly believe that to be true on some  
3           occasions because I know, and as I stated  
4           earlier, my concern's always the best interest of  
5           children. I don't like children languishing in  
6           foster care. So I want to make sure when  
7           cases come before me that DSS and CASA, everyone  
8           is making their reasonable effort so that  
9           children don't have to sit there and wait for,  
10          you know, a home study or wait for the parents to  
11          do something or wait for DSS to make the  
12          referral. And so I hold everyone to the fire.

13   **Q.    Thank you, Judge. Judge, in your PDQ, you**  
14          **indicated that you were involved in your family**  
15          **business from a very early age, and we had a good**  
16          **conversation about that. How do you think that**  
17          **your involvement in your family's business has**  
18          **helped you as a judge?**

19    A.    Well, my family was in the funeral business. My  
20          husband's family is in the funeral business and I  
21          grew up next door to our funeral home. And so  
22          from a very early age, my job was to go over and  
23          clean up the funeral home, run errands. I used  
24          to call it babysitting bodies because when the  
25          receptionist had to go to lunch, I had to go sit

1 at her desk and welcome people to the funeral  
2 home. And so soon as I got my driver's license,  
3 I was driving on funerals. I went to funeral  
4 service school and became a licenced funeral  
5 director and embalmer. And so just so watching  
6 my father and my mother -- my mother is a retired  
7 social worker, but we were always helping people  
8 in their lowest point. And so it made me always  
9 respect everyone because you just -- you never  
10 know what's going on in someone's life. And one  
11 of my favorite things to do was to write  
12 obituaries because I always wanted to hear  
13 someone's story. Because you go to funerals and  
14 you read the obituary and it's very canned  
15 obituary: they were born, they went to school  
16 here, they died, they got married, they have, you  
17 know, two kids. And so I always wanted to delve  
18 into, you know, did they like -- what did they  
19 like to do, did they like to fish, did they like  
20 to do, you know, travel or just those things to  
21 really make the obituary complete and give you a  
22 good window into a person's life. But it also  
23 made me treat people with respect.

24 **Q. Thank you, Judge. Judge, in your previous**  
25 **screening, you talk about that Judge Riddle had**

1           been one of the people that you had looked up to  
2           and respected because she brought such a  
3           passionate nature to the courtroom and to the  
4           proceedings. Have you found that you have been  
5           able to do the same?

6       A.    I try to on a daily basis. One of the things,  
7           when you come into -- if you ever come to visit  
8           me -- and you're welcome to visit me, but if you  
9           come to my office, my office is chuck full of  
10          games and toys and gifts for children who have to  
11          come to court because this is family court. And  
12          so a lot of times families don't have babysitters  
13          and so they bring the children to court. And so  
14          I will bring out crayons and coloring books and  
15          have them -- and give it to them while they're  
16          sitting in court just to keep them busy. When we  
17          have adoptions, I always have toys and gifts for  
18          the children. And I take them back in my office  
19          and let them pick out something because, you  
20          know, adoption is like a new birth and so it's  
21          like a birthday. And so if they bring their  
22          siblings, we all go in the back and everyone gets  
23          to pick a gift. And so I think every day I  
24          aspire to be a passionate judge. Judge Riddle  
25          was absolutely passionate about what she did.

1 And I think that's why we got along so well.

2 Q. Thank you, Judge. Just a few housekeeping  
3 issues. Since submitting your letter of intent,  
4 have you contacted any members of the Commission  
5 about your candidacy?

6 A. I have not.

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

10 A. I am.

11 Q. Since submitting your letter, have you sought or  
12 received the pledge of any legislator, either  
13 prior to this date or pending the outcome of your  
14 screening?

15 A. No, ma'am.

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

20 A. I've have not and I am not aware of anyone doing  
21 so.

22 Q. And have you reviewed and do you understand the  
23 Commission's guidelines on pledging and South  
24 Carolina Code § 2-19-70(e)?

25 A. Yes, ma'am.

1 **Q. Thank you.**

2 MS. BENSON: Mr. Chairman, I would note that the  
3 Midland Citizen's Committee reported that Judge  
4 Hurley is qualified as to the criteria,  
5 constitutional qualifications, physical health,  
6 mental stability, and well qualified as to  
7 ethical fitness, professional and academic  
8 ability, character, reputation, experience,  
9 judicial temperament. In addition, the Midlands  
10 Citizen's Committee commented that Judge Hurley  
11 is well qualified and very compassionate with  
12 children. However, the Committee did note it had  
13 some concerns about her finishing contested cases  
14 in the time allotted without mis-trying a case.  
15 Mr. Chairman, I would note for the record that  
16 any concerns raised during the investigation  
17 regarding this candidate have been incorporated  
18 into the questioning today and I have no further  
19 questions.

20 CHAIRMAN RANKIN: All right, thank you, Ms. Benson.

21 Questions by our members of Commission?

22 JUDGE HURLEY: Ms. Benson, can I address that issue?

23 MS. BENSON: Mr. Chairman, is that --

24 CHAIRMAN RANKIN: Certainly.

25 MS. BENSON: Yes.

1 JUDGE HURLEY: When I met with the Citizen's  
2 Committee, the question came up about scheduling  
3 cases and I advised them or I explained to them  
4 that in family court, attorneys request hearings  
5 and they request hearing time. And so when they  
6 submit their hearing request they will ask for 15  
7 minute hearing or a 30 minute hearing or an hour  
8 hearing. And, to put it in context, I explained  
9 to them that within the two months prior to that  
10 hearing I had to mis-try two cases because they  
11 were both contempt hearings and there were  
12 several issues involved. And I believe that  
13 sometimes attorneys will ask for shorter hearings  
14 believing that they can get a hearing quicker.  
15 And so in one particular case there were three  
16 issues to be tried. Before the case started, I  
17 explained to them, I brought the attorneys up. I  
18 said I don't believe that we can finish it in  
19 this time and they both assured me that they  
20 could. And at the end -- I believe they  
21 requested an hour. At the end of that hour, we  
22 were nowhere near being finished. Matter of  
23 fact, the plaintiff's attorney had not finished  
24 presenting her case. And so I told them -- I  
25 brought the attorneys back up and I explained to

1           them it would not be fair to me to allow you more  
2           time because after your hearing, I have two and  
3           three more hearings. And so the parties sitting  
4           outside are waiting for their case and they're  
5           paying their attorneys. And so if you ask for a  
6           hearing, and say if your hearing is from 2:00 to  
7           3:00, at 3:00 o'clock, I have another case coming  
8           in. At 3:30, I have another case. At 3:45, I  
9           have another case. And so if you don't request  
10          sufficient time, then I don't have a choice but  
11          to mis-try the case.

12          MS. BENTON: Thank you, Judge.

13          JUDGE HURLEY: Thank you.

14          CHAIRMAN RANKIN: I want to follow that up.

15          JUDGE HURLEY - EXAMINATION BY CHAIRMAN RANKIN:

16          Q. We appreciate your being here, I said it from the  
17          outset. You have a very difficult job, and I tip  
18          my hat to all those who serve in the family  
19          court. It is fraught with emotions, difficulties  
20          and great, great debate, I'm sure. But do the  
21          litigants who you are -- you just referenced --  
22          and apparently there was -- this was a comment  
23          from the Midlands Citizen's Committee. Is there  
24          a pattern that folks complain about your being a  
25          stickler for the clock and if you don't abide by



1           **the clock and the allotted time that you will cut**  
2           **them off?**

3       A.    No, sir. I don't believe that was the issue. We  
4           have a lot of cases and judges in family court  
5           are not responsible for setting our dockets. So  
6           we have a docketing clerk. And so parties will  
7           request hearings. And the docketing clerk -- if  
8           you request a half-an-hour, the docketing clerk  
9           is going to give you a half-an-hour. So if your  
10          hearing is scheduled at 11:00, she's going to  
11          schedule another hearing for me at 11:30 and  
12          she's going to schedule another hearing, you  
13          know, whatever -- if they ask for a fifteen-  
14          minute hearing at 11:45. Now, if I don't have  
15          another hearing coming after that, I'll give them  
16          all the time in the world to finish their case.  
17          But if I have a hearing that's coming after those  
18          hearings, it would not be fair to the other  
19          parties to allow you to continue your case when,  
20          you know, the cases behind you, this is their day  
21          in court as well. And so it's a matter of the  
22          attorneys requesting sufficient time.

23       **Q.    Right. What type cases are we talking about**  
24           **where that has been the experience? What type**  
25           **contested issues are we talking about?**

1 A. Maybe a rule to show cause where they're asking  
2 the Court to hold someone in contempt. And it  
3 could be that they -- there may be there's an  
4 issue in not visiting or an issue in not paying  
5 child support or they didn't refinance the house  
6 in a sufficient time. It could be any number of  
7 issues. But sometimes I believe, as I stated  
8 earlier, attorneys, they may be not considering  
9 that they have to present their case and then the  
10 defendant gets to present or defend the case.  
11 And so if you have two or three issues, you're  
12 not going to be able to hear it in a half an  
13 hour, you're not going to be able to hear it in  
14 an hour. Because the attorneys are going to put  
15 up evidence and they're going to, you know,  
16 present testimony and then once they present  
17 testimony then the defendant gets to cross  
18 examine and then we have to go back to redirect.  
19 And so it's not something I think should reflect  
20 on the judges in this matter because a lot of  
21 times I bring the -- when the parties come in, if  
22 there are a lot of issues to be tried, I  
23 will tell them from the beginning, I do not  
24 believe you've requested sufficient time and then  
25 we will go on from there. And so this is not

1 something that is a -- necessarily a problem with  
2 the judges. I think it's an issue more with the  
3 attorneys understanding or requesting sufficient  
4 time with the docketing clerk.

5 **Q. Truth in requesting, not truth in sentencing?**

6 A. Yes, sir.

7 **Q. But I'm curious why you would mis-try something**  
8 **rather than continue it thereafter?**

9 A. And I was going to mention that earlier. In the  
10 case that I was talking about when I brought the  
11 attorneys up, I explained to them that I can  
12 either continue the case or recess and we can  
13 come back another day, it's just -- and I gave  
14 them the option, we can continue it or I can mis-  
15 try it. And in both of the cases, they asked me  
16 to mis-try it because we have -- and I'll give  
17 you an example. I have a wonderful assistant and  
18 she monitors and keeps up with all of our cases -  
19 - with all my cases. In an average year, I have  
20 2,300 hearings. And so, for instance, from  
21 January 1st to October 31st this year, I had  
22 2,057 cases on my docket, all right. And so when  
23 you're talking about scheduling, there are a lot  
24 of cases that have to be scheduled. It's a  
25 matter of attorneys asking for sufficient time.

1           There are a lot of cases. And I think -- I'll be  
2           honest with you, I think I forgot the question.

3   **Q. Well, no, no, no, I mean, just the --**

4   REPRESENTATIVE RUTHERFORD: He did too.

5   **Q. -- truth in requesting --**

6   A. Right.

7   **Q. -- is what you're saying that that complaint**  
8           **should be directed to, not you receiving and**  
9           **hearing, but time just runs out. And so you've**  
10          **said two times that this has happened?**

11   A. Two times this year I've had to declare  
12          mistrials.

13   **Q. Okay.**

14   A. And --

15   **Q. That party -- and not to interrupt you, but to**  
16          **interrupt you, the parties knew in advance**  
17          **because you pre-tried it and you said, folks,**  
18          **you're not likely going to have sufficient time**  
19          **if I hear all this within the time you've**  
20          **requested. You gave them the option of**  
21          **rescheduling it or mis-trying it?**

22   A. No. I gave them -- at the beginning of both of  
23          these hearings, I brought the attorneys up to my  
24          bench and I explained to them, off the record,  
25          that I've read the complaint and I've read the

1           reply and I do not believe that enough time has  
2           been requested. And in both times the attorney -  
3           - both attorneys assured me that they would be  
4           able to finish the case within the time allotted.  
5           At the end of the time, they were not near being  
6           completed. And so I explained to them that I can  
7           either continue or mis-try it, and in both cases  
8           they asked for me to mis-try it. And one is  
9           because if I mis-try it they may be able to -- in  
10          all honesty, they may be able to get a hearing  
11          before another judge quicker than if I continued  
12          it and they had to put it back on my docket  
13          because our dockets are set so far in advance by  
14          our docketing clerk.

15          **Q.    Okay.    Senator Young.**

16          SENATOR YOUNG: Thank you, Mr. Chairman.

17          JUDGE HURLEY - EXAMINATION BY SENATOR YOUNG:

18          **Q.    Judge Hurley, thank you for interest in**  
19          **continuing your service on the family court**  
20          **bench. My understanding from reviewing your**  
21          **Personal Data Questionnaire that you have an**  
22          **extensive amount of experience in the area of**  
23          **abuse and neglect cases prior to your service on**  
24          **the family court. And so the question I have for**  
25          **you today is based on your experience as a**

1 practicing attorney, in your experience at the  
2 Children's Law Center and now your experience on  
3 the family court bench, if you could change one  
4 thing as it relates to abuse and neglect cases in  
5 South Carolina, in the family court system, to  
6 improve that for the children that are involved  
7 and the families that are impacted, what would  
8 that be?

9 A. Well, there's several, but you asked me for one.  
10 So, one thing I would do --

11 **Q. I'm open to more than one.**

12 A. There are some states that have one family, one  
13 judge. And I believe that that is one thing that  
14 can help the DSS cases in abuse and neglect case  
15 -- cases to have one judge follow this case all  
16 the way through, as opposed to one Thursday you  
17 get one judge. The next time you come to court  
18 that judge is assigned to another judge and then  
19 we have to go back through the file and come up  
20 to date on the case. One thing is in DSS' cases  
21 we have to make reasonable effort to prevent the  
22 need for removal. And one of those things is are  
23 we looking at relatives. We have to make  
24 referrals for cases; judges make orders. And so  
25 -- so if a parent has a treatment plan, it would

1           be nice to have one judge to be able to follow  
2           and make sure did you make the -- did DSS make  
3           the referrals for this treatment, did DSS do  
4           this. And just to have one judge, one eye, on  
5           these cases, I think, would be a great benefit to  
6           these children in foster care. And I think it  
7           would relieve the number of continuances in  
8           cases.

9           **Q. Thank you.**

10          CHAIRMAN RANKIN: Representative Murphy.

11          REPRESENTATIVE MURPHY: Thank you, Mr. Chairman

12          JUDGE HURLEY - EXAMINATION BY REPRESENTATIVE MURPHY:

13          **Q. Judge Hurley, I appreciate your willingness in**  
14           **offering to serve again. And I just wanted to**  
15           **commend you on holding -- holding the line, so to**  
16           **speak, on scheduling, because what I found down**  
17           **in Dorchester and Berkeley County is that either**  
18           **attorneys are not experienced enough to really**  
19           **know how long it's going to take to try an issue,**  
20           **particularly, Rule to Show Cause or they're**  
21           **trying to game the system, knowing it's a half-a-**  
22           **day rule but if they request a half-a-day it's**  
23           **going to take six or seven months, but if I**  
24           **request two hours I can get in there and then**  
25           **force a judge to either run over or to -- after**

1           that allotted two hours to then try to shoehorn  
2           them in the next week while the issue is fresh,  
3           particularly if you have a visiting judge. You  
4           have a Judge Jenkinson from Kingstree down in  
5           Dorchester County and now he started a rule, he  
6           knows he wants to finish it because he knows he  
7           may not come by. And I commend you for holding  
8           the attorneys feet to the fire on that, so thank  
9           you --

10          A.    Thank you.

11          Q.    -- for that.

12          CHAIRMAN RANKIN: All right. Mr. Safran.

13          JUDGE HURLEY - EXAMINATION BY MR. SAFRAN:

14          Q.    Judge, I'm speaking out of ignorance, to some  
15                extent, because I don't go to family court and  
16                hadn't in a long time. What's been troubling to  
17                me, listening to the family court judges this  
18                morning, and certainly don't take this, as you  
19                say, it's not a judge issue, but -- I don't know.  
20                Maybe I'm not appreciating the volume of the  
21                cases that flow through.

22          A.    Yes, sir.

23          Q.    But I'm troubled by the fact that, again, the  
24                priority seems to be to keep the train running on  
25                time, as opposed to necessarily seeing what's



1           inside. And, you know, that's -- again, I'm not  
2           saying that as a slap. I understand that it's a  
3           dynamic that you have to deal with every day.  
4           But, you know, if I were to ask you similarly to  
5           what Senator Young says, what would you change,  
6           how can we maybe remedy it? Because I can't  
7           believe that every stoppage is just because of  
8           lawyers who are somehow either gaming the system  
9           or mis-estimating the amount of time it's going  
10          to take. Because I'm assuming that a lot of the  
11          people who are coming through aren't just people  
12          that have been practicing a week; that they're  
13          people who have extensive experience in family  
14          court. They know what these cases are about.  
15          They know how long they ought to take. And I  
16          guess what will we do to try to be able to allow  
17          people to come in and necessarily have a greater  
18          focus on the merits as opposed to how quickly I'm  
19          going to get out the door. I mean, that troubles  
20          me to hear what I've been hearing, and it's not  
21          just from you.

22        A.    In family court, we have jurisdiction over quite  
23              a number of different issues.

24        Q.    Sure.

25        A.    But one thing -- and I'll take just a moment to

1 explain. If a part -- if two people are getting  
2 a divorce, the plaintiff's attorney will file the  
3 complaint for a divorce as well as a motion for  
4 temporary hearing to get into court. Most  
5 temporary hearings are 15 minutes. And so --

6 **Q. Right. And I get that because those are the**  
7 **affidavit hearings, basically.**

8 A. And sometimes we allow the attorneys to make a  
9 statement. And I will tell you, most of them go  
10 over 15 minutes. It is very difficult to read  
11 through the affidavit. If it's 15 minutes, each  
12 party gets eight pages of affidavits. And you  
13 can attach whatever corroborating documents you  
14 wish. But it's a very difficult task for a judge  
15 to make a decision on a temporary basis in 15  
16 minutes who's going to get the house on a  
17 temporary basis, who's going to pay the mortgage,  
18 who's going to pay the utility bills, who's going  
19 to have custody of the children, and when is the  
20 other parent going to visit these children and  
21 who's going to get the dog and who's going to pay  
22 the car note and the insurance and maintain the  
23 health insurance. It's a lot to do in 15  
24 minutes. And so on an average day when we're  
25 hearing temporary hearings, we will have six or

1 seven scheduled at 9:30 and then another six or  
2 seven scheduled at 11:00 o'clock. And so  
3 sometimes, even if you have eight pages of  
4 affidavits, I'm always going to allow the  
5 attorneys to give me a brief synopsis of what  
6 they're asking for or why they're asking for it.  
7 And so it -- most of the hearings go over 15  
8 minutes. Many times, I give them much more time  
9 because I like to rule while it's in front of me  
10 and while it's fresh in my mind and I have the  
11 information in front of me. It's a difficult  
12 task. And, for the most part, I think all family  
13 court judges do a very good job. Sometimes we  
14 have attorneys who will ask -- request a two-day  
15 hearing. And they have to pre-try it with a  
16 chief administrative judge and they may not need  
17 two days. And so it's just -- it's a case-by-  
18 case basis, but we do have quite a few attorneys  
19 who ask for 15 minutes and then they come in with  
20 this much (gesturing) or -- and they sit there  
21 and they look at us and they expect us to go  
22 through everything in 15 minutes. And those are  
23 the cases I can't make a decision. If you want  
24 me to really go through your packet, read your  
25 affidavits ,and look through all the

1 corroborating documents that you have attached, I  
2 have to take it under advisement. And so it's  
3 not -- to me, if you're going to bring in this  
4 much information, you should have just asked for  
5 a half-an-hour hearing or an hour hearing instead  
6 of a 15 minutes hearing. Because it's not fair  
7 to your clients, it's not fair to us for you to  
8 bring in this much information and ask us to make  
9 a decision on that in 15 minutes. So many times  
10 we do have to take those issues under advisement.

11 **Q. I mean, I'm assuming the one you're talking about**  
12 **is again where they're coming in for a temporary**  
13 **hearing and they're bringing you literally a**  
14 **stack as they walk in the door?**

15 **A. Right.**

16 **Q. Well, you know, is there something that can be**  
17 **necessarily altered in the rule to prevent that?**  
18 **Because, you know, essentially, again, you're**  
19 **looking at a situation walking in the door that**  
20 **you know just by looking -- opening your eyes**  
21 **that it's just going to be completely impossible**  
22 **to adequately do. I mean, are those the ones**  
23 **that you maybe say that when they come in with**  
24 **something like that that, look, we're not doing**  
25 **this today. You know, you know better; you**

1           didn't do the right thing. You go get back at  
2           the end of the line because you basically, you  
3           know, forfeited your chance to come in here. I  
4           mean --

5       A.    No. And I don't mean to cut you off, but on  
6           temporary hearings, I don't generally do that,  
7           and neither -- I believe neither do the other  
8           judges. We just have to take it under  
9           advisement. Because it's not fair to their  
10          clients that this is their day in court and  
11          they've been waiting for weeks to get before a  
12          judge. And for a judge to say, hey, look you  
13          brought in too much information, I can't make a  
14          decision in 15 minutes, get back in line and wait  
15          -- and ask for sufficient time. Those cases, I  
16          hear from them and I say I'll have to take it  
17          under advisement and you'll hear from me shortly.  
18          And then I go back in chambers when I have  
19          time and go through all their documents.

20       Q.    And I guess somewhat that's a little different  
21           animal than the ones that come in and actually  
22           want to have a hearing that they know is going to  
23           go beyond an affidavit --

24       A.    A contested trial.

25       Q.    A contested trial and basically, you know,

1 they're asking for an hour when they know it will  
2 take the half of day. I mean, so, again, you're  
3 saying really the only way we deal with that is  
4 for lawyers to be more honest in terms of their  
5 assessment of how much time is going to be  
6 needed?

7 A. Yes, sir. Because I don't know -- our docketing  
8 clerk, as I've already stated, sets our case --  
9 our dockets for each judge. And so if my docket  
10 comes up and it says Jones v. Jones one hour, the  
11 attorneys -- that's what they have estimated and  
12 that's what they have requested. I think it's  
13 just a matter of judges when we meet, when we  
14 have CLEs with attorneys -- and a lot of times we  
15 have a CLE where it's judges pet peeves. I think  
16 it might be the time for us to bring it up to  
17 attorneys and say, look, you really need to look  
18 at your case; asking for less time is not going  
19 to get you a hearing sooner. And you have to not  
20 only take into account presenting your case, but  
21 you also have to take into account the amount of  
22 time the defendant or the respondent will need to  
23 respond and to present their side of the case.

24 Q. Thank you very much. You've been very candid,  
25 and I certainly didn't mean to pick on you. You

1           **just happened to be the one I asked and --**

2           A.    I understand.

3           **Q.    -- I think you have given me some very, very**  
4           **thoughtful answers and I appreciate that.**

5           A.    Thank you.

6    JUDGE HURLEY - EXAMINATION BY CHAIRMAN RANKIN:

7           **Q.    All right.  Judge, I am not wanting to beat this**  
8           **subject, but you've mentioned 2,000 some odd**  
9           **hearings already scheduled, 2,500 something --**

10          A.    Between -- in an average year in Richland County,  
11          I've averaged between 2,300 and 2,500 cases on my  
12          docket per year.

13          **Q.    How many of those do you actually hear?**

14          A.    I would probably say three quarters of them.  A  
15          lot of those will be consent orders that may come  
16          in.  Or they may be child support cases where the  
17          parties have come to an agreement, but I would  
18          probably say three quarters of those actually  
19          come in before a judge.

20          **Q.    Okay.  And forgive me my ignorance, my last foray**  
21          **into family court was as a litigant.  And that's**  
22          **the last time.**

23          A.    Not where you want to be.

24          **Q.    And it worked it out beautifully, but --**

25          REPRESENTATIVE RUTHERFORD:  For her.

1 Q. Todd represented my ex-wife. That's not true.  
2 But so I, too, am a little, perhaps,  
3 disadvantaged to appreciate all that you're  
4 saying, but, as Mr. Safran said, we -- there's a  
5 -- either we've got too many hearings and not  
6 enough family court judges, or not being honest  
7 in the amount of time we're requesting to conduct  
8 our hearing. I know how that works in the  
9 circuit court, the workers' comp context. You  
10 need more time than 15 minutes to litigate  
11 something. But I'm curious that you mentioned  
12 taking it under advisement. That and you've  
13 dealt with the citizen's -- Midlands Citizen's  
14 Commission -- or Committee, rather, and there are  
15 some attorneys on that committee, right?

16 A. Yes, sir.

17 Q. I haven't heard this broached about any other  
18 judge, thus far. And so perhaps they're super  
19 sensitive to the two instances that have taken  
20 place or there's something we're not connecting.  
21 I, too, atta-boy or ditto what Representative  
22 Murphy said about holding folks to their allotted  
23 time and being honest in requesting that because,  
24 again, the worst litigant is probably somebody  
25 like me who won't shut up, who is not, perhaps,



1 ahead of time honest about what they really need.  
2 So when I -- in your court, you're not in control  
3 of the docket, I have requested my time, how far  
4 in advance of my appearing before you with either  
5 one affidavit or a 100, how far in advance am I  
6 saying I only need 15 minutes before I actually  
7 appear before you or any other judge there?

8 A. Well, it depends. If it's in Richland County --  
9 and each county, I believe, behaves differently.  
10 But in Richland County, if you request a  
11 temporary hearing and it's not on an expedited  
12 basis, it's going to be scheduled within four  
13 weeks. If it's on an expedited basis, it will be  
14 within 15 days. And if it's an emergency basis,  
15 it will be within 24 to 48 hours. For other  
16 hearings, it's just a matter of when -- and to  
17 step back. One of the things that I discussed  
18 with the Citizen's Committee is that I had  
19 recently had several attorneys just mention to me  
20 in passing that it was taking a long time for the  
21 hearings to be scheduled, that they had submitted  
22 hearing requests and that it was -- they hadn't  
23 heard back from the docketing clerk and it had  
24 been a month or two. And so in one particular  
25 case, after I've heard it about three times, I

1 went to the docketing clerk and our court  
2 administrator and asked what's going on because  
3 this was something had been -- that had come up  
4 to me at least two or three times, you know,  
5 after hearings or just in passing with attorneys.  
6 And my docketing clerk turned around said, "Do  
7 you see this wall?" And she had cases and  
8 motions stacked up. It's just we -- in Richland  
9 County, we just have so many filings and motions.  
10 And family court is a motion-driven court. And  
11 just people are really filing that many cases.  
12 And so we have five judges, I believe, in the  
13 Fifth Circuit. On any week, we will have  
14 three to five judges. We also have to do -- you  
15 know, we have to do private hearings. We have to  
16 do DSS' hearings and juveniles, and so the  
17 docketing clerk schedules as best that she can.  
18 It's just we have a lot of cases and a lot  
19 of motions being filed in family court.

20 **Q. And those of the 20 some odd hundred you**  
21 **mentioned, are those that you yourself will --**

22 A. Yes, sir.

23 **Q. -- conduct, not --**

24 A. Yes, sir.

25 **Q. Okay. Lest this be the overarching theme.**

1 Again, this was raised by the Midlands Citizen's  
2 Committee. In terms of what you're -- those who  
3 appear before you, the actual attorneys, are  
4 saying only two comments with concern, 21  
5 comments overall, 220 folks took the time to  
6 atta-girl, not atta-boy, you, in terms of the way  
7 you were serving. So I want to commend you. And  
8 You've gotten wonderful comments about your  
9 temperament. Though that schedule looms heavy  
10 and the attorneys who err on the side of  
11 dishonesty may get the wrath, your proper wrath,  
12 they're not complaining about it, at least  
13 anonymously where you would expect to see that.  
14 So you're obviously doing something right. I  
15 would ask you, to the degree that it helps,  
16 perhaps, I don't know who the complaint needs to  
17 go to, but, as you said, the pet peeves of the  
18 bar. That may be where you wear a big, heavy,  
19 thick, thick, thick, tall black robe, not -- if  
20 it's not in the courtroom, but bring it in and  
21 tell them, "Folks, this has got to improve."  
22 Because, again, you're prejudicing those who are  
23 behind you on that calendar, so --

24 A. Yes, sir.

25 Q. -- anyway, unless there are any other comments,

1           again, sir, (indicating to Judge Hurley's  
2           husband) you're welcome to say anything about her  
3           you want to. If you -- it's a joke. Don't get  
4           up. Please don't get up.

5       A. He stays far away, far away from family court.

6       **Q. Yeah. All right. With that, unless there are**  
7           **any other questions or compliments or comments, I**  
8           **want to tell you that this concludes this portion**  
9           **of our screening. And, again, we appreciate your**  
10          **willingness to do this. And, again, you've got**  
11          **the right temperament.**

12       A. Thank you.

13       CHAIRMAN RANKIN: And the comments that folks have  
14          about you expresses that. So you're on the right  
15          side of balancing all this. That said, let me  
16          just remind you of our job and the criteria that  
17          we abide by, which includes your knowledge and  
18          acknowledgment that we strictly adhere to both  
19          the letter and the spirit of law and expect the  
20          candidates to do that as well, regarding the  
21          South Carolina ethics laws. Any violation or  
22          appearance of impropriety in that regard will be  
23          deemed very serious and potentially deserving of  
24          heavy deliberations by this Commission. We have  
25          the right to call you back. And you understand

1           that, correct?

2           JUDGE HURLEY: Yes, sir.

3           CHAIRMAN RANKIN: Until this record is closed, we  
4           could do that. And at that point, we would --  
5           again, I don't expect that to be the case. We  
6           could talk about, ask questions about anything.  
7           Again, we don't expect that to be the case with  
8           you. So, we will close this record and we  
9           appreciate your, again, willingness to doing  
10          this and keeping your husband from talking you  
11          out of continuing doing this. And continued  
12          Godspeed and great service to the state of South  
13          Carolina.

14          JUDGE HURLEY: Thank you. Thank you to each one of  
15          you and happy holidays.

16          CHAIRMAN RANKIN: Thank you. And thanks for being  
17          here early, too. That closes the record.

18   (Off the Record)

19          HONORABLE COREEN B. KHOURY

20          CHAIRMAN RANKIN: How do we pronounce your name?

21          JUDGE KHOURY: Khoury.

22          CHAIRMAN RANKIN: Very well. Representative Murphy  
23          corrected us. Let me ask you to raise your right  
24          hand.

25          HONORABLE COREEN B. KHOURY, having been duly sworn,

1 testifies as follows:

2 CHAIRMAN RANKIN: And, if you will, Judge, confirm for  
3 us the documents you have in front, your PDQ and  
4 your Sworn Statement. Any changes that need to  
5 be made to those as -- take another look.

6 JUDGE KHOURY: I have in front of me the Personal Data  
7 Questionnaire, which is marked as Exhibit 16, an  
8 amendment to that Personal Data Questionnaire,  
9 Exhibit 17, and then my Sworn Statement, which is  
10 marked as Exhibit 18; and I believe all of those  
11 are correct.

12 CHAIRMAN RANKIN: And you don't object to those  
13 being made a part of the record, do you?

14 JUDGE KHOURY: No, sir.

15 CHAIRMAN RANKIN: All right. If you'll hand those to  
16 Lindi, again, we'll put them in there. Judge,  
17 you have participated in this before, I believe.  
18 How long ago were you screened?

19 (Exhibit Number 16 was marked for identification  
20 purposes - (14 pages) Hon. Coreen B. Khoury - Personal  
21 Data Questionnaire.)

22 (Exhibit Number 17 was marked for identification  
23 purposes - (1 page) Hon. Coreen B. Khoury - Amendment  
24 to Personal Data Questionnaire.)

25 (Exhibit Number 18 was marked for identification

1 purposes - (5 pages) Hon. Coreen B. Khoury - Sworn  
2 Statement.)

3 JUDGE KHOURY: 2008.

4 CHAIRMAN RANKIN: So it's a little different than the  
5 last time, but you're aware of our evaluative  
6 criteria, nine of those that we look at in our  
7 thorough investigation of your candidacy?

8 JUDGE KHOURY: I am.

9 CHAIRMAN RANKIN: Okay. Let me just tell you, we look  
10 at a number of those specifically as well,  
11 including the ballot box survey, study of your  
12 application materials, verification of your  
13 compliance with the state ethics laws, search of  
14 newspaper articles in which your name appears,  
15 prior screenings. And then a check for conflicts  
16 -- economic conflicts of interest. We have had  
17 no affidavits filed in oppositions to your  
18 campaign, your candidacy; no one has requested to  
19 be to speak for you or against you. And I do  
20 notice that you've brought with you a bodyguard;  
21 is that right?

22 JUDGE KHOURY: That's correct.

23 CHAIRMAN RANKIN: What is that bodyguard's name?

24 JUDGE KHOURY: This is my husband, Jeff Hammond.

25 CHAIRMAN RANKIN: We welcome you, sir.

1 MR. HAMMOND: Thank you so much.

2 CHAIRMAN RANKIN: Anything gets out of line with Ms.  
3 Baker, we'll invite you to come over here and  
4 take care of her.

5 MR. HAMMOND: All right.

6 CHAIRMAN RANKIN: Judge, with that, you are welcome to  
7 make a brief opening statement, if you'd like.  
8 It's not required, not encouraged. You got here  
9 early. Your time is actually at 2:00 o'clock.  
10 You're welcome to say something.

11 JUDGE KHOURY: Nothing I need to say. I'm ready to  
12 get started.

13 CHAIRMAN RANKIN: Thank you very much. All right, Ms.  
14 Baker.

15 MS. BAKER: Thank you, Mr. Chairman.

16 JUDGE KHOURY - EXAMINATION BY MS. BAKER:

17 **Q. Judge Khoury, after serving four years on the**  
18 **family court, why do you want to continue serving**  
19 **as a family court judge?**

20 A. I have enjoyed the work that I've been doing. I  
21 think that I've sort of been preparing for this  
22 job for most of my legal career. Started out  
23 of law school, went into a small practice. Have  
24 done family court my entire legal career and I  
25 just felt that this was sort of the next step for



1 me. And I'm hoping that I'm doing a fair, good  
2 job -- a good job and would just like to continue  
3 to do so.

4 **Q. Thank you, Judge. Judge Khoury, please explain**  
5 **one or two brief accomplishments that you feel**  
6 **you have completed during your tenure and then a**  
7 **goal you would like to accomplish if reelected.**

8 A. I think, when I started out, I started with the  
9 idea that what I'd hoped to do was to be able to  
10 render decisions that were based in law that were  
11 fair, that were equitable, that were just. And I  
12 think that most of the time I think I've done  
13 that. And I think most of the people that were  
14 screened would agree that I have, in fact, done  
15 that. So I think that's an accomplishment. I  
16 also hope to bring to the bench some idea of  
17 civility and respect, and I believe that that's  
18 been accomplished too. So, I believe those are  
19 the -- probably the two big things that I've felt  
20 comfortable with and what I feel like I've been  
21 able to do so far. Moving forward, I hope to be  
22 able to continue to grow, continue to learn new  
23 information, keep up with the latest trends and  
24 to also to keep -- as a judge, growing as a  
25 judge, knowing what works, knowing what doesn't

1 work, making sure that the courtrooms that I  
2 preside over remain civil and that we do the best  
3 job that we possibly can for the citizens that  
4 were require their needs in family court to be  
5 met.

6 **Q. Thank you. Judge, what do you think your**  
7 **reputation is among attorneys that practice**  
8 **before you?**

9 A. I believe I have a good reputation in front of  
10 the attorneys that practice in front of me. I  
11 think all of them understand that when they come  
12 before me that they're going to have their cases  
13 heard, they're going to have the opportunity to  
14 present their cases, and that they also  
15 understand that I respect what they're doing. It  
16 hadn't been too long ago that I was in their  
17 shoes, so I understand their hard work. I also  
18 understand the nervousness, I think, of the  
19 attorney -- of the litigants that are in front of  
20 me. So I believe they would say that I  
21 understand the litigants, that I understand the  
22 lawyers and that I render decisions that they  
23 believe to be fair and equitable.

24 **Q. Thank you, Judge. The Commission received 292**  
25 **ballot box surveys regarding you, with 25**

1 additional comments. The ballot box survey, for  
2 example, contained the following positive  
3 comments: Judge Khoury is superior in every  
4 aspect and we are most fortunate to have her as a  
5 family court judge; Family court is hard and  
6 Judge Khoury is a tough judge, but she is always  
7 fair and reasonable; She's very professional  
8 with the attorneys and litigants; She upholds  
9 judicial decorum and has a good temperament for  
10 family court; Her courtroom demeanor is  
11 consistent, fair and respectful of all parties;  
12 Judge Khoury is completely knowledgeable, an  
13 unbiased judge and she gives every party the  
14 opportunity to be heard and her decisions are  
15 fair and well reasoned. One of the written  
16 comments expressed concerns: not qualified and  
17 significantly inadequate as a judge; Makes  
18 erratic and bias-laden decisions; Do not have --  
19 does not have proper legal, factual, or ethical  
20 judgement, no confidence in her as a judge and  
21 will avoid bringing anything of substance before  
22 her. What response would you have to this  
23 concern?

24 A. When we were going over the screening some time  
25 ago and you made me aware of that comment, I

1 really have spent a lot of time, I suppose,  
2 pondering and worrying and thinking about that  
3 comment as to, you know, I wish I knew maybe not  
4 so much who that person was but where they were  
5 coming from in that response. You know, because  
6 I would like to hear from them personally about  
7 what it was that gave them that opinion so that I  
8 could work on whatever that was possibly. You  
9 know, if it was a matter of not ruling in their  
10 favor, you know, there's not a whole lot I can do  
11 about that, as long as I applied the laws to the  
12 facts. But if it was something personally that I  
13 did that gave them that impression, it would be  
14 nice to know that so I could correct whatever  
15 that was. But I have struggled with that since  
16 we have talked about it, but I would hope to be  
17 able to tell that person that I am not biased in  
18 any fashion whatsoever, that I understood what  
19 you were telling me. I understood your facts. I  
20 understood the law and maybe my application of  
21 the law was not what you wanted, but I believe at  
22 that particular time it to be fair and just. But  
23 it has kept me up some worrying about that person  
24 and that impression that I might have made, so  
25 that's probably what I would tell that person.

1 Q. Thank you, Judge Khoury. Judge Khoury, you were  
2 -- during your last screening, you informed the  
3 Commission that during the time you've practiced  
4 family law in Lancaster, no one had raised any  
5 conflicts or any issues with your husband being  
6 the Clerk of Court for Lancaster. Since your  
7 previous screening, have you encountered any  
8 concerns or conflicts related to your position as  
9 a judge and your husband's position as Clerk of  
10 Court?

11 A. A lot of people that are new to Lancaster,  
12 and even folks that have been in Lancaster for a  
13 while, a lot of times, don't understand that Jeff  
14 and I are even married because of the last names.  
15 There's been some idea that -- they don't know  
16 that we're related in any fashion whatsoever.  
17 The folks that know us understand that we do have  
18 two separate jobs that we do and how we handle  
19 ourselves in the courtroom. Jeff has done a real  
20 good job, maybe intentionally, maybe not, to stay  
21 out of family court. I'm not real sure he likes  
22 it down there too much. He normally focuses on  
23 the general sessions and the common pleas area.  
24 He's got another clerk that is designated as the  
25 family court clerk. That's the clerk that I come

1 in contact with most often. And I suppose the  
2 only advantage that I've ever really been able to  
3 gain happened about a few days ago. I had a DSS  
4 case. There was an ex parte application that  
5 they needed for me to review and I was able to  
6 convince Jeff that he needed to keep the  
7 courtroom open for another 30 minutes to let DSS  
8 to get there past 5:30 so that I'd have an  
9 opportunity to have review that. But that's  
10 probably the only favor he's ever done, so far,  
11 since I've been on the bench about allowing some  
12 additional time to get somebody in the court.

13 **Q. Thank you, Judge Khoury.**

14 MS. BAKER: I would note that the Piedmont Citizen's  
15 Committee reported that Judge Khoury was  
16 qualified in the evaluative criteria of  
17 constitutional qualifications, physical health,  
18 and mental stability. The Committee found Judge  
19 Khoury to be well qualified in the evaluative  
20 criteria of ethical fitness, professional and  
21 academic ability, character, reputation,  
22 experience, and judicial temperament. The  
23 Committee stated, in summary, "that Judge  
24 Khoury's practical, thoughtful approach to her  
25 tasks as a family court judge is evidence of her

1 deep experience and insight. She also has an  
2 easy, accessible manner that bespeaks exemplary  
3 judicial temperament."

4 Q. Judge Khoury, I have a few housekeeping issues.  
5 Since submitting your letter of intent, have you  
6 contacted any members of the Commission about  
7 your candidacy?

8 A. I have not.

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

12 A. I am.

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

17 A. I have not.

18 Q. Have you asked any third parties to contact  
19 members of the General Assembly on your behalf or  
20 are you aware of anyone attempting to intervene  
21 in this process on your behalf?

22 A. Not that I'm aware of.

23 Q. Have you received and do you understand the  
24 Commission's guidelines on pledging and South  
25 Carolina Code § 2-19-70(E)?

1 A. I do.

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

7 CHAIRMAN RANKIN: Okay, thank you, Ms. Baker.

8 Questions by the Commission? Senator Young.

9 JUDGE KHOURY - EXAMINATION BY SENATOR YOUNG:

10 Q. Thank you, Judge Khoury.

11 A. Yes, sir.

12 Q. Thank you for your interest in continuing your  
13 service on the family court bench. The question  
14 I have is one that I've asked some of the other  
15 candidates. And this question relates to abuse  
16 and neglect cases.

17 A. Yes, sir.

18 Q. And what I would like to know is based on your  
19 experience that you have from your private  
20 practice and now from your time as a family court  
21 judge for the past four or so years, what would  
22 you change if you could change something in the  
23 system as it relates to the abuse and neglect  
24 cases that come before the family court in an  
25 effort to improve that system for the children



1           **and the families involved?**

2           A.    I know one of the difficulties that we've had in  
3           Lancaster -- and I'm not real sure if it's just  
4           my circuit or all around the state. We are a  
5           relatively small circuit. We seem to be a little  
6           understaffed. As far as DSS caseworkers, I think  
7           they are sort of -- they've got too many cases,  
8           sometimes, to be able to investigate the cases  
9           like they should. And then the other problem  
10          that we have is that once we get case workers, we  
11          have a hard time keeping them. So some of the  
12          cases that come in front of me, there will have  
13          been two or three case workers who have been on  
14          the case. And sometimes for me to get the  
15          information it becomes a little difficult when  
16          the first case worker started and a second case  
17          worker did -- be middle and now I have this third  
18          case worker who is in front of me trying to give  
19          me a good history about what's going on. As far  
20          as the lawyers go, I think we run into the  
21          same problems. I think the lawyers, they come,  
22          they get comfortable, they get comfortable with  
23          what I expect and we lose them a lot of times  
24          because they're very good lawyers. They stay  
25          within the system for a while, they get trained,

1 they learn trial experience, and they sort of  
2 move on too. So some of the problems that we've  
3 had in our circuit is just making sure we have  
4 case workers that work the case for the entire  
5 time and that we have lawyers that are  
6 representing the department that understand the  
7 rules and understand what they need to do to get  
8 their case in front of me. On the other hand, I  
9 think that the 608 lawyers that are now working  
10 the system have done a remarkable job. I mean,  
11 it sort of puts everybody on the same footing in  
12 the courtroom. Now I think defendants are  
13 getting attorneys who understand the abuse and  
14 neglect system that are representing them that  
15 are doing an outstanding job. So I suppose if I  
16 could make any changes, it would be, you know,  
17 more staff, maybe better pay for the  
18 lawyers so they stay around a little bit longer.  
19 But I do think the system is working. It just  
20 sometimes appears that I don't get cases in front  
21 of me quick enough. Or if I do, then we've got a  
22 child who may be just a little bit different in  
23 their needs and we can't find the appropriate  
24 placement. But I think all that has to do with  
25 resources and manpower and those kind of things.

1 Q. Thank you very much.

2 A. You're welcome.

3 CHAIRMAN RANKIN: Anyone else? Ms. McIver.

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

5 JUDGE KHOURY - EXAMINATION BY MS. MCIVER:

6 Q. Judge, we've heard some talk about the time that  
7 attorneys request when they go to schedule  
8 hearings. Some may request 15 minutes because  
9 they have a client who is very anxious to get  
10 before the Court, or perhaps they bring in  
11 materials that would require much more than 15  
12 minutes to hear the issues. Have you found this  
13 to be a problem?

14 A. What I -- I do see that a little bit. But it  
15 appears to be some of the same lawyers that do  
16 that, so it's not like it's the whole bar as a  
17 whole. It appears to be, you know, one or  
18 two lawyers that you can almost look at your  
19 docket in the morning and say there is no way  
20 that case is going to take 15 minutes, and you  
21 understand what they're doing. And at temporary  
22 hearings -- I'll really try the best I can to  
23 make rulings from the bench at temporary hearing.  
24 Because I understand everybody wants some quick  
25 answer or some quick fix at a temporary hearing.

1 But if somebody comes in and they've got a lot of  
2 complicated issues or a ton of affidavits, then,  
3 more likely than not, what I'll do is just allow  
4 the attorneys to make brief arguments and that  
5 way I'll take all that information and take it  
6 back with me and then I'll study it and issue an  
7 opinion later on in the day, just so everybody  
8 else doesn't get backed up. But, generally, most  
9 of the lawyers do a good job at asking for their  
10 15 minutes or so. But there's a few that every  
11 time you see them you know that's going to be  
12 happening.

13 **Q. How do you handle that if one of the -- or both**  
14 **of the attorneys are before you and you realize**  
15 **there's no way we're getting through this but**  
16 **that hasn't been brought to your attention until**  
17 **they show up in the courtroom with all of these**  
18 **affidavits and you know that there are a pile of**  
19 **people waiting out in the hall?**

20 **A.** In a lot of times what I really try to do is not  
21 to embarrass lawyers in front of their client.  
22 So a lot of times I will ask for just a  
23 conference between the lawyers and say, look,  
24 I've looked at your packets, I know this is going  
25 to take longer. You know, you can submit a brief

1 argument, I'll be glad to take a legal brief if  
2 you want to do that, but your 15 minutes is your  
3 15 minutes and that's what we need to do be able  
4 to stick to. And a lot of times they'll just  
5 give me that brief opening and they'll submit  
6 some document later so -- if there's any point  
7 that they really want me to know about.

8 Q. Thank you. You said you had been staying up over  
9 that one comment, what really appears to be an  
10 outlier. You had 292 ballot box surveys and one  
11 of them was negative, so I would commend you on  
12 your temperament and your service and thank you  
13 for what you do for the family court.

14 A. Well, thank you. Thank you.

15 CHAIRMAN RANKIN: Any other questions or comments?

16 JUDGE KHOURY - EXAMINATION BY CHAIRMAN RANKIN

17 Q. I want to ditto that, as well, and then call  
18 particular attention to a couple of the letters  
19 of reference that you have in your support. One  
20 from your former partner, Mr. Robert Folks, who  
21 said that he spoke at your swearing-in --

22 A. He did.

23 Q. -- service, I guess, some years back. That would  
24 have been 2013 or 2015?

25 A. That was '14.

1 Q. 2014, okay. And that he does not participate or  
2 appear before you in your court, that his,  
3 effectively, promises or hopes that he had for  
4 you have not disappointed. That's not of his  
5 opinion, but those who appear before you. So the  
6 second one is that you have the wife, the Mrs.,  
7 doing it instead of the Mr. I know both Alston  
8 DeVenny and his wife Susan. You certainly have  
9 picked the better --

10 A. Well, I'll tell her that.

11 Q. -- Susan to applaud your candidacy. And so  
12 wonderful rapport you have and respect of your  
13 community, again. And those who aren't signing  
14 their names to these comments who, again, applaud  
15 your efforts. So we appreciate your continuing  
16 to doing it, doing it well and staying out of the  
17 Clerk of Court's reaches, as least  
18 professionally. And so, Mr. Hammond, we're glad  
19 that you both are serving the public up there in  
20 Lancaster and the State as well.

21 A. Thank you.

22 CHAIRMAN RANKIN: So unless there are other questions,  
23 that will conclude this portion of our screening  
24 process. Let me remind you, again, you know this  
25 drill, but we look very seriously at any

1 violation of the appearance of impropriety  
2 regarding violation by candidates of the South  
3 Carolina ethics laws. So the record is not  
4 closed. It won't be until final record of  
5 qualification is issued. We would have the right  
6 and obligation to call you back if there was any  
7 question about any violation. We don't expect  
8 that to be the case, but you do know that that is  
9 our right, correct?

10 JUDGE KHOURY: Yes, sir.

11 CHAIRMAN RANKIN: All right. Judge, with that, we're  
12 going to close it. Thank you again for being  
13 early.

14 JUDGE KHOURY: Thank you.

15 CHAIRMAN RANKIN: And Godspeed and a great  
16 Thanksgiving to you.

17 JUDGE KHOURY: Same to all of y'all. Good seeing you.  
18 Thank you.

19 CHAIRMAN RANKIN: Nice meeting both of you. And now  
20 we will break for lunch.

21 (A lunch break was taken at this time.)

22 HONORABLE PHILLIP K. SINCLAIR

23 JUDGE SINCLAIR: Good afternoon.

24 CHAIRMAN RANKIN: Welcome. Thank you for being here  
25 early.

1 JUDGE SINCLAIR: Thank you.

2 CHAIRMAN RANKIN: We appreciate your being here. If  
3 you will, raise your right hand, please. We're  
4 going to jump right in.

5 HONORABLE PHILLIP K. SINCLAIR, having been duly sworn,  
6 testifies as follows:

7 CHAIRMAN RANKIN: Judge Phillip K. Sinclair.

8 JUDGE SINCLAIR: Correct.

9 CHAIRMAN RANKIN: Take a quick look at the statements  
10 that you've previously given us, the PDQ and the  
11 Sworn Statement. Any changes that need to be  
12 made to those?

13 JUDGE SINCLAIR: No, if these are as submitted, I  
14 don't know of anything that needs to --

15 CHAIRMAN RANKIN: And you don't object to them  
16 being made a part of the record?

17 JUDGE SINCLAIR: No.

18 CHAIRMAN RANKIN: Very well. If you'll hand them to  
19 Lindi, they will be so marked. Judge, you have  
20 done this. The last time was when?

21 (Exhibit Number 19 was marked for identification  
22 purposes - (15 pages) Hon. Phillip K. Sinclair -  
23 Personal Data Questionnaire.)

24 (Exhibit Number 20 was marked for identification  
25 purposes - (5 pages) Hon. Phillip K. Sinclair - Sworn



1 Statement.)

2 JUDGE SINCLAIR: Six years ago, 2012.

3 CHAIRMAN RANKIN: You're familiar with our

4 investigation, that includes, as you know, nine  
5 evaluative criteria, which includes the ballot  
6 box survey, a thorough study of your application  
7 materials, verification of your compliance with  
8 the state ethics laws, search of newspaper  
9 articles in which your name appears, a study of  
10 pervious screenings, and a check for economic  
11 conflicts of interest. No one has filed an  
12 affidavits in opposition to your candidacy and no  
13 one is here but you to testify for you or agin  
14 you. And I we will now turn it over to J.J.  
15 Gentry in a moment. And you're welcome to make a  
16 brief opening statement, though it is not  
17 required.

18 JUDGE SINCLAIR: All right. Well, I just say thank  
19 you for what you do. I know that this takes a  
20 lot of your time from your families and your  
21 businesses. Thank you. This is important work.  
22 I know that you know that, but having an informed  
23 judiciary is a very important part of our  
24 democracy, so thank you very much and thank you  
25 for allowing me the privilege of serving.

1 CHAIRMAN RANKIN: Very well. All right.

2 JUDGE SINCLAIR - EXAMINATION BY MR. GENTRY

3 **Q. Judge Sinclair, after serving eight years on the**  
4 **family court, why do you want to continue to**  
5 **serve?**

6 A. Well, as strange as it may seem, I love this job.  
7 This is -- I tell people this is kind of where it  
8 happens in family court and I don't -- by that, I  
9 don't mean to discount what other judges do, but  
10 it's almost every family, every person in the  
11 state, at some time, has some contact with family  
12 court. It may be a divorce, through juveniles,  
13 DSS, maybe an adoption. But I just enjoy the  
14 work. I enjoy working with people, and I've just  
15 found it to be a very fulfilling job. It's also  
16 one in which I think I'm well suited for the  
17 work. I've enjoyed the work. I've had the  
18 benefit of practicing law, which I enjoyed. Had  
19 a -- I think a good law practice. I've done some  
20 other things in my life, although it's been all  
21 law related. But I think I'm well suited to this  
22 job and I really have enjoyed what I do.

23 **Q. Please explain one or two brief accomplishments**  
24 **that you feel you have completed during your**  
25 **tenure and then a goal that you would like to**

1           **accomplish if reelected.**

2    A.    You know, family court is one of those courts  
3           where we are busy day-in, day-out. We're rarely  
4           -- we rarely have down time in family court. And  
5           so we don't have a lot of time to stop and look  
6           back at what we've done and where we want to go.  
7           Although, I will say that I've had the benefit of  
8           working with -- the judge across the hall from me  
9           is Judge Jim Fraley. He's been on the bench for  
10          20 years. He's an excellent judge, so I've had  
11          the benefit of his wisdom and experience. But  
12          during the time that we've been able to work  
13          together, we've looked at some things regarding  
14          docketing to try to make our court more  
15          efficient. We were one of the first circuits to  
16          do the A, B, C docketing, and he actually did  
17          that prior to me coming on the bench. We still  
18          do that. We've looked at ways to -- we process  
19          or we attempt to process bench warrants and  
20          domestic abuse cases every day, just because we  
21          think those are important and they ought not  
22          languish, people ought not be in jail. We've  
23          tried to keep our docket as up to date as we can,  
24          and we occasionally have a meeting of our judges  
25          to look at ways we can change our docket. What

1 the future holds for the family court is kind of  
2 hard to say. I know in some states there are  
3 procedures where folks never actually appear in  
4 court; they file documents, they file affidavits.  
5 A judge can grant a divorce without a hearing.  
6 And I don't know if we're headed in that  
7 direction in our not in our court, but we are  
8 very busy. And it's been a challenge, I think,  
9 for us to keep up with our caseload. And I'm  
10 sure that's not -- that's not just our circuit.  
11 I'm sure that's true in all circuits, but we've  
12 worked hard to try to provide good service to the  
13 lawyers and litigants in our circuit.

14 **Q. What do you think your reputation is among**  
15 **attorneys that practice before your court?**

16 A. You know, those of you who practice law, I  
17 practiced in family court for a long time before  
18 I went on the bench. And I've told some lawyers  
19 who appear before me -- they will sometimes be  
20 complimentary, and I say, you know, I'd really  
21 like to know what you're saying down at the end  
22 of the hall before you come into the courtroom.  
23 But I think -- I hope my reputation is that I'm  
24 patient and fair. I hope my reputation is that I  
25 listen and that I try to treat litigants and

1 lawyers with courtesy and that I'm patient. That  
2 would be my hope.

3 **Q. When you were first screened for the family court**  
4 **in 2009 you indicated that you did not have as**  
5 **much experience in the area of juvenile justice.**  
6 **Have you had any issues handling juvenile justice**  
7 **cases?**

8 A. Let me just say this: now I have lots of  
9 experience in juvenile justice. I've really had  
10 no problems. My first job right out of law  
11 school I was an assistant prosecutor for three  
12 years, an assistant solicitor, and I didn't  
13 really do juvenile work primarily, but I did do a  
14 little bit of juvenile work. Since then, when I  
15 first came on the bench, Judge Fraley and I were  
16 the two primary judges in Spartanburg and,  
17 believe it or not, he likes to do DSS. So, he  
18 approached me and said how about I do most of the  
19 DSS, you do most of the juveniles, and I  
20 immediately took him up on that offer. So for  
21 the first three or four years I was on the bench,  
22 I did juveniles most of the time. And so I have  
23 acquired a lot of experience. In fact, the only  
24 reported case -- I don't know that this is a good  
25 thing or a bad thing, but the only reported case

1 that I have handled was a juvenile case. It's in  
2 the matter In Re Justin B. that dealt with the  
3 constitutionality of having juveniles on the sex  
4 offender registry.

5 **Q. You also indicated that you were not initially in**  
6 **favor of mediations. Has your opinion changed**  
7 **since being a judge?**

8 A. Well, I think my opinion actually changed before  
9 I became a judge. As a practicing attorney, when  
10 this whole idea of mediation started 20 years  
11 ago, I saw that as sort of another layer of  
12 hearings that our clients were going to have to  
13 pay for. Over a period of time, I became  
14 convinced -- I'm a strong believer in mediation  
15 now. I would estimate that the number of trials  
16 for sure have gone down in family court,  
17 primarily because of mediation. In our circuit,  
18 we pre-try cases. Whenever lawyers request a day  
19 or more of court time, we pre-try that case, and  
20 sometimes they will come in and say, well, we've  
21 been to mediation but we didn't make much  
22 progress. If -- depending on the issues and the  
23 facts, sometimes I will require them to have a  
24 second mediation because it's surprising how  
25 often cases can be settled through mediation, so

1 I'm actually a big believer in the process now.

2 Q. The Commission received 363 ballot box surveys  
3 regarding Judge Sinclair, with 27 additional  
4 comments. The ballot box survey, for example,  
5 contained the following positive comments:  
6 Outstanding judge with an excellent temperament;  
7 man of excellent character, very fair and  
8 trustworthy and exceptionally well qualified.  
9 None of the written comments expressed any  
10 concerns. Judge Sinclair, since submitting your  
11 letter of intent, have you contacted any members  
12 of the Commission about your candidacy?

13 A. I have not.

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

17 A. Yes.

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

22 A. No, I have not.

23 Q. Have you asked any third parties to contact  
24 members of the General Assembly on your behalf or  
25 are you aware of anyone attempting to intervene

1           **in this process on your behalf?**

2           A.    I'm not.

3           **Q.    Have you reviewed and do you understand the**  
4           **Commission's guidelines on pledging and South**  
5           **Carolina Code § 2-19-70(E)?**

6           A.    Yes.

7           **Q.    Thank you, Judge Sinclair.**

8           MR. GENTRY:  I would note that the Upstate Citizen's  
9           Committee reported that Judge Sinclair is  
10          qualified as to the constitutional  
11          qualifications, physical health, and mental  
12          stability, and well qualified as to ethical  
13          fitness, professional and academic ability,  
14          character, reputation, experience, and judicial  
15          temperament.  I would just note for the record  
16          that any concerns raised during the investigation  
17          regarding the candidate were incorporated in the  
18          questioning today.  Mr. Chairman, I have no  
19          further questions.

20          CHAIRMAN RANKIN:     Okay.  Mr. Safran.

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

22          JUDGE SINCLAIR - EXAMINATION BY MR. SAFRAN

23          **Q.    Judge Sinclair --**

24          A.    Yes, sir.

25          **Q.    -- I just wanted to tell you that there have been**



1 rare occasions where we get these ballot box  
2 surveys that come back unanimously positive. And  
3 so I think it's incumbent upon us to recognize  
4 the obvious, which is that your constituency up  
5 there, the people who are more or less seeing you  
6 day-to-day, think you're doing a great job. And  
7 I think it's incumbent upon us that when we see  
8 that to tell you're doing a super job. And it's  
9 not coincidence, I think, that we see you here.  
10 We had Judge Kelly here about a week ago, and  
11 very, very similar responses. And so I don't  
12 know what's in the water up that way, but you're  
13 obviously doing exactly what the bar expects out  
14 of a judge and you ought to be commended for it.

15 A. Well, thank you. You know, the kind of work we  
16 do -- I was in politics myself for a little  
17 while. And when you're in politics you get lots  
18 of feedback. Everybody tells you what you're  
19 doing wrong. I know you all know. With this  
20 work, you don't get much feedback. And, to be  
21 honest, it would probably be helpful to us to get  
22 more feedback, especially for new judges. And I  
23 don't -- I don't know how you do that, but, you  
24 know, if you know, for instance, that there are  
25 concerns about the way you handle something, I

1 think it could be a real learning experience for  
2 us as we -- as we try to do our job. But I had  
3 the benefit of practicing in front of a lot of  
4 good judges, and I couldn't help but pick up a  
5 few things from them, so thank you.

6 **Q. Thank you.**

7 CHAIRMAN RANKIN: Senator Hayes.

8 JUDGE SINCLAIR - EXAMINATION BY MR. HAYES:

9 **Q. Andy stole my thunder a little bit because, I**  
10 **mean, that's probably the best I've seen on the**  
11 **ballot boxes, just about. There were no --**  
12 **usually we have to point out there's a few**  
13 **naysayers, a few outliers. There were none in**  
14 **your case and -- but I have to point out, he may**  
15 **not want me to, but we not only -- I was in the**  
16 **Senate when you were in the House, I think, but**  
17 **we go back to high school just a few years ago,**  
18 **and I knew you were marked for greatness back**  
19 **then, so. But thank you for your service over**  
20 **the years. I appreciate it.**

21 **A.** Senator, I appreciate that, but when you use the  
22 term greatness and family court judge in the same  
23 breath, I'm not sure that's appropriate. What we  
24 do is we're down in the trenches. We're not --  
25 and that's just the nature of the job, but I love

1           it. I mean that's where I'd prefer to be, to be  
2           honest. And thank you for your kind remarks.

3           CHAIRMAN RANKIN: Senator Young.

4           SENATOR YOUNG: Thank you, Mr. Chairman.

5           JUDGE SINCLAIR - EXAMINATION BY SENATOR YOUNG

6           **Q. Judge, I have a question for you about your**  
7           **experience from being in the trenches. And, in**  
8           **particular, I'd like to know about abuse and**  
9           **neglect cases and what would you recommend, if**  
10          **you could recommend one thing that would improve**  
11          **the system for children and their families in the**  
12          **abuse and neglect process in family court, what**  
13          **would you recommend as a change to improve it?**

14          **A.** Senator, that's a tough question. We get -- as  
15          judges, we get used to dealing with things the  
16          way they are. We don't legislate. We can't  
17          change anything. We just deal with what we see.  
18          I do think, and I don't want -- I'm not sure how  
19          far I should go. I'm not sure the legislature  
20          and the high court are sometimes on the same  
21          track with regard to TPRs. When I was in the  
22          legislature we made some changes in the  
23          permanency planning statutes to, at a certain  
24          point, put children's interest above the interest  
25          of parents. And sometimes when I read opinions

1 from higher courts, I'm not sure they're on the  
2 same track that the legislature was on. Having  
3 said that, we deal with kids who have been  
4 injured, abused, and, you know, you've got this  
5 balancing act you do. Parents are parents, they  
6 do have rights as parents. So what we're  
7 attempting to do is treat the parents fairly and  
8 make sure if children are being abused or  
9 neglected that we recognize that and then take  
10 appropriate steps to try to remedy whatever the  
11 situation is. But it's -- I will tell you this:  
12 it's probably the most difficult thing we do is  
13 abuse and neglect cases. And one danger in this  
14 job, I think, is that you can become a little bit  
15 hardened to it over a long period of time. And,  
16 you know, what we try to do is have fresh eyes  
17 when we look at these cases. And that's, again,  
18 there are a few cases that are -- that there's no  
19 probable cause and that they can't be proven.  
20 So, you know, we need to be alert to both abuse,  
21 potential abuse, and rights of parents who are  
22 innocent. I recently had a case -- and you have  
23 from time to time where DSS will come to court at  
24 a first call merits, even though there's been a  
25 probable cause hearing where probable cause was

1 found and say, you know, we've unfounded our  
2 case. And it's good that they're willing and  
3 able to do that. But I wish I had an easy answer  
4 for you. It's something, if you don't mind, I'll  
5 give it some thought and be glad to --

6 **Q. Do you think there's -- there are enough in --**  
7 **where you hold court, I mean in the place in the**  
8 **counties where you hold court, has your**  
9 **experience been that the DSS caseworkers are --**  
10 **have too many cases and they aren't -- it's been**  
11 **too much turnover in the number of DSS**  
12 **caseworkers?**

13 **A.** There is no question about that. I -- when we  
14 come to court -- I did DSS last week or week  
15 before, I guess. And we are seeing new faces all  
16 the time. And that's among the caseworkers. And  
17 these folks, when you got 40 or 50 cases that  
18 you're supervising and you're being assigned new  
19 cases, there's just no way you can do the kind of  
20 job that you really ought to be doing with the  
21 cases you have, if you -- if you're overworked.  
22 Burnout causes people to leave. I don't know  
23 what the pay scale is. But it's a very difficult  
24 job and a lot of those folks are on call. They  
25 get called in the nighttime to go out when

1 children are -- when there's a case that arises.  
2 So it's a very difficult job and I'm sure just  
3 from my observations in court that there are --  
4 that there's a high turnover and, you know, when  
5 you have new people on the job, they may be great  
6 people, but it just takes a while to acquire the  
7 kind of experience that you need to go out and  
8 investigate those cases.

9 **Q. Do you have any input about mediation in abuse**  
10 **and neglect cases?**

11 A. You know, we have never done that in our circuit,  
12 but I understand that it has been done down in  
13 Conway and some other areas. And they have  
14 actually had some pretty good experiences with  
15 it. I would recommend that it be given a close  
16 look maybe state-wide. I don't know what it  
17 would cost, but it costs a lot to try these cases  
18 too. So if you had some mediators who were  
19 experienced -- I do think one thing that has  
20 happened that has been by and large good is the  
21 608 attorneys. It used to be that a bankruptcy  
22 lawyer might be appointed to represent folks in  
23 an abuse and neglect case and, you know, it's  
24 like reinventing the wheel every time you have  
25 somebody who doesn't know what they're doing

1           who's trying to handle one of those cases. My  
2           observation is that the 608 attorneys I deal with  
3           are very competent. They know the law. They  
4           don't try cases unnecessarily. Sometimes you try  
5           a case because your client requires you to try  
6           it; sometimes you try it because you don't know  
7           whether it's a good case or a bad case. We don't  
8           have that problem anymore. They know whether  
9           it's a good or a bad case and they, by and large,  
10          do a very good job, the 608 attorneys in the  
11          area where I work.

12          **Q. Thank you, sir.**

13          CHAIRMAN RANKIN: Anyone else?

14          JUDGE SINCLAIR - EXAMINATION BY CHAIRMAN RANKIN

15          **Q. Judge, I just want to know what's wrong with you.**

16          A. Well, you just haven't talked to the right  
17          people, Senator. I'm sure -- I'm sure you can  
18          find some.

19          **Q. Either the fear of the Lord or -- to truly not  
20          have one naysayer, one negative comment, means  
21          something is definitely wrong with you. Or --**

22          A. Well, I told you I liked this job, so that ought  
23          to be a clue that there's something seriously  
24          wrong with me anyway, but ...

25          **Q. Well, you certainly don't hide it well enough**

1 because, obviously, they see it and react it  
2 accordingly. I'm curious -- and we have heard a  
3 number of times today the crush of the schedule  
4 and the time that is requested at the outset by  
5 the attorneys requesting the motion oftentimes  
6 does not sync with what they actually need. Is  
7 that your experience or do you just have so few  
8 cases that nobody ever crosses you and no one is  
9 ever upset as they wait for their motion or their  
10 hearing to be heard?

11 A. Senator, this is my theory, and I'm surprised  
12 some people haven't complained about this, but  
13 when -- motion days are very difficult days for  
14 us because on a motion day if you have all 15-  
15 minute hearings, in my circuit you can have 24  
16 hearings in a day. That's a lot of hearings. I  
17 tell people that's a lot of thinking to do in one  
18 day. We do -- with our bar, we meet a couple of  
19 times a year and we encourage them to request  
20 enough time. If they know that custody is at  
21 issue, request at least 30 minutes. And we've  
22 asked our docket clerks and the clerk's office if  
23 they request 30 minutes or even 45 minutes, give  
24 it to them because, otherwise what happens -- I  
25 take as much time as I think the case merits.



1 And I will occasionally have a case that's set  
2 for 15 minutes that lasts 45 minutes. And I'm  
3 aware there are people waiting out in the hall,  
4 but I've got litigants in the courtroom and their  
5 lawyers who think that their case is pretty  
6 important, so I just take whatever time I need  
7 and I finish the case. Now, I will tell you  
8 this: and I have found that when I get behind  
9 like that on my docket, folks out in the hall  
10 whose problems are fairly minor start sending  
11 messages in that they're going to have a consent  
12 order on the case down the road. So it's pretty  
13 rare when I run past 4:30 or 5:00 o'clock in the  
14 afternoon and it's pretty rare when I run into my  
15 lunch period. But it would -- in an ideal world,  
16 lawyers would request enough time. But sometimes  
17 when they request a hearing they don't even know,  
18 you know, who's going to be on the other side or  
19 what the issues are going to be, so, you know, we  
20 try to -- we recognize the fact that sometimes  
21 when they request time they don't know what to do  
22 and, obviously, the more time they request, the  
23 fewer hearings I can hear or my colleagues can  
24 hear. So we just try to -- you know, we weigh it  
25 out and do the best we can. We've also -- Judge

1 Fraley, in our circuit, we've created kind of the  
2 atmosphere, I think, that if I get ahead, say if  
3 I have a 30 minute hearing that lasts ten minutes  
4 because they've reached an agreement, then I will  
5 send a message across the hall that I can take a  
6 case or two off of his docket if he has a 15-  
7 minute hearing. So we all work together. And  
8 what I found is it really works pretty well.

9 **Q. I'm curious -- I interrupted you.**

10 A. Sure.

11 **Q. I'm curious. Your docket in the Seventh Judicial**  
12 **Circuit, any idea what your numbers are a year?**

13 A. Uh-huh. Well, this doesn't include juveniles,  
14 but we'll have right at 4,000 cases in  
15 our circuit, in Spartanburg County. Also  
16 Cherokee County in our circuit probably has 700  
17 cases. In addition to that, we normally have  
18 about 200 juvenile petitions, maybe more, 250.

19 **Q. Of that 4,000-ish -- I'm not holding you to a**  
20 **number. You'll hear how many of those?**

21 A. Senator, I --

22 **Q. Half? More than half?**

23 A. Probably less than half. We now have an at-large  
24 judge, Judge Pope-Black, is in our Circuit. And  
25 we run court usually three judges a week, just

1 about every week. Occasionally we'll have two  
2 judges. Some weeks we'll have four judges. We  
3 only have four courtrooms, so we can't have more  
4 than four judges. But we probably average  
5 running three judges a week every week that  
6 there's court.

7 CHAIRMAN RANKIN: Mr. Safran.

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

9 JUDGE SINCLAIR - EXAMINATION BY MR. SAFRAN

10 Q. Let me follow up on that. So what I'm hearing is  
11 that even with the demands time-wise of your  
12 temporary hearings, your juveniles, your  
13 contested trials, you're still basically hearing  
14 all the cases and giving them the amount of time  
15 they require without necessarily  
16 throwing somebody out of the room saying your 15  
17 minutes is up or whatever. And you've still,  
18 more often than not, worked -- not working until  
19 midnight.

20 A. No. We never work til midnight, I can tell you  
21 that right now.

22 Q. Yeah.

23 A. Having done this a long time, I used to tell  
24 people I'm in this for the long haul. I don't  
25 plan on burning out before I make it a year on

1 the bench. So, yeah, we hear -- now, I will say  
2 this: the problem we're having - and they're  
3 probably having this in all circuits is, our  
4 government docket is expanding. DSS now in  
5 Spartanburg County every Monday afternoon two  
6 judges hear first call merit hearings every  
7 Monday. We hear probable causes, first call  
8 merits. Every other Wednesday, two Wednesdays a  
9 month, we hear nothing but TPR cases. That will  
10 be one judge who does those. Every Thursday  
11 two judges hear abuse and neglect. So a big part  
12 of our docket, we do juveniles. One judge hears  
13 juveniles all day on Tuesday. We are, frankly, a  
14 little concerned about how having 17 to 18 year-  
15 olds added is going to impact our caseload. I  
16 talked with the assistant solicitor last week who  
17 handles juveniles, and she indicated they were  
18 expecting about a 33 percent increase in the  
19 number of petitions that are being heard. So  
20 we're going to have find some more time somehow  
21 to hear those.

22 **Q. I guess at least up 'til now when that stuff**  
23 **hasn't necessarily kind of come to full fruition,**  
24 **you've been able, though, to do exactly what**  
25 **you've told us, which is I'm not necessarily**

1           overly concerned with how much time I may have to  
2           spend on a case; if I can -- have to spend  
3           another ten minutes, I do it, whatever. So the  
4           merits is the most important thing?

5       A.    Yeah. And, you know, different judges -- I'm not  
6           telling you that the way I do it is the way  
7           everybody ought to do it. I can tell you what  
8           works for me. On motion days, I rarely take  
9           anything under advisement. I know some judges  
10          who take most everything under advisement. I  
11          found if you do that, you never know any more  
12          about a case than you do right then when you've  
13          got the lawyers in front of you, the affidavits  
14          there, so I just take the time, I listen to the  
15          lawyers, I read the affidavits, and I rule. If  
16          it takes 45 minutes, okay. If it takes 15  
17          minutes, ten minutes, okay. And somehow  
18          or other, it all seems to work out. I can't  
19          explain how it does, but it just does, so.

20       **Q.    At least, based on the responses we're getting**  
21       **obviously from the bar, it's working for them.**

22       A.    Well, I hope so. I hope so.

23       **Q.    Thank you.**

24       A.    And I tell people -- I was asked at the bar, you  
25          know, what are the important qualities of a judge

1 and I said I've had the benefit of having been in  
2 front of some very good judges. So what I've  
3 tried to do emulate some of things that I've --  
4 I've had some judges, I've tried to learn some  
5 things from some good judges that I was fortunate  
6 enough to practice in front of.

7 Q. I think that's a great thing that you've done.  
8 And appreciate your responses.

9 A. Thank you very much.

10 JUDGE SINCLAIR - EXAMINATION BY CHAIRMAN RANKIN:

11 Q. Well, and I'm kind of touching on Senator Young's  
12 question and in this vein that Mr. Safran asked  
13 about. You have the once-a-year meeting with the  
14 bar, perhaps more often. You have a bully pulpit  
15 to tell the rest of the bar and the --  
16 particularly the rest of your brothers and  
17 sisters on the family court bench how to do  
18 statewide what you're doing up there, in terms of  
19 the schedule and the crush of a wall full of  
20 motions, we heard one describe earlier. I mean,  
21 just -- it's almost the Lucille Ball factory.  
22 Handling them as best they can in 15 minutes, but  
23 you got 15 minutes or whatever you've asked for,  
24 again, which is requiring the attorneys on the  
25 front end to be honest about what time they need.

1           You've got the pulpit. People are going to read  
2           this or not. Your wife, I hope, will read what  
3           we're saying about you.

4    A.    Well, thank you.

5    Q.    And tell the rest of the family court bench how  
6           to do statewide what it needs to on this  
7           particular theme that we've heard at least twice  
8           or three times today already.

9    A.    Well, thank you again for what you do and for  
10           allowing me to do this job. I love it. And hope  
11           you'll -- one question --

12   Q.    You're ducking my question, and I'm not going to  
13           let you duck my question. So applause, accolades  
14           aside --

15   A.    I thought that was a directive and not a  
16           question, Senator.

17   Q.    This transcript will include your --

18   A.    All right.

19   Q.    -- recommendations and/or admonitions to your  
20           brothers and sisters of the family court, so what  
21           is that?

22   REPRESENTATIVE RUTHERFORD: Know-it-all.

23   A.    You know, one thing I was going to say when you  
24           mentioned the bully pulpit, with our Spartanburg  
25           County bar there are really some great people

1 who practice in family court. And so we've  
2 tried, Judge Fraley and Judge Pope-Black and I  
3 have tried -- and Judge Bridges, too, from  
4 Cherokee County. We've tried to create this  
5 feeling that to some degree we're all in this  
6 together. We have different jobs that we do  
7 within the system, but if the system works  
8 better, it benefits everybody. It benefits us,  
9 it benefits the attorneys, it benefits their  
10 clients. And so we've, sometimes less  
11 successfully than other times, but we've tried to  
12 create this idea that we -- and we -- one reason  
13 we meet with the bar two or three times a year is  
14 to solicit their ideas. Sometimes they have some  
15 really good ideas about ways we can do things a  
16 little bit better than how we're doing them, so  
17 ultimately it's not a democracy. We don't vote  
18 on it. The judges decide what we're going to do,  
19 but we really do value the input from the  
20 attorneys because they see this from a different  
21 point of view than we do and they have some good  
22 ideas. So I don't know that we're doing anything  
23 differently than what other circuits are doing,  
24 truthfully.

25 **Q. It will be my third and final try, but I may go**



1 four and five times. If the bar, if the surveys  
2 suggest, perhaps, that there's some concerns with  
3 the judiciary and that, perhaps, the schedules  
4 seems to be the altar at which the judiciary  
5 worships versus taking a little extra time,  
6 hearing and not taking under advisement as much  
7 as they can in a ruling, how do -- what do you  
8 say how do we fix that? Is that something we fix  
9 or is it incumbent upon every area's bar to have  
10 a we're-in-it-together type mind set.

11 A. That's a great question, and I -- if I knew the  
12 answer, I would tell you. I will say this: when  
13 young judges come on, if they ask advice -- and  
14 sometimes I just volunteer this because I think  
15 it's important, I tell them what I do. And I  
16 say, you know, it may work for you, you --  
17 something else may work differently, but I always  
18 tell them how I handle temporary hearings. This  
19 is the way I do it; it works for me and it seems  
20 to work for the lawyers that appear before me.  
21 But, having said that, you know, they're judges  
22 just like I am and they can do what they think  
23 they ought to do. We all bring our own  
24 personalities, our life experience, our  
25 experience with practicing prior to coming on the

1 bench, so -- but I do try to encourage young  
2 judges to adopt at least some of the ideas that  
3 have worked for me. And, you know, there may be  
4 some things that may not work for them, but ...

5 Q. This process is effectively our spin on kind of  
6 what you've just said, that you volunteer it,  
7 they may not ask for it. You've heard the line  
8 unsolicited advice often needed rarely heeded.  
9 You've heard that line?

10 A. I have heard that.

11 Q. Well, we are soliciting your advice on that  
12 point. And your testimony thus far, the outset,  
13 has said kind of how you do it here. But we want  
14 all the family court judges, everyone, to be held  
15 in as high a regard as you apparently are, such  
16 that, again, the outliers that often can define  
17 who you are unfairly that, in your instance, no  
18 outlier. So that special sauce that Spartanburg  
19 has is unique here. Every local bar says our  
20 bar's the best; oh, we don't want to be like pick  
21 the name across the state, that bar, but we're  
22 trying to get to that so that everybody learns  
23 from this and that you are offering unsolicited  
24 advice. So if you want to take an 18th stab at  
25 my question, go ahead. If you want to be

1 relieved of that, I'll turn it right back over to  
2 my left --

3 A. Senator, I will make this observation, I think.  
4 You mentioned Keith Kelly's name with mine. I  
5 think -- I think having served in the legislature  
6 is a huge benefit for a judge. And I understand  
7 that there are a lot of folks that may not agree  
8 with that. I think the benefit for me is you do  
9 learn -- I mean, same way that judges all have  
10 different opinions, lawyers have different  
11 opinions, litigants have different opinions,  
12 judges have different opinions. One thing you  
13 learn in the legislature is how to compromise, at  
14 least you should learn that in the -- I certainly  
15 learned it sometimes the hard way, that I needed  
16 to compromise when I didn't. But I do think that  
17 it is -- it was a benefit to me to have served in  
18 the legislature, and -- so, for whatever that  
19 observation is worth. But I will certainly  
20 continue to talk to young judges about -- or new  
21 judges. I was 57 when I came to this job, so I  
22 was a new judge at a fairly -- at an older age.  
23 And I think the experience I had was very helpful  
24 to me. I was 47 when I became a legislator and I  
25 think I was a different and hopefully better

1 legislator at 47 than I would have been at 27. I  
2 can almost promise you that I was, but ...

3 CHAIRMAN RANKIN: Representative Rutherford. Thank  
4 you.

5 JUDGE SINCLAIR - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

6 Q. Judge, how are you?

7 A. Good.

8 Q. Good. You know, I served with -- I'll call him  
9 Phil because I've known him for that long. And  
10 you were as humble then as you are now. And I  
11 know that all the things that you do sitting on  
12 the bench, none of them were as tough as trying  
13 to answer the Senator's question and sit here and  
14 tell other people what to do to be successful,  
15 because that's simply not you. But in that vein,  
16 I do appreciate what you do and what you have  
17 done. I always tell people you can't tell  
18 somebody until you give them power. You won't  
19 know anything about them until you see them react  
20 to power. And you have reacted, as a legislator  
21 and as a judge, exactly the way that we expect  
22 people to, and I just want to commend you for  
23 that.

24 A. Well, thank you. Thank you. And thank you.

25 JUDGE SINCLAIR - EXAMINATION BY CHAIRMAN RANKIN:

1 Q. All right.

2 A. All right.

3 Q. Unless there's anything else, I want to just add  
4 one thing and that being one of the comments that  
5 I think warrants being included in the record  
6 here. Again, of many offered about you. "If  
7 this survey -- ballot box survey, offered a  
8 higher -- a rating higher even than well  
9 qualified, for example, exceptionally well  
10 qualified, Judge Sinclair would deserve the  
11 higher rating in each category." So, with that,  
12 that's a statement, not a question, so be  
13 relieved. Unless there are other questions of  
14 members of the Commission, this will conclude  
15 this part of our screening. Judge, we want to  
16 remind you that pursuant to our criteria that we  
17 expect you as a candidate, as you have as a  
18 judge, to follow both the spirit and the letter  
19 of the South Carolina ethics laws. Any violation  
20 or appearance of impropriety would be deemed very  
21 serious and deserving potentially of our further  
22 consideration. You're aware of that, right?

23 A. I am.

24 Q. We do not expect to call you back, but that would  
25 be the result if such were to occur. This record

1 will remain open until the record of  
2 qualifications has been issued. So, with that,  
3 Judge, we thank you and Godspeed and try do  
4 something wrong hereafter. Just, I mean, look  
5 cross at somebody, just something.

6 A. You know we've all done some of those things, and  
7 I tell people when I was practicing law, I'm sure  
8 -- well, I know I committed some legal  
9 malpractice. Fortunately, on the cases that I  
10 committed the legal malpractice on, nobody  
11 complained. So I guess I've been fortunate in  
12 that regard, but thank you very much. And again,  
13 thank you.

14 **Q. Thank you, Judge.**

15 CHAIRMAN RANKIN: On motion of Mr. Safran, seconded by  
16 Senator Hayes, we will now go into executive  
17 session.

18 (Executive Session)

19 HONORABLE MICHAEL SCOTT RANKIN

20 CHAIRMAN RANKIN: All right, folks. We are back on  
21 the record and while during and in executive  
22 session judicial merit selection commission  
23 neither conducted any business, cast any votes,  
24 nor anything else. Now we are back on the record  
25 and we'll proceed to the next hearing -- next

1 candidate. Welcome.

2 JUDGE RANKIN: Thank you.

3 CHAIRMAN RANKIN: Namesake.

4 JUDGE RANKIN: Cuz (ph).

5 CHAIRMAN RANKIN: Well, we're going to speak to that  
6 in a second. Raise your right hand, if you will.

7 HONORABLE MICHAEL SCOTT RANKIN, having been duly  
8 sworn, testifies as follows:

9 CHAIRMAN RANKIN: Judge Rankin, for the record, you  
10 and I are not related --

11 JUDGE RANKIN: That is correct.

12 CHAIRMAN RANKIN: -- by blood, but we do share  
13 offspring who have shared a dorm two-and-a-half  
14 years ago, correct?

15 JUDGE RANKIN: That is correct.

16 CHAIRMAN RANKIN: Very good. Don't hold that against  
17 me and I won't hold it against you.

18 JUDGE RANKIN: Please do not.

19 CHAIRMAN RANKIN: Super. You have two documents  
20 there, a PDQ and a Sworn Statement; is that  
21 correct?

22 JUDGE RANKIN: That's correct.

23 CHAIRMAN RANKIN: Any changes need to be made to  
24 those?

25 JUDGE RANKIN: No, sir.

1 CHAIRMAN RANKIN: No objection to them being made a  
2 part of the record?

3 JUDGE RANKIN: No objection.

4 CHAIRMAN RANKIN: If you'll hand those to Lindi, we'll  
5 put them in. Judge you have not screened for  
6 judicial merit selection candidacy before; is  
7 that correct?

8 (Exhibit Number 21 was marked for identification  
9 purposes - (17 pages) Hon. Michael Scott Rankin -  
10 Personal Data Questionnaire.)

11 (Exhibit Number 22 was marked for identification  
12 purposes - (8 pages) Hon. Michael Scott Rankin - Sworn  
13 Statement.)

14 JUDGE RANKIN: That is correct.

15 CHAIRMAN RANKIN: But you are familiar with the rules,  
16 and I'm just going to put these in the record so  
17 everyone knows that you know what we're talking  
18 about here. And the particularly nine evaluative  
19 criteria, which include a ballot box survey, a  
20 thorough study of your application materials,  
21 verification of your compliance with state ethics  
22 laws, search of newspaper articles in which your  
23 name appears, and a check for economic conflicts  
24 of interest. No one has filed an affidavit in  
25 opposition to your election. And no one has



1 requested to be speak for you or against you  
2 today. So it is your show. You are welcome to  
3 make a brief opening statement if you want to,  
4 otherwise you can waive that and Mr. Fiffick will  
5 start with the questions.

6 JUDGE RANKIN: I would waive an opening statement.

7 CHAIRMAN RANKIN: Thank you. All right.

8 MR. FIFFICK: Thank you, Mr. Chairman.

9 JUDGE RANKIN - EXAMINATION BY MR. FIFFICK:

10 **Q. Judge Rankin, please state for the record the**  
11 **city and circuit in which you reside?**

12 A. Camden and the Fifth Circuit.

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

20 **Q. Judge Rankin, why do you want to serve as a**  
21 **family court judge and why do you feel that your**  
22 **legal and professional experience qualify and**  
23 **will assist you to be an effective judge?**

24 A. First off, after practicing law for 25 years, I  
25 believe I -- with my experiences, it's put me in

1 this position to change paths. I have been a  
2 public defender representing juveniles. I've  
3 been appointed on domestic abuse cases.  
4 I've done abuse and neglect through DSS. I was  
5 the contract public defender for three years from  
6 '98 to 2001. I've been a Guardian ad Litem. I  
7 also conduct mediations. I've been doing  
8 mediations for about the last four plus years.  
9 Through those experiences, I believe I can be an  
10 effective judge. I've also sat on the bench as a  
11 part-time magistrate for Kershaw County handling  
12 the civil cases for the county. I've dealt with  
13 pro se litigants as well as lawyers over the last  
14 twelve years. And I think I have, through my  
15 experience, earned the right to seek election.  
16 Not the right to be elected, but I've earned the  
17 right to seek to be elected. And my experiences  
18 have led me to this path. I was not expecting it  
19 to come quite so soon. I thought Judge Morris  
20 was going to have another one or two years, which  
21 would have been a little more desirable. And  
22 then this summer he sprung that, that he was  
23 leaving. I think surprised a lot of us in the  
24 bar. And then I just -- this is something that I  
25 really want. And I think my family and I have

1 talked about it, we've prayed about it and I  
2 think now is the time. If I'm ever going to do  
3 it, now is the time.

4 **Q. Thank you, sir. Judge Rankin, are there any**  
5 **areas of the law for which you would need**  
6 **additional preparation in order to serve as a**  
7 **family court judge and how would you handle that**  
8 **additional preparation?**

9 A. Well, I haven't been in the juvenile justice  
10 arena in quite some time. I think I would need  
11 to sharpen my skills and my knowledge concerning  
12 that process. Like I said, I used to do a lot  
13 juvenile work. And, in fact, some of the  
14 juvenile work is what -- has made me become a  
15 better a lawyer, a more empathetic lawyer. The  
16 other areas I think I'm very comfortable in. But  
17 that is one area that I would probably need to  
18 hone up on my knowledge of the applicable law.

19 **Q. Thank you, sir. Judge Rankin, please briefly**  
20 **describe your experience in handling complex**  
21 **contested family court matters and specifically**  
22 **discuss your experience with the financial**  
23 **aspects of family court work.**

24 A. Well, one case I just got through litigating is a  
25 four-day change of circumstances custody case. I

1 represented mom. A ten-year-old child. Mom,  
2 after the child was about a year-and-a-half old,  
3 she left, went in the Navy. She was stationed in  
4 San Diego and she came back in 2016 to  
5 reintegrate her in the son's life. Neither she  
6 nor the father had were -- had ever been married  
7 to each other. And that dealt with a lot of  
8 issues, drug issues, on behalf of dad, best  
9 interest of the child as it related to moving  
10 down to Charleston where my client has since  
11 relocated. We just got the memorandum from the  
12 judge. And while it didn't go in my favor, there  
13 were certain circumstances that the judge  
14 included in a memorandum that would give my  
15 client, essentially, a shot -- another shot at  
16 the proverbial apple. So that was one that was  
17 just recently. That just wrapped up within the  
18 last few weeks. And then I just had another  
19 case, which is a civil case, which I tried in  
20 Horry County that's a month ago, and we got a  
21 sizeable verdict. It was against a State Farm  
22 insured. That was a first jury trial I've had in  
23 quite some time. In fact, my last jury trials  
24 when I was public defender, armed robbery and  
25 kidnaping, we got a not-guilty verdict in that

1 case. So, I've dealt with financial issues.  
2 There's one case I specifically refer to, I think  
3 it was the Bower case. That was a case where I  
4 represented a dean of a business in Pennsylvania.  
5 Her husband was here. Short-term marriage. He  
6 was a day trader. Even though she was a dean of  
7 a business school, she was inexperienced as it  
8 come to managing their stock portfolio. She  
9 turned it over to her husband and he --  
10 essentially, he lost a significant amount of her  
11 money, which was we contended was non-marital,  
12 and I was successful in that case. And he had  
13 some significant health issues which he was  
14 seeking alimony. He couldn't work and we were  
15 able to get a very favorable outcome for her.

16 **Q. Thank you, sir. Judge Rankin, the Commission**  
17 **received 78 ballot box surveys regarding you,**  
18 **with twelve additional comments. Ballot box**  
19 **surveys contain, for example, the following**  
20 **positive comments: as an advocate, Scott Rankin**  
21 **is an outstanding attorney who fights very hard**  
22 **for his clients. The same commenter went on to**  
23 **say that, as a magistrate judge he's been**  
24 **surprisingly effective, compassionate, and fair.**  
25 **Even when he has ruled against me, I felt his**

1           rulings were fair, factually supported, and  
2           legally sound. Four of the written comments  
3           expressed concerns. Several comments indicated  
4           that you could be caustic and that while you are  
5           a part-time magistrate your temperament is not  
6           well suited for family court. How would you  
7           respond to these comments?

8       A.    I would say that -- two parts. First of all,  
9           when I was a young practicing lawyer, I thought  
10          my clients told the truth, always told the truth,  
11          and that I had to prove myself against more  
12          seasoned attorneys. This was 23-and-a-half years  
13          ago when I set up my practice in Camden. And I  
14          was a zealous advocate, and still am. But I  
15          would take it personally when my clients didn't  
16          get the results that I thought they should get.  
17          And finally that took a sit down. I'll never  
18          forget it, 1996 with -- '97 I believe it was,  
19          with a judge, and the judge said, Scott, you  
20          don't create the facts and all clients don't tell  
21          the truth. And so that has helped me in my  
22          practice to understand that I don't create the  
23          facts; I just deal with the facts that are before  
24          me. As far as on the bench, there have been  
25          times when I have maybe been a little impatient,

1 but that has dealt with issues where litigants  
2 are talking over each other, talking back to the  
3 Court, being extremely disrespectful. Also one  
4 issue where, you know, someone was cussing in the  
5 courtroom. And I -- after giving numerous  
6 warnings, I had to file a -- I held that person  
7 in contempt of court. That is something that I  
8 am -- I am not perfect, but I believe that in my  
9 job -- in my role as magistrate that I am  
10 patient. I believe everyone has a right to their  
11 say. That's one of the things in dealing with  
12 pro se folks, they just want to be heard.  
13 Whether the outcome goes their way or not, they  
14 just want to be heard. And back to the story  
15 about the one time when I held somebody in  
16 contempt for cussing in a courtroom what's  
17 interesting is three years later she hired me as  
18 her lawyer, and I've been her family lawyer ever  
19 since and then represented her family. And she  
20 acknowledged that she was wrong when that took  
21 place and that shouldn't have happened. So I  
22 believe I am -- I can be very patient. I don't  
23 believe my temperament is bad. Am I perfect?  
24 No. But I am, obviously, cognizant of the fact  
25 that there are things that I can do to improve.

1 Q. Thank you, sir. Second concern was that -- and  
2 this goes to some questions I asked you earlier  
3 this afternoon was that you may not have  
4 requisite experience in complex family matters  
5 and may not have the academic knowledge that a  
6 family court lawyer should have to be on the  
7 family court bench. How would you respond to  
8 that?

9 A. I would say that I have been practicing family  
10 court for 25 years. I have gotten good results  
11 for my clients. I have mediated some complex  
12 litigation. I have represented attorneys in  
13 their divorce cases, which they were not  
14 agreements; they were complex. And I do feel  
15 like I have the requisite experience to be able  
16 to handle that. If there's an area that I don't  
17 know, I will certainly learn that. I will  
18 educate myself in all matters. Have I -- you  
19 know, am I handling the -- constantly handling  
20 those type matters, no, but I've done my fair  
21 share which gives me the experience I believe  
22 necessary to adequately fulfill this job.

23 Q. Thank you, sir. Judge Rankin, you have been  
24 involved in three lawsuits, the first filed by a  
25 Tom Grecheski doing business as Ski Construction



1           **alleged that you did not fully compensate him for**  
2           **work completed. Please explain the nature and**  
3           **disposition of this lawsuit.**

4       A.    I hired Mr. Grecheski's company to renovate a new  
5           home I had just purchased. And in the process of  
6           doing the work, right before we were getting to  
7           move in, I caught -- my wife actually caught  
8           several of his workers smoking marijuana on -- at  
9           the property, and I felt we had to dismiss him  
10          accordingly. I had paid him everything that was  
11          owed. He still filed suit. That was in front of  
12          Judge Davis, and then Judge Davis heard the case.  
13          Mr. Grecheski was represented by an attorney. I  
14          was represented by William Tetterton, and the  
15          finding was for me. It was a bench trial, that I  
16          did not owe him any money.

17       **Q.    Thank you, sir. Judge Rankin, the second lawsuit**  
18       **was filed by you in 2011 against Bruce Knigge in**  
19       **connection with a promissory note signed by him**  
20       **on behalf of his daughter. Please explain the**  
21       **nature and disposition of this lawsuit.**

22       A.    That was a case where -- that was also one of the  
23           cases I mentioned, and more significant case in  
24           family court. I had represented his daughter in  
25           a contested custody case. It went six days. The

1 minor child was burned -- severely burned and  
2 being placed in a bathtub while in the care of my  
3 client and her husband. There were expert  
4 witnesses and -- who indicated that it was abuse  
5 because of the burn. We were able to prove that  
6 the water heater temperature had been set to 140  
7 degrees instead of 120 degrees. I was able to  
8 win custody for my client. And going through my  
9 client's father, she didn't work, didn't have any  
10 money. He had indicated that he would take care  
11 of the bill and had signed a promissory note to  
12 take care of those legal excesses. And which  
13 they were well over \$30,000, but we had a six-day  
14 custody trial. And when he didn't pay, that's  
15 the first time I've ever sued on a promissory  
16 note or sued a client. But, in that case, I felt  
17 that I had performed my job, performed it well,  
18 and I was entitled to funds. And then we were  
19 able to get a judgment in circuit court.

20 **Q. Thank you, sir. Judge Rankin, the second lawsuit**  
21 **filed by you and others against Cancun**  
22 **Enterprises, LLC in 2016 alleging fraud related**  
23 **to an investment. Please explain the nature and**  
24 **disposition of this lawsuit.**

25 **A. A business owner in Camden had approached me as**

1 well as several other folks about investing in a  
2 potential nightclub in Cancun in kind of an  
3 upscale like Cirque de Soleil type club in  
4 Cancun. And it turns out that my business friend  
5 -- the business owner friend, as well as two  
6 others from Dallas, Texas, that they took all of  
7 our money. And so we filed suit and I ended up  
8 getting out of the suit because shortly after --  
9 shortly before that my dad had just died and I  
10 was just kind of done. And so I got out of it.  
11 I was dismissed, but, ultimately, they reached --  
12 the other plaintiffs reached a settlement with  
13 the defendant.

14 **Q. Thank you, sir.**

15 MR. FIFFICK: The South Carolina Bar Judicial  
16 Qualification's Committee found Judge Rankin to  
17 be overall qualified in the evaluative criteria  
18 of constitutional qualifications, physical  
19 health, mental stability, reputation, experience  
20 and judicial temperament. The Committee found  
21 him well qualified in ethical fitness, character,  
22 and professional academic ability. Judge Rankin,  
23 you've already mentioned the instance where you  
24 had to hold someone in contempt as a magistrate.  
25 What steps might a family court judge take to de-

1           escalate such instances without your resorting to  
2           that final result in that case?

3       A.     Well, I think, one, if you get in a situation  
4           like that, you just take a time out, just take a  
5           break off of the bench.  If there are lawyers  
6           involved, you call the lawyers back in -- back in  
7           chambers.  Certainly, family court can be very  
8           emotional, extremely emotional.  Other than an  
9           adoption, typically there's going to be someone  
10          upset who comes before you in family court.  So I  
11          think I would, you know, take a time out, talk to  
12          the lawyers.  If there's not a lawyer involved,  
13          if there's only one lawyer, I would just go off  
14          the bench, take a deep breath and then come back.  
15          I understand how emotional this process can be.  
16          And I would de-escalate it.  I would count to  
17          ten, whatever it took to, you know, make sure  
18          that I handled the situation appropriately.

19       **Q.     Thank you, sir.  I have a few housekeeping issues**  
20           **now.  Judge Rankin, are you aware that as a**  
21           **judicial candidate you are bound by the Code of**  
22           **Judicial Conduct as found in Rule 501 of the**  
23           **South Carolina Appellate Court Rules?**

24       A.     Yes.

25       **Q.     Are -- Judge Rankin, since submitting your letter**

1 of intent, have you contacted any members of the  
2 Commission about your candidacy?

3 A. No, sir.

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

7 A. Yes, sir.

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

12 A. I have not.

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

17 A. I have not, nor am I aware of anyone doing such.

18 Q. And, again, have you reviewed and do you  
19 understand the Commission's guidelines on  
20 pledging as found in SC Code § 2-19-70(E)?

21 A. Yes, I do. And out of abundance of caution, I  
22 haven't even sent an introductory letter to the  
23 legislature yet because I didn't -- I wanted to  
24 make sure that there would be nothing  
25 misconstrued there.

1 Q. Thank you, sir.

2 MR. FIFFICK: I would note that the Midland Citizen's  
3 Committee found Judge Rankin to be well qualified  
4 in the criteria of ethical fitness, professional  
5 and academic ability, character, reputation,  
6 experience, and judicial temperament. The  
7 Committee found Judge Rankin qualified in the  
8 area of constitutional qualifications, physical  
9 health, and mental stability. Also noted in the  
10 Committee report that Judge Rankin has lots of  
11 experience in the family court and will strive to  
12 move cases along. I would just note for the  
13 record that any concerns raised during the  
14 investigation regarding the candidate were  
15 incorporated into the questioning of the  
16 candidate today. Mr. Chairman, I have no further  
17 questions.

18 CHAIRMAN RANKIN: Okay. Questions by the Commission.

19 JUDGE RANKIN - EXAMINATION BY CHAIRMAN RANKIN:

20 Q. I want to open it up. There were a couple. And  
21 I looked in your PDQ, and congratulations on your  
22 verdict in Horry County. I was pleased to see  
23 that you got a good result. And it sounds like  
24 some egregious facts that warranted your zealous  
25 advocacy, and the jury obviously agreed with you,

1           so --

2       A.    Thank you.

3       Q.    -- kudos to you for that.  You have it cited as  
4           one of your letters of reference a Roy Fakoury.

5       A.    Yes.

6       Q.    Did I pronounce that correctly?

7       A.    That's correct.

8       Q.    F-A-Q -- no, excuse me --

9       A.    F-A-K.

10      Q.    F-A-K-O-U-R-Y.

11      A.    That's correct.

12      Q.    Who cites both personal, professional, and  
13           business relations with you, but particularly  
14           your representing him in an adoption.  Tell us a  
15           little bit about that?

16      A.    Roy and his wife, Sarah, they have -- they were  
17           not able to have children and they had -- they  
18           adopted two children.  Well, their oldest --  
19           their son ended up getting into trouble with  
20           drugs and some mental illness, and he had a  
21           child.  And the -- he had some allegations of  
22           abuse against the mother of the child.  The  
23           mother also had some drug issues.  And we got  
24           involved and got custody initially for Roy and  
25           Sarah.  And then subsequently, we were able to

1 adopt that child. And what's interesting is they  
2 -- they have made me his godfather, so I am  
3 Carter's godfather. And his now six years old,  
4 and that is a precious child and couldn't be with  
5 two better folks. So that was a case that, you  
6 know, one, they're close friends, but these  
7 people needed to have this child and they've done  
8 a great job by him.

9 **Q. The Midlands Citizen's Committee is who screened**  
10 **you; is that right?**

11 A. Yes, sir.

12 **Q. Okay. And they -- you heard Mr. Fiffick say --**  
13 **said lots of experience in the family court and**  
14 **will strive to move cases along. Maybe this**  
15 **person needs to have better penmanship, but in**  
16 **terms of your -- you've cited a case you tried**  
17 **obviously in Horry. We just talked about that.**  
18 **And previous to that a not-guilty verdict in a**  
19 **criminal defense case. In your PDQ, you say 70**  
20 **percent of your professional time is spent in the**  
21 **domestic realm.**

22 A. That's correct.

23 **Q. Your grasp of all things family court, in terms**  
24 **of rules of -- rules of civil procedure,**  
25 **contempt, direct contempt, etcetera, you feel**



1           like you are well qualified to stand the rigors  
2           of a judgeship in terms of what would be coming  
3           to be before you?

4           A.    I do, absolutely.  Do I know everything that  
5           there is to know at this point?  No, I do not.  
6           I'm not going to pretend.  But that's -- you  
7           know, they have a bench book.  I have a bench  
8           book as magistrate.  If there's something that I  
9           don't know, there's a -- other judges are good  
10          resources.  It's not something that I won't be  
11          able to handle and I have handled it over the  
12          last, you know, 25 years.  I've tried, you know,  
13          the multi-day cases.  I've dealt with issues  
14          dealing with assets well over a million dollars.  
15          I've dealt with those kinds of things and I think  
16          I will -- if I don't know the answer, I will get  
17          the answer.

18          Q.    All right.  Questions, anyone else?  I may come  
19          back.  Mr. Safran.

20         JUDGE RANKIN - EXAMINATION BY MR. SAFRAN:

21          Q.    Judge Rankin --

22          A.    Yes, sir.

23          Q.    -- it's good to have you here today.  Let me just  
24          ask a couple of things.  You've had 25 years of  
25          experience, which is certainly something that I

1 personally look to, which means you've been out  
2 there, you've been practicing law, you've had the  
3 opportunity to gain experience. And, at least  
4 from what we're seeing in terms of what you've  
5 indicated, family court has been an area that you  
6 focused on for a period of time.

7 A. Yes, sir.

8 Q. Now, let me just ask this: nobody's going to be  
9 completely, I guess, fluent in everything that  
10 could come up, and we recognize that. There is a  
11 certain amount of a learning curve that goes with  
12 it no matter how much time you've had in  
13 practice. I guess, you know, flip side is,  
14 obviously, you can't be calling another judge  
15 every time something comes up.

16 A. Yes, sir.

17 Q. Tell me, you know, why is now the time that, you  
18 know, you feel like it's incumbent to go ahead  
19 and take this leap and tell me, basically, you  
20 know, is this the kind of commitment that you're  
21 really ready to make, because, obviously, you're  
22 coming off the heels of a wonderful situation,  
23 you know, in circuit court.

24 A. Right.

25 Q. Which would some people might say, well, heck,

1           **that's my motivation to kind of keep moving, so**  
2           **just give me a little insight on that.**

3       A.    These positions don't come open very often, and  
4           if I'm ever going to do it now is the time to do  
5           it.  There have been times during the summer that  
6           I've like -- do I want to do it, do I not want to  
7           do it, I second guessed -- not really second  
8           guessed, but I questioned.  My wife and I have  
9           talked about it.  I enjoy family law.  I've been  
10          doing mediation, and I'm good at mediation.  I've  
11          had one case that did not resolve that I mediated  
12          and it got resolved a month later by the parties  
13          basically on what we had talked about in  
14          mediation.  I like solving problems.  One of the  
15          things that I tell people when I conduct  
16          mediation is I'm not here to give you joy, but  
17          hopefully I can give you a little peace.  And  
18          there are no winners in family court.  If you're  
19          in family court, unless it's an adoption, you've  
20          already lost.  But my job is, as a judge, is  
21          hopefully to bring people some peace.  Let them,  
22          you know, have their say.  Let the lawyers try  
23          their cases.  And this is something that I want  
24          to do and I think I will be very effective at it.  
25          I've enjoyed being a magistrate for twelve years.

1 I enjoy helping solve problems. Now, mediation  
2 is different than me, because I'm the ultimate  
3 decision maker, but I think a lot of my skills in  
4 mediation could be effective in helping cases get  
5 resolved. So that -- that's why -- I think  
6 that's why I'm able to do this job. I think I  
7 can do it well. And the timing is just if I  
8 don't do it now, I don't think I'll ever have  
9 another opportunity.

10 Q. All right. And let me switch gears with you a  
11 little bit. We've sat through several hearings  
12 today of people who have been sitting judges for  
13 varying periods of time. And we've heard, you  
14 know, somewhat different answers in terms of how  
15 they approach a docket, what they really kind of  
16 prioritize in terms of when the cases come in.  
17 And I don't think that -- I'm certainly not going  
18 to fault anybody. Different circuits may have  
19 different caseloads, different days just bring  
20 different challenges. So I think it would not be  
21 fair to want to necessarily paint with a broad  
22 brush, but you've been in family court.

23 A. Yes.

24 Q. And at least what I'm hearing sitting here today  
25 is that are some judges that really feel like the

1 demands are at a level where it's a matter of  
2 watch the clock, 15 minutes, maybe 20, if you're  
3 not really done, it's time to go. We heard  
4 somebody else a little while ago who says, you  
5 know, it may be a different environment, I don't  
6 watch the clock. I'm going to make a ruling.  
7 I'm going to give it the time it needs and  
8 generally by the end of the day we're where we  
9 need to be, I'm not staying here 'til, you know,  
10 all hours. First of all, what's been your  
11 experience and, secondly, how would you approach  
12 those situations, because you're going to be in  
13 this circuit, it's going to be some time, I'm  
14 assuming, you're going to be in Columbia and in  
15 Richland County. I understand it's -- the docket  
16 up there can be oppressive. How are you going to  
17 try to address that? Because my takeaway from  
18 all this is, is that what you folks do has a  
19 tremendous impact on the confidence that  
20 litigants have in the courts. And I'm not just  
21 talking about the attorneys; I'm talking about  
22 the people. And I know if I'm coming in there  
23 and, effectively, this is, as you say, already a  
24 bad situation, I'm being chased out the door in  
25 15 minutes, I'm not going to have a real great

1           **taste in my mouth from the process. So, how do**  
2           **you address that?**

3       A.    That's a very good question, and I'm really glad  
4           you asked it because I've been the victim of the  
5           clock running out. I've -- I had a case in  
6           Lancaster County as a visiting judge from  
7           Charleston. This is about five or six years ago.  
8           And two or three issues, it was a three hours and  
9           we thought would get done. And we had three  
10          witnesses. We were coming at the end of the  
11          third hour and I had about five more minutes left  
12          of cross-examination. And the judge stopped the  
13          proceeding and said the three hours is up, this  
14          case is dismissed. And that really bothered me.  
15          And, obviously, it bothered my client because my  
16          client had paid me to go up there to handle this  
17          matter and then a judge arbitrarily, because of a  
18          stop watch, said, no, that's it, you need to --  
19          y'all need to re-file. And that, to me, was just  
20          blatantly unfair. That should never happen.  
21          Now, the flip side is if you've got a 15-minute  
22          temporary hearing and you're letting the lawyers  
23          talk for an hour, you'll be there 'til 7:00  
24          o'clock at night. So there is a fine line that -  
25          - you know the cases, hopefully you'll know the

1 lawyers, and you can reign them in. But this is  
2 some people, their first impression of being in  
3 court. And if their impression of court is it's  
4 all about a stopwatch, then that's a problem.  
5 And that's when people lose faith in our system.  
6 And then when you look at we may lose time --  
7 court time, due to maybe not having a court  
8 reporter being able to show up, when you have  
9 those kinds of issues, it makes it very important  
10 that those people's first experience in the  
11 courtroom, and maybe the only experience, is at  
12 least a positive one. They're already dealing  
13 with emotional issues just by being in court.  
14 It's a contested custody case and you have a 15-  
15 minute hearing, I would like to think that I'm  
16 going to give people a chance, lawyers, litigants  
17 to have their say. Now, if I need to take it  
18 under advisement because I have a stack of  
19 affidavits this long, I'm going to read every  
20 word in those affidavits and those documents. If  
21 that means me staying over and doing on my own  
22 time, that's what I'm going to do. I have no  
23 issue with that. This is -- this is -- I'm not  
24 looking at this as a cushy nine-to-five job and  
25 then you're going to get, you know, state

1 retirement. This, to me, is a job where I'm  
2 going to work. I think Judge Morris, as soon as  
3 he came on the bench, he did -- he created a  
4 rocket docket to move the cases along to get the  
5 caseloads down. And I would like to be able to  
6 do that. I think it's very important.

7 **Q. Thank you.**

8 CHAIRMAN RANKIN: All right. Any other questions?

9 All right, Judge, unless there are other  
10 questions, that will conclude this portion of  
11 your screening process. And I want to remind you  
12 of our criteria that we expect you to follow both  
13 the spirit as well as the letter of the law.  
14 You're well familiar with that. And it's a  
15 question about judicial canon of ethics, both --  
16 we're talking about the South Carolina Rules of  
17 Ethics as well. Any violation or the appearance  
18 of impropriety regarding that would be deemed  
19 most serious given heavy deliberations. All that  
20 to tell you that if that were to occur we would  
21 have the right to call you back to put you back  
22 under oath. Do you understand that?

23 A. Yes.

24 **Q. I trust that will not be the case, but this**  
25 **record remain open until the formal release of**



1           **the report of qualifications. So, with that, we**  
2           **will bid you adieu. Thank you for your --**

3           A. Thank you very much.

4           **Q. -- willingness to serve and Godspeed --**

5           A. Thank you for your time.

6           **Q. Yes, sir. Take care.**

7                                   (Off the Record)

8       CARRIE HALL TANNER

9           CHAIRMAN RANKIN: Ms. Tanner.

10          MS. TANNER: Good afternoon.

11          CHAIRMAN RANKIN: You are Carrie --

12          MS. TANNER: I am.

13          CHAIRMAN RANKIN: -- Hall Tanner?

14          MS. TANNER: Carrie Hall Tanner, yes, sir.

15          CHAIRMAN RANKIN: Great. I want to make sure you lean  
16                           into that mike a little bit if we can't hear from  
17                           you. First, let me start by having you raise  
18                           your right hand.

19          CARRIE HALL TANNER, having been duly sworn, testifies  
20                           as follows:

21          CHAIRMAN RANKIN: Thank you. You have before you two  
22                           documents that you have generated for us, a PDQ  
23                           and a Sworn Statement. I want to make sure that  
24                           there are no edits or amendments that need to be  
25                           made to that or to those.

1 MS. TANNER: No, sir.

2 CHAIRMAN RANKIN: All right. And you don't object to  
3 them being made part of the record?

4 MS. TANNER: I do not.

5 CHAIRMAN RANKIN: All right. If you'll hand those to  
6 Lindi there, we'll put them in the record.

7 (Exhibit Number 23 was marked for identification  
8 purposes - (16 pages) Carrie Hall Tanner - Personal  
9 Data Questionnaire.)

10 (Exhibit Number 24 was marked for identification  
11 purposes - (1 page) Carrie Hall Tanner - Amendment to  
12 Personal Data Questionnaire.)

13 (Exhibit Number 25 was marked for identification  
14 purposes - (6 pages) Carrie Hall Tanner - Sworn  
15 Statement.)

16 MS. TANNER: Okay.

17 CHAIRMAN RANKIN: Ms. Tanner, our commission has  
18 thoroughly investigated your qualifications for  
19 the bench. We've focused on nine evaluative  
20 criteria, which includes the ballot box survey, a  
21 thorough study of your application materials,  
22 verification of your compliance with state ethics  
23 laws, search of newspaper articles in which your  
24 name appears, and a check for economic conflicts  
25 of interest. No affidavits have been filed in

1           opposition to your election. No witnesses have  
2           desired to be present to speak for you or against  
3           you. I do notice that you have two gentlemen  
4           with you.

5 MS. TANNER: I do.

6 CHAIRMAN RANKIN: If you'd like to introduce those?

7 MS. TANNER: I would. These are two of my partners,  
8           George Speedy, my senior partner, and Zach  
9           Atkinson.

10 CHAIRMAN RANKIN: I bet we can spell Atkinson, but how  
11           do we spell Beady.

12 MS. TANNER: Speedy.

13 CHAIRMAN RANKIN: Speedy.

14 MS. TANNER: S-P-E-E-D-Y.

15 CHAIRMAN RANKIN: That microphone really helps.

16 MS. TANNER: Speedy.

17 CHAIRMAN RANKIN: Super. Forgive my hard of hearing  
18           quality.

19 MS. TANNER: Yes, sir.

20 CHAIRMAN RANKIN: Welcome both of you gentlemen with  
21           us today. You are welcome to make a brief  
22           opening statement. You're not required to do so,  
23           but you have that opportunity.

24 MS. TANNER: Okay.

25 CHAIRMAN RANKIN: If you don't want to, Ms. Benson

1 will start the questions.

2 MS. TANNER: Well, I just -- I appreciate the  
3 opportunity of being here. I thank you all for  
4 your service on this Commission and through this  
5 process. This is the first time I've ever been  
6 through this process, and so I understand the  
7 enormity of it. And I'm just happy to be here.

8 CHAIRMAN RANKIN: Super. Appreciate your being here  
9 early today.

10 MS. TANNER: Yes, sir.

11 CHAIRMAN RANKIN: Ms. Benson.

12 MS. BENSON: Thank you, Mr. Chairman

13 MS. TANNER - EXAMINATION BY MS. BENSON:

14 **Q. Ms. Tanner, for the record, would you please**  
15 **state the city and the circuit in which you**  
16 **reside.**

17 A. I reside in the town of Elgin, it's Kershaw  
18 County, it's the Fifth Circuit.

19 **Q. Thank you. Mr. Chairman, I note for the record**  
20 **that based on the testimony contained in the**  
21 **candidate's PDQ, which has been included in the**  
22 **record with the candidate's consent, Ms. Tanner**  
23 **meets the statutory requirements for this**  
24 **position regarding age, residence, and years of**  
25 **practice. Ms. Tanner, why do you want to serve**

1           **as a family court judge and why do you feel that**  
2           **your legal and professional experience qualify**  
3           **and will assist you to be an effective judge?**

4    A.    Well, those are big open-ended questions, but  
5           primarily I want to serve as a family court judge  
6           because, basically, I think I'd do a really good  
7           job. I think I've been an exceptional family  
8           court lawyer. This is all I do. My practice for  
9           about the past 18 years has been exclusively  
10          family court. I've done everything in the family  
11          court with the exception of I've never  
12          represented DSS. So I think that every case that  
13          would come before a family court judge, I've been  
14          in some form or fashion a part of. So I think I  
15          have a lot to offer the position. And I think  
16          it's the next natural progression, step in my  
17          career, to further assist. I've been helping  
18          clients for -- on a private basis for 18 years  
19          now, and I think I could bring a lot to the  
20          bench, a lot of -- we have a wonderful sitting  
21          judge, and I think I could continue his -- the  
22          work that he's done in providing consistency and  
23          predictability and experience to the bench.

24    **Q.    Thank you. Are there any areas of the law for**  
25           **which that you feel like that you would need**

1           **additional preparation?**

2       A.    Not really.  I mean, I hate the way that sounds,  
3           but it has -- it's been a while since I handled  
4           juvenile cases.  I was -- I'm a former  
5           prosecutor, so I did prosecute juveniles for  
6           about a year -- close to two years on a full-time  
7           contract basis.  And I represented defense-wise a  
8           few cases, but it has been a while since I've  
9           handled juvenile cases, so I probably would want  
10          a refresher on that.

11       **Q.    How would you go about getting that additional**  
12       **preparation on the juvenile cases?**

13       A.    Well, probably just go back and look at the  
14           statutes because I've not had any need to look at  
15           those at this point.  And talk -- I'd probably  
16           talk again with -- Kendall Corley is the  
17           prosecutor who took over when I left and she's  
18           doing at that.  And probably talk to prosecutors  
19           and defense attorneys and just refresh my memory  
20           and mainly look at the statute, so.  Maybe sit in  
21           on a few too, that would help.

22       **Q.    Thank you.  Would you briefly describe your**  
23       **experience in handling complex and contested**  
24       **family court matters.  Specifically discuss your**  
25       **experience with the financial aspects of family**

1           **court work.**

2    A.    Okay. Well, with financial, I'm going to  
3           interpret that as not only division of property  
4           and debt, you know, what we call equitable  
5           apportionment, but also alimony. We kind of lump  
6           that into the financial portion. I've tried  
7           complex litigation involving solely alimony.  
8           Actually, my partner George Speedy and I tried  
9           one just a couple -- a couple of years ago. Was  
10          the most recent. But I've been involved with --  
11          I have several pending right now. I have one  
12          actually on appeal where we've -- I've dealt with  
13          issues of transmutation, large estates, you know,  
14          we don't -- in Kershaw County, we don't have --  
15          it's not the run of the mill case, it's not a  
16          huge equitable apportionment case, but I have  
17          certainly handled my share dealing with, you  
18          know, not only real property, business  
19          valuations, retirement accounts, pensions.  
20          Unfortunately, we find that we're spending a lot  
21          of time dividing up debt. Sometimes more so than  
22          the property as well, so I think I've pretty much  
23          run the gamut.

24    **Q.    Thank you. Ms. Tanner, the Commission received**  
25          **126 ballot box surveys regarding you, with 18**

1           having additional comments. It had a lot of very  
2           positive comments, including: excellent  
3           candidate; excellent sense of humor and attitude;  
4           trained all her life for this opportunity; a very  
5           qualified candidate, well prepared, civil and  
6           cordial to all. Two of the comments expressed  
7           some concern. The first indicated that you  
8           sometimes make allegations that can never be  
9           proven and that you do not understand the courts  
10          rules. What response would you offer to this  
11          concern?

- 12       A.    Wow, that's -- it's very broad. Make allegations  
13           that can't be proven. The only scenario where I  
14           could possibly think anything like that would  
15           potentially come up would be at a temporary  
16           hearing phase of the family court where we are --  
17           as attorneys, we are solely handing up to the  
18           Court affidavits that our clients have produced  
19           and have helped gather, not based on any sort of  
20           representations we're making to the Court or any  
21           investigation that we've done. It's basically  
22           solely on what our clients have provided at the  
23           very beginning, the very outset of a case.  
24           Sometimes those allegations -- many times the  
25           Court has allegations from both parties that are



1 polar opposite, so the truth usually lies  
2 somewhere in the middle and so there are -- I'm  
3 sure there have been times that things that have  
4 been presented in my cases on my behalf -- on  
5 behalf of my clients haven't completely panned  
6 out to be 100 percent accurate. But those are  
7 things that get sorted out after the initial  
8 temporary hearing that, you know, sometimes is  
9 held within, you know, a little over five days  
10 from the time we file an action. So without more  
11 information, I don't know what specifically, but  
12 -- the allegation is about, but, I mean, I  
13 certainly zealously represent my client. And if  
14 anyone were to bring something to me that's --  
15 that obviously could not be true, I would never  
16 present that, but, otherwise, we have to take  
17 what our client tells us at face value in the  
18 beginning.

19 **Q. And how about understanding family court rules?**

20 A. I think I understand. I feel confident that I  
21 understand the rules and, when in doubt, I always  
22 actually have the rule book. My partners know if  
23 they need to look at the rules, they come to my  
24 office because it's on my desk with all my tabs  
25 on it. So when in doubt, I always reference the

1 rules. And so I've never -- I feel like I know  
2 the rules.

3 Q. Thank you. And the second concern kind of  
4 dovetailed with that, about your mode of  
5 practice. And I'm quoting from the concern  
6 itself. It suggested that you argue whatever  
7 your clients say and whether or not what your  
8 clients say is supported by the record. If you  
9 will respond to that comment.

10 A. Well, I would disagree with that, if it were at a  
11 final hearing because, at that point, discovery  
12 would have fleshed out what, you know, the facts  
13 of the case would be. But if I'm making an  
14 argument at a temporary hearing, not all judges  
15 allow you to do that, but if you're making an  
16 argument at a temporary hearing, it's based  
17 solely what's on the sworn affidavits that my  
18 client has given to me, and so I'm -- again, I'm  
19 zealously advocating for my client what their  
20 affidavits present and, you know, that's all I  
21 have to go on at that stage of the -- stage of  
22 the case.

23 Q. Thank you. Ms. Tanner, you indicated in your PDQ  
24 and we talked about that at the time of our  
25 interview you were involved in a lawsuit with

1           **your neighbor.**

2       A.    Yes.

3       **Q.    Could you please tell us about the status of that**  
4       **lawsuit.**

5       A.    Goodness.  I refer to that as my Tucker case.  
6           That's my dog.  The status of the case is that  
7           it's still pending.  We have taken depositions.  
8           I think it was a surprise to the plaintiff's  
9           counsel at the depositions that his client  
10          indicated she was still receiving treatment, and  
11          so my -- it's just in a holding pattern at this  
12          point.

13      **Q.    This was where your neighbor was alleging that**  
14      **the injury had been caused by your dog?**

15      A.    Yes, ma'am.  That my dog came around her legs and  
16           tripped her and she fell on her bottom on the  
17           grass and caused injury.

18      **Q.    Thank you.  Ms. Tanner, just a few housekeeping**  
19      **issues.  Are you aware that as a judicial**  
20      **candidate you're bound by the code of judicial**  
21      **conduct as found in Rule 501 of the South**  
22      **Carolina Appellate Court Rules?**

23      A.    Yes, ma'am.

24      **Q.    Ms. Tanner, since you submitted your letter of**  
25      **intent, have you contacted any members of the**

**1 Commission about your candidacy?**

2 A. Well, apparently, I did. And I learned of that  
3 through Ms. Crawford. I sent out letters of  
4 introduction, I believe it was the end of August.  
5 And, again, I -- it's no excuse. I've never done  
6 this before and I -- you know, in hindsight, I  
7 should have known better, but I did. I sent -- I  
8 sent the same letter to every house member and to  
9 every senator. I sent it to the PO Box and,  
10 inadvertently, I did not remove the three house  
11 members or the three senators from my letters of  
12 introduction. It was a total oversight on my  
13 part. I -- it was a mistake. Obviously, I  
14 certainly would have never intentionally done  
15 that so that where I have to be here today and  
16 explain myself. But I don't know any of the  
17 members of the house or senate that I sent those  
18 to, and certainly did not seek out any sort of  
19 unauthorized contact, so -- but I do understand  
20 the rule and I know what I should've done. And  
21 if I ever were to do this process again, I'd make  
22 sure that wouldn't happen again. And so, but I  
23 apologize.

24 **Q. And, Ms. Tanner, after you were made aware of**  
25 **this, you amended your PDQ --**

1 A. Yes, ma'am.

2 Q. -- also to indicate this, correct?

3 A. I did. Yes, ma'am, I did.

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

8 A. Yes, ma'am.

9 Q. Since submitting your letter of intent, have you  
10 sought or received the pledge of any legislator,  
11 either prior to this date or pending the outcome  
12 of your screening?

13 A. No, ma'am.

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

18 A. Not that I'm aware of.

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

22 A. Yes, ma'am. I've reviewed everything you sent  
23 me.

24 Q. Thank you. Mr. Chairman, I would note for the  
25 record that the Midlands Citizen's Committee

1 found Ms. Tanner to be qualified as to the  
2 criteria of constitutional qualifications,  
3 physical health, mental stability, and well  
4 qualified as to ethical fitness, professional and  
5 academic ability, character, reputation,  
6 experience, and judicial temperament. The  
7 Midlands Citizen's Committee also noted that Ms.  
8 Tanner is the most qualified of the two  
9 candidates, will be a great asset to the  
10 judiciary, great temperament, and they found Ms.  
11 Tanner very well qualified. I would note for the  
12 record that any concerns raised during the  
13 investigation regarding the candidate were  
14 incorporated into the questioning of the  
15 candidate today. And, Mr. Chairman, I have no  
16 further questions.

17 CHAIRMAN RANKIN: Okay. Questions by members of the  
18 Commission. Mr. Safran.

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

20 MS. TANNER - EXAMINATION BY MR. SAFRAN:

21 Q. I just had a couple quick questions.

22 A. Yes, sir.

23 Q. Let me say up front that I understand with these  
24 ballot box surveys you don't know who, there's no  
25 lie detector test that goes with it. But, you

1 know, we do pay attention to them and I think  
2 we've come to recognize over time that it's one  
3 thing we consider. Personally, I take them with  
4 a grain of salt, so.

5 A. Right.

6 Q. The only thing I wanted to make sure about is  
7 this: you know, as I understand it when -- and I  
8 don't really do any family court work; hadn't in  
9 a long time. When you submit affidavits, I mean,  
10 that's in lieu of testimony, basically, at the  
11 temporary hearing, correct?

12 A. Yes, sir.

13 Q. And so, you know, they're sworn --

14 A. Uh-huh.

15 Q. -- saying what I'm saying in here is true.

16 A. Right.

17 Q. There should -- and you know there's a -- I  
18 guess, an obligation, I guess, on the part of the  
19 attorney to do the best they can to verify that  
20 they're true.

21 A. Yes, sir.

22 Q. Is that fair?

23 A. Yes, sir.

24 Q. And so I'm assuming you're not in any way  
25 endorsing this notion that says that effectively

1           you're letting them say anything they want to  
2           without any type of oversight or any type of  
3           verification, correct?

4       A.    No, sir.  I edit all of my clients' affidavits  
5           and it always makes me feel better when I have  
6           corroborating affidavits for something that seems  
7           a little unusual.  If I have corroborating  
8           affidavits that makes it even a stronger  
9           argument.  But, yes, sir, I've -- there have been  
10          plenty of affidavits that I've removed things  
11          from that are -- seem a little far fetched, but,  
12          for the most part, I --

13       Q.    And it think I touched on this earlier, because  
14           of the kind of the nature of the family practice,  
15           you're going in at that temporary hearing without  
16           having really gotten too much information, other  
17           than what your person tells you --

18       A.    Right.

19       Q.    There may be some things from some witnesses  
20           they've brought you.

21       A.    Right.

22       Q.    So you really haven't finished a discovery  
23           process?

24       A.    Absolutely not.

25       Q.    And I'm assuming, again, that when you make any



1 type of contentions to the Court, you're going to  
2 do it based upon what your understanding of the  
3 evidence is; is that fair?

4 A. Well, we're only authorized to make -- any sort  
5 of argument, you know, is not evidence --

6 Q. Sure.

7 A. -- and it's limited to what is in the affidavits.

8 Q. Correct.

9 A. So -- and we refer to family court as the --  
10 temporary hearings as trial by ambush.

11 Q. Sure.

12 A. Because, you know, we've gotten some really odd -  
13 - you know, odd allegations from the other side  
14 that we didn't expect, so absolutely.

15 Q. But I think over time, though, you do -- and I'm  
16 assuming your practice is that you're only going  
17 to tell the court what you can back up.

18 A. Or -- yes, sir.

19 Q. Okay.

20 A. That's my intention, anyway, yes, sir.

21 Q. Sure. Well, and the reason I say that is, is  
22 that, you know, look, I understand advocacy has  
23 its, I guess, elements. And certainly people try  
24 to put spins on things all the time. Flip side  
25 is, is if there's anything that personally I find

1           troublesome is when people make statements to the  
2           court that are not true because --

3           A.    Absolutely.

4           Q.    -- I think it not only pollutes the system but it  
5           also basically has a negative impact as far as,  
6           you know, the credibility of the person making  
7           them.

8           A.    Absolutely.

9           Q.    And if you've been doing this for 18 years, I'm  
10          sure you've come to --

11          A.    Yes, sir.

12          Q.    -- the same conclusion.

13          A.    Yes, sir.  No one case is worth my credibility to  
14          the Court, and I explain that to my clients.

15          Q.    Oh, yeah.  Well, you know, I kind of call it,  
16          it's like Barney Fife and his bullet.

17          A.    That's right.

18          Q.    Once you've used it, it ain't there no more.

19          A.    That's right.  You can't take it back.

20          Q.    Okay.

21          A.    Yes, sir.

22          Q.    All right.  Well, thank you.

23          A.    Thank you.

24          CHAIRMAN RANKIN:  Senator Hayes.

25          MS. TANNER - EXAMINATION BY MR. HAYES:

1 Q. Thank you. I appreciate your willingness to  
2 serve in this capacity. You do have a lot of  
3 experience as a lawyer. What outside of the  
4 legal field experiences do you have, as far as  
5 involvement in the community and other things  
6 that would help you as a judge?

7 A. Well, I formerly was a member of the -- the board  
8 for the United Way. My other primary interests  
9 really have been around my children and those  
10 other individuals who are like-minded. My  
11 youngest son right now is 13 and he's going  
12 through confirmation at the Methodist church.  
13 And so most of my outlets and most of my non-work  
14 interests and involvements have really been  
15 surrounding those things that my children are  
16 involved in, sports, things with the school, you  
17 know, fund-raising committees with the school.  
18 Both of my children are actively involved with  
19 baseball and, you know, travel ball and things of  
20 that nature. So really I pretty much, you know,  
21 have a fairly small world, you know, revolving  
22 around my practice, my partners, my staff, my  
23 immediate family and my children. They take up  
24 all of my time, so.

25 Q. Thank you.

1 A. Thank you.

2 CHAIRMAN RANKIN: Representative Murphy.

3 REPRESENTATIVE MURPHY: Thank you, Mr. Chairman.

4 MS. TANNER - EXAMINATION BY REPRESENTATIVE MURPHY:

5 **Q. Ms. Tanner, you practice in Kershaw County,**  
6 **correct?**

7 A. I do.

8 **Q. And how many members of the bar are in -- make up**  
9 **the Kershaw County?**

10 A. Oh, my goodness. Well, I've looked at the list  
11 recently and some of them I don't know who they  
12 are when I see them. So I'm guessing maybe about  
13 50 who are actually paid members. We have a very  
14 small bar of actually practicing, active --

15 **Q. Most people in Kershaw are also members of the**  
16 **Richland County bar or --**

17 A. I'm not. I know my partner Zach is. He actually  
18 lives in Richland but practices in Camden. I'm  
19 not a member of the Richland County bar.

20 **Q. I just -- just the observation is that typically**  
21 **when these resident seats present themselves you**  
22 **normally have more than two candidates for a**  
23 **seat. And I was just curious as to the number of**  
24 **people that actually practiced in the family**  
25 **arena in Kershaw County. Is that even a smaller**

1           --

2       A.    It is an even smaller.  There's probably -- I'm  
3           not sure if Scott stuck around, but Scott Rankin,  
4           I believe about maybe half of his practice  
5           exclusively is family court.  There's an attorney  
6           in Elgin, another attorney who -- there's -- I  
7           could probably count on less -- there's less than  
8           ten who I would say actively appear in family  
9           court, you know.  And actually the last race  
10          whenever Judge Morris, our sitting judge,  
11          whenever he --

12       **Q.    Right.**

13       A.    -- first ran -- Judge Jacobs, he passed away.  
14           And when that seat came open, there were just two  
15           that ran then.  It was Dana Morris and Jeff  
16           Tzerman.  They were the only two candidates then.  
17           And I think when Judge Jacobs, there was only --  
18           it seemed historically with this seat, since I've  
19           been -- I've been in Camden practicing law since  
20           '99.  I grew up.  I mean I've lived in Kershaw  
21           County since I was four, so.  But since I've been  
22           around and aware, there's historically been only  
23           two candidates for the Kershaw County seat for  
24           whatever -- whatever reason.

25       **Q.    Well, I appreciate your willingness to offer for**

1           the position, so thank you for coming.

2           A.    Thank you.  Thank you for having me.

3 MS. TANNER - EXAMINATION BY CHAIRMAN RANKIN:

4           Q.    All right.  Ms. Tanner, I believe that will wrap  
5           it up.  I want to, likewise, commend you for your  
6           willingness to serve and offer for this candidacy  
7           and, likewise, commend to you the -- commend you  
8           on the responses that we've gotten from folks in  
9           your area.

10          A.    Thank you.

11          Q.    A couple of quick questions.

12          A.    Yes, sir.

13          Q.    This process, ballot box survey, good thing?  Bad  
14          thing?

15          A.    It's kind of worked out well for me, I think.  I  
16          mean, I was flattered by the responses.  I have  
17          always enjoyed, as a lawyer, filling those out of  
18          for the attorneys who I know.  And I don't -- I'm  
19          sure there's probably a way that you can kind of  
20          trace back who made the comment, but, to me, it's  
21          people are going to be more willing to give their  
22          responses and their feedback sitting at their  
23          computer in the morning before they start their  
24          day.  I think it's -- I think it's procedurally a  
25          good idea, and I -- I like it.  I've enjoyed it,

1 being able to give my feedback in that manner,  
2 so.

3 Q. Super, super. Well, I think, unless there's  
4 something else, that my last question will be the  
5 last question.

6 A. Okay.

7 Q. And that will conclude this portion of the  
8 screening process itself. Your two partners who  
9 came wanted to make sure that we saw them in  
10 addition to reading their kind words about you,  
11 so --

12 A. I know I'm blocking them.

13 Q. -- Mr. Speedy, Mr. Atkinson, words duly noted.  
14 Somebody must be running the shop today. That  
15 would be the third, fourth partner, right?

16 MR. SPEEDY: That's right.

17 A. We refer to him as the other guy.

18 Q. Right, right. So, finally, Ms. Tanner you do  
19 know that we expect you to follow both the spirit  
20 and the letter of the South Carolina ethics laws.

21 A. Yes, sir.

22 Q. And that any violation or appearance of  
23 impropriety would be deemed very serious and  
24 potentially worthy of serious deliberation by us?

25 A. Yes, sir.

1 Q. If there's any question of that, which we  
2 certainly don't expect, you do know that we would  
3 be able to call you back and explore that, but,  
4 again, we trust that won't be the case, right?

5 A. I hope not.

6 Q. Very well. This record will remain open until  
7 the formal release of the report of  
8 qualifications. And, at this time, that  
9 concludes your required testimony today and  
10 appearance. You are about nine minutes late on  
11 starting your testimony a while back at 3:33.  
12 You were due here at 3:45, so we have made speedy  
13 work of your --

14 A. That's right.

15 Q. -- qualifications. Thank you very much.

16 A. Thank you. Thank you. Y'all have a happy  
17 Thanksgiving too.

18 Q. Thank you. Now on motion of Mr. Hitchcock,  
19 seconded by Representative Murphy. We will be go  
20 into executive session.

21 (Executive Session)

22 VOTE

23 CHAIRMAN RANKIN: Thank you. This Commission is now  
24 back on the record, and I'd like to state that  
25 while in executive session the Judicial Merit



1 Selection Commission has neither conducted any  
2 business, taken any votes, and made no decisions.  
3 We're now back on the record and we have a motion  
4 regarding the candidates for today.

5 MR. SABB: Thank you, Mr. Chairman.

6 CHAIRMAN RANKIN: Mr. Sabb.

7 MR. SABB: Mr. Chairman, I would make a motion that we  
8 find qualified and nominated all of the  
9 candidates both for re-election and election to  
10 the judge's seat that we've heard today on  
11 November 19, 2018.

12 CHAIRMAN RANKIN: All right. A second?

13 MR. HITCHCOCK: Second.

14 CHAIRMAN RANKIN: All in favor say, Aye.

15 (Ayes are heard.)

16 CHAIRMAN RANKIN: Ayes have it.

17 REPRESENTATIVE MURPHY: I also, Mr. Chairman, have the  
18 proxy for Mr. Safran, and he would also vote aye.

19 CHAIRMAN RANKIN: And, likewise, I have it for  
20 Representative Rutherford.

21 CHAIRMAN RANKIN: All right. So motion made and  
22 seconded --

23 REPRESENTATIVE MURPHY: If I have Murrell's I'll vote  
24 aye. I don't know what he would vote.

25 CHAIRMAN RANKIN: You can correct that later. All

1 right. Sign your sheets. And with that,  
2 everyone sign your sheet and hand that in and we  
3 will see you at all 9:30 on Monday the 26th.

4 (There being nothing further, the proceeding adjourned at  
5 4:18 p.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC  
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
CERTIFY THAT I REPORTED THIS PROCEEDING, ON MONDAY, THE  
19TH DAY OF NOVEMBER, 2018, AND THAT THE FOREGOING 241  
PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY  
STENOMASK REPORT OF SAID PROCEEDING.

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  
5TH DAY OF DECEMBER, 2018.



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JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 11, 2023

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