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PROCEEDINGS

November 27, 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

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8 BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN

9 REPRESENTATIVE G. MURRELL SMITH, JR.

10 SENATOR RONNIE A. SABB

11 SENATOR TOM YOUNG, JR.

12 MR. ROBERT W. HAYES, JR.

13 REPRESENTATIVE J. TODD RUTHERFORD

14 REPRESENTATIVE CHRIS MURPHY

15 MR. MICHAEL HITCHCOCK

16 MS. LUCY GREY MCIVER

17 MR. ANDREW N. SAFRAN

18 ERIN B. CRAWFORD, CHIEF COUNSEL

19 * * * * *

20 DATE: November 27th, 2018

21 TIME: 9:30 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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- HON. JESSICA ANN SALVINI - SWORN STATEMENT (5 PAGES)

1 CHAIRMAN RANKIN: By motion of Representative Smith,
 2 seconded by Ms. McIver, we're going to go into
 3 executive session.

4 (Executive Session.)

5 CHAIRMAN RANKIN: All right. We're going to go back
 6 on the record, and I want to make sure for the
 7 record that while in executive session no votes
 8 were taken, no decisions were made. And now we
 9 will proceed to Judge Robertson.

10 REPRESENTATIVE RUTHERFORD: Can we go back into
 11 executive session?

12 MS. CRAWFORD: We need to go back in?

13 REPRESENTATIVE RUTHERFORD: Yeah, yeah.

14 CHAIRMAN RANKIN: Judge, excuse us. We --

15 JUDGE ROBERTSON: I apologize. I just walked in.

16 CHAIRMAN RANKIN: That's all right. We pulled the
 17 trigger incorrectly there. Motion made by
 18 Representative Rutherford to go back in executive
 19 session, seconded by Senator Hayes. I apologize
 20 for you.

21 (Executive Session.)

22 HONORABLE W. MARSH ROBERTSON

23 CHAIRMAN RANKIN: Judge, if you will raise your right
 24 hand.

25 HONORABLE W. MARSH ROBERTSON, having been duly sworn,

1 testifies as follows:

2 CHAIRMAN RANKIN: You have completed two documents for
3 us, the Sworn Statement and the Personal Data
4 Questionnaire. Are they ready to be introduced
5 into the record?

6 JUDGE ROBERTSON: Yes, they are.

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

8 JUDGE ROBERTSON: None.

9 CHAIRMAN RANKIN: All right. If you'll hand those to
10 Lindi, they will be made a part of the record.
11 You are familiar with this process, and our nine
12 evaluative criteria we look at. Specifically
13 we're looking at the ballot box survey, a
14 thorough study of your application materials,
15 verification of your compliance with state ethics
16 laws, a search of newspaper articles in which
17 your name appears, a study of previous
18 screenings, and a check for economic conflicts of
19 interest. To your credit, no affidavits have
20 been filed in opposition to your candidacy, and
21 no one has requested to be present to speak. It
22 is your show. You've already introduced to us
23 your wife. We're glad she's here. You now have
24 the opportunity to make an ever so brief opening
25 statement if you want. Otherwise, Mr. Appleby is

1 ready to begin this process.

2 (Exhibit Number 1 was marked for identification
3 purposes - (14 pages) Hon. W. Marsh Robertson -
4 Personal Data Questionnaire.)

5 (Exhibit Number 2 was marked for identification
6 purposes - (7 pages) Hon. W. Marsh Robertson - Sworn
7 Statement.)

8 JUDGE ROBERTSON: Well, I consider it an honor to be
9 part of the South Carolina judiciary. I consider
10 our system to be among, if not the best in the
11 nation. And I recognize that this commission
12 plays a big part in that, and I just want to
13 express my gratitude to the members and the
14 staff.

15 CHAIRMAN RANKIN: Thank you very much. Mr. Appleby?

16 JUDGE ROBERTSON - EXAMINATION BY MR. APPLEBY:

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

20 A. In four words, I love my job. It's -- it's not a
21 job for everybody. It certainly comes with a lot
22 of stressors, but it -- I enjoy the challenge of
23 it. I consider it the most interesting job in
24 the world and probably the most rewarding. And I
25 feel like this job is the perfect job for me, and

1 I like to think that I'm a good fit for the job.
2 And I hope to keep doing it for a long, long
3 time.

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

8 A. It's hard to single out one accomplishment, it's
9 more cumulative. I just feel like I have shown
10 the type of commitment, the type of open-
11 mindedness, the type of fairness, that I would
12 hope for if I were a litigant walking into a
13 courtroom and facing a judge. In other words, if
14 I were to flip the role, I would be happy to
15 appear before me, and I think that's an
16 accomplishment. As far as goals go, I've got a
17 fairly aggressive goal. I started this job
18 wanting to end my career doing this, stay on the
19 family court, and do it as long as I could
20 continue doing it. And when I retire, I'd like
21 to be remembered with a legacy of being one of
22 the best family court judges that the state has
23 seen. And that's -- as I said, it's a lofty
24 goal, but it keeps me motivated.

25 **Q. Judge Robertson, since your last screening in**

1 November 2009, have there been any lawsuits filed
2 against you?

3 A. None that I'm aware of.

4 Q. What do you think your reputation is among
5 attorneys that practice before you?

6 A. I believe I've got an excellent reputation among
7 the attorneys as all.

8 Q. Judge Robertson, the commission received 378
9 ballot box surveys regarding you with 20
10 additional comments. The ballot box survey, for
11 example, contained the following positive
12 comments: Judge Robertson runs a proper courtroom
13 and is accommodating to all lawyers and parties.
14 He is also knowledgeable regarding the law; A
15 true asset to the bench; He is extremely
16 intelligent and knowledgeable about the law;
17 Grasps issues very quickly; He has a wonderful
18 temperament; He is very efficient and hard
19 working. There were two written comments that
20 expressed concerns. The first comment indicated
21 you were lazy, unprepared, and had a hard time
22 applying the law. What response would you offer
23 to this concern?

24 A. Well, first I will say that I heard all the
25 positive comments that you read me when we met,

1 and I received a number of positive comments when
2 I met with the bar in September. And I was
3 delighted that they told me I had 27 phone calls,
4 all positive comments and no negative ones. But
5 I will be honest with you, I don't remember the
6 positive comments after you'd read me, at our
7 interview, the two negative ones. Because I'm
8 the kind of person that wants everybody to like
9 me. And unfortunately I've got a job where
10 that's not possible. And obviously two people
11 came up with negative comments, and I'm hurt and
12 unhappy that there are two lawyers out there, but
13 I'm -- on the other hand I'm glad it's only two,
14 and that there were so many others that said the
15 polar opposite of what the negative commenters
16 said. As far as those specific charges, I'm
17 prepared to go for quite a bit of time on each
18 one of those points. I'll try to be brief. I'm
19 proud of my work ethic. I consider my work ethic
20 second to none on the family court bench, which I
21 think means that it's second to none among the
22 state judges. Because I think we all know, or
23 most people recognize, that family court judges
24 have the hardest dockets and one of the hardest
25 job of the state judges. In Greenville it's

1 recognized statewide as the most difficult
2 assignment to have, and I am in Greenville pretty
3 much all the time now. We're not traveling. I
4 go into the office every day before work, and I
5 review every single file that involves contested
6 issues that I have a general background of what's
7 going on, the facts, the length of marriage, the
8 number of children, and what the contested issues
9 are. A lot of judges do that. I think what sets
10 me apart from other judges in terms of dedication
11 and commitment and work ethic is that I sort of
12 develop a self-tortuous habit of writing my own
13 orders in contested cases, when I have every
14 right to assign it to one of the attorneys. And
15 really more often than not, if I have a contested
16 case of any significance, I end up starting by
17 writing instructions and then just realize it's
18 easier to write the order, and I write a ten page
19 order or fifteen page order. And it takes hours
20 and hours of time, and that's not something that
21 someone who's lazy does, and it's not someone
22 who's afraid of preparation does. I think it's
23 symbolic of my dedication to the job and my work
24 ethic. As far as knowledge of the law, I'll
25 simply say that I hope I have a knowledge of the

1 law. If I don't, it's my fault. Before I became
2 a judge, I practiced for 22 years, the last 20
3 years of which I practiced nothing but family
4 law. And for, I would say, the last several of
5 those, seven or eight, I did complex litigation.
6 I was a fellow in the American Academy of
7 Matrimonial Lawyers. And I will assure you that
8 you don't a look for a fellowship, much less
9 voted in, if you don't have a mastery of family
10 court law. I get asked to speak regularly at
11 seminars, CLEs, to my fellow lawyers about my
12 knowledge of family law, sharing that. I get
13 asked to speak, to fellow judges. I get calls
14 from judges statewide on a regular basis asking
15 me to -- you know, bouncing things off me about
16 what I think about the law in certain scenarios
17 or procedure involved. We used to take a test
18 for this job. And I took the test, I think,
19 three times, and I think maybe it was four. I
20 think it was three, and all three times I was
21 either the top scorer of all family court
22 applicants or top three, and I think twice it was
23 top. So I like to think I have a very good
24 knowledge of the law, and I'm sorry somebody
25 feels like that I have difficulty applying the

1 law, but I just -- and I'm open to criticism, but
2 that particular criticism I don't get.

3 **Q. Judge Robertson, the second comment indicated you**
4 **were highly intelligent but have poor judicial**
5 **temperament. What response would you offer to**
6 **this concern regarding your temperament?**

7 A. Well, the first -- that's the first time I've
8 heard that one. I don't believe that was read to
9 me at our interview, and I'm sorry somebody feels
10 that way. I hope that if they do, that they
11 caught me on a bad day, and I would hope that it
12 would not be someone that has sat before me on a
13 regular basis. I think that people who see me
14 regularly would disagree strongly with that
15 assessment. Temperament is extremely important
16 to me, and I'm conscious of it all day every day
17 that I work. And I try to -- I value -- again, I
18 want to be the judge that creates a level of
19 comfort in a very uncomfortable situation. And I
20 work hard at that, and I try to be patient. I
21 try to be courteous. I try to be interested and
22 attentive, and if I fail to do that and some
23 lawyer picked up on that, then I feel really bad
24 about that. And I will continue to be mindful
25 and continue working to be better.

1 Q. Judge Robertson, you were last screened in
2 November 2009, and at that time you championed
3 mediation as a method of improving the backlog of
4 cases that exist on the docket in most family
5 court. Have you changed your opinion since that
6 time, and if so, please explain?

7 A. Well, if my opinion's changed, it's become even
8 more pro mediation than it was before -- and I've
9 shared with this commission in the past that when
10 mediation was first being made mandatory in South
11 Carolina, I was anti-mandatory mediation and
12 vocally so, and I was proven wrong. And I
13 recognized that very quickly after it became
14 mandatory in Greenville. And I'm delighted that
15 the rest of the state has finally moved to
16 mandatory mediation statewide. The reason that
17 mediation is such a good thing is because
18 mediation leads to settlement. The numbers are
19 higher in terms of statistics, more cases settle
20 that go through mediation. And the settlements
21 occur earlier, which is a good thing for so many
22 reasons. Settlement is obviously a good thing in
23 family court, in particular because -- I mean,
24 there are obvious reasons why litigants would
25 hope for settlement. They save time, they save

1 money, they save stress. Settlement allows the
2 wounds that have opened to heal and prevents
3 other wounds from forming through contested
4 litigation when people have to go into court and
5 say ugly things about the other parent of their
6 child or family members and someone that they
7 were once married to or are still married to.
8 Settlement gives the litigants the opportunity to
9 shape their own lives rather than leaving it to a
10 stranger. And of course it's going to require
11 compromise and concession, but it allows the
12 litigants to decide where those lines are drawn
13 as opposed to a stranger. And similarly, it
14 allows the parents to shape the lives of their
15 children instead of a stranger. We have great
16 judges in South Carolina. And we're going to do
17 the best we can but we have -- there's no way
18 that we can know everything that the parties and
19 their attorneys' know. We're limited by rules of
20 evidence. We're limited by time constraints.
21 The best people to resolve the issues are the
22 litigants if they can. And if they can't, that's
23 what we're there for, and we'll do it. But
24 anything that promotes more settlement and
25 anything that promotes faster settlement is a

1 good thing, and mediation does both.

2 Q. Just a few housekeeping issues. Judge Robertson,
3 since submitting your letter of intent, have you
4 contacted any members of the commission about
5 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. Yes.

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

15 A. No.

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

20 A. I have not.

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

24 A. I have read and familiarized myself with those
25 codes.

1 MR. APPLEBY: I would note that the Upstate Citizens
2 Committee reported Judge Robertson to be well
3 qualified in the evaluation criteria of ethical
4 fitness, professional and academic ability,
5 character, reputation, experience, and judicial
6 temperament and qualified in the remaining
7 evaluative criteria of constitutional
8 qualifications, physical health, and mental
9 stability. I would not for the record that any
10 concerns raised during the investigation
11 regarding the candidate were incorporated into
12 the questioning of the candidate today. Mr.
13 Chairman, I have no further questions.

14 JUDGE ROBERTSON - EXAMINATION BY CHAIRMAN RANKIN:

15 Q. Very well. Judge I just want to ask you -- can
16 we go off the record a second?

17 (Off the record.)

18 Q. I am extremely proud to read, though slightly
19 disappointed, given the score last night of the
20 Wofford/Carolina game, that you have a rising
21 senior at Wofford, at least one who's been there,
22 correct?

23 A. Now a senior. And I got a text last night before
24 I knew about the score to that game, it was
25 excited, a lot of exclamation points, she was

1 very excited about that as well.

2 Q. I'd never heard of this modern day Hoover, and
3 neither had Carolina, apparently, before that
4 performance last night. That's a great -- a
5 great feat and beautiful, great school. You also
6 have a child who is hanging out in D.C. and
7 serving as a law clerk with the Supreme Court of
8 the United States.

9 A. I do. I'm very proud of that. It's a good job
10 if you can get it.

11 Q. Who is -- which child?

12 A. My daughter, Ashley, my oldest.

13 Q. Ashley Robertson, and she's going to be clerking
14 with which justice?

15 A. She is clerking right now with Justice Kagan.

16 Q. Wow, wow. Congratulations to both of you for
17 that. Y'all have obviously grown up a great
18 family. So you have a total of how many
19 children?

20 A. Three children, the youngest at Wofford. I have
21 the oldest, who's in Washington, D.C. and my son
22 who is the middle child.

23 Q. And that was a former baseball player?

24 A. Still a baseball player. He's playing minor
25 league baseball now.

1 Q. And what position does William -- pronounce the
2 middle name.

3 A. Kesnick.

4 Q. Kesnick. What position does he play?

5 A. He is an outfielder.

6 Q. And his -- I don't know -- well, Baltimore
7 Orioles. Has he been up, been called up yet?

8 A. No, no. He was a senior sign out of Davidson
9 College a year and a half ago after having a
10 really big season. He was not anticipated being
11 drafted going into the season, but he had a great
12 season and got drafted. And he got through
13 rookie ball and made it up at the end of rookie
14 ball to the low A. And then last year he played
15 single A, the same -- he played against the
16 Columbia Fireflies and Greenville Drive, and so
17 that level.

18 Q. Very good.

19 A. And he goes to spring training to find out where
20 he ends up or where he starts the season this
21 year.

22 Q. And Eileen Gibson?

23 A. The Wofford student.

24 Q. Wofford. Does she want to either be a law clerk
25 at the Supreme Court or run a baseball operation

1 or do something in that field?

2 A. She is doing her own thing. She's a psychology
3 and Spanish double major, I believe.

4 Q. Wow, okay. With some of that personal stuff out
5 of the way, I want to turn it over to
6 Representative Smith and any questions he has.

7 JUDGE ROBERTSON - EXAMINATION BY REPRESENTATIVE SMITH:

8 Q. Thank you, Mr. Chairman. Judge, appreciate you
9 being here today and appreciate your remarks,
10 especially on some of these comments. And you
11 saw when I was looking through this. And I just
12 want to tell you while you heard some negative
13 comments, the majority of them, as you mentioned,
14 were glowingly positive. And so -- and one thing
15 I look at when I deal with this -- and these
16 aren't determinative on anybody's qualifications,
17 but they do show a pattern at some point when
18 your peers critique and you only had two people
19 who criticized -- out of 217 who found you
20 unqualified as to your temperament. And as you
21 know as a practicing lawyer, judicial temperament
22 is probably one of the most important things for
23 a judge to possess, and obviously you have a
24 wonderful judicial temperament. So I want to
25 bring that to your attention.

1 A. Thank you.

2 Q. I want to thank you for what you're doing. And
3 the other thing that when you were discussing
4 that struck me is your distinguished career in
5 practicing law. You practiced law how long
6 before you --

7 A. I believe it was 22 years, the last 20 of which
8 were exclusively in family law.

9 Q. And then, obviously, I heard you say you were a
10 member of the American Academy of Matrimonial
11 Lawyers?

12 A. For ten years, from 2000 to 2010. I had to
13 resign when I got elected.

14 Q. Yes, sir. And that is for a select group of
15 matrimonial lawyers in which you have to go and
16 pass some tests and be nominated by your peers.
17 Isn't that -- how do you become --

18 A. It's an intense screening process. You do have
19 to be recommended by your peers, several of -- a
20 large number of attorneys. The judges that you
21 practiced before are contacted. You do take two
22 tests, a national test, a statewide test. The
23 tests are not on the things that we deal with
24 everyday. They're on more complex things,
25 complex federal matters like taxation and

1 bankruptcy and business valuation. And then
2 you're voted in by the chapter members, and in
3 South Carolina when I resigned there were 25,
4 myself excepted. I thought it was literally the
5 best 24 lawyers in the State of South Carolina
6 that practiced in the area of family law.

7 **Q. And Judge, just for our information, you know,**
8 **we're blessed to have somebody who has a**
9 **distinguished career in family law become a**
10 **family court judge. And as we sit through here,**
11 **what could the bar do or what could the judiciary**
12 **do to kind of encourage people similar to you who**
13 **enjoy a long and distinguished career practice**
14 **law become a judge in the family court?**

15 A. Talk to me, and talk to my colleagues if anybody
16 -- I think the best advocates for our job are the
17 ones who do it. As I said, family court judging
18 is not for everybody. But the one -- the 56 or
19 58 of us all think it's the greatest job ever,
20 and we tell anybody that asks that. As far as
21 what the bar can do or what the legislature can
22 do, I mean, aside from obvious things like --

23 **Q. A raise?**

24 A. -- raises. Yeah, like money. I don't know. I
25 haven't put a lot of thought into that. If I had

1 about ten or 15 minutes, I could probably get
2 back to you with some thoughts. But again, if
3 anybody is interested in what the job is like,
4 talk to a person who's doing it. There's a
5 reason why we're all coming back consistently for
6 reelection and hoping for the opportunity to
7 continue doing what we do.

8 **Q. Judge, I appreciate you offering. I appreciate**
9 **you giving back to the bar and to the members of**
10 **the bar and the citizens of South Carolina by**
11 **becoming a judge. I appreciate the way you've**
12 **handled this. You were elected in 2010, and**
13 **you're well qualified on everything. It's just**
14 **overwhelming.**

15 **A. Thank you very much.**

16 **Q. And it's important for us to recognize that when**
17 **we have a judge up here that's showing the**
18 **indications that you are, that you're doing a**
19 **fine job, and I thank you for the services to our**
20 **state, South Carolina.**

21 **A. Thank you, Representative Smith. I really**
22 **appreciate those kinds words more than you know.**

23 **CHAIRMAN RANKIN: Representative Rutherford?**

24 **JUDGE ROBERTSON - EXAMINATION BY REPRESENTATIVE RUTHERFORD:**

25 **Q. Judge, I just want to echo what Representative**

1 Smith just said, because if -- not only for the
2 216 that found you well qualified, another 30
3 found you qualified. And I find in my practice -
4 - and I've been doing it for 20 some odd years as
5 well -- that I stay out of family court because
6 everybody's angry at everybody in there, so for
7 only two people to say anything negative about
8 you is just outstanding. And the fact that you
9 keep -- the only negative, I guess, is the fact
10 that you keep coming back asking for the same
11 miserable pay over and over again is just beyond
12 me. Because certainly you were doing better in
13 your private practice than we pay you. But you
14 are truly one of the bargains that the state
15 gets, because for what we pay you you do an
16 outstanding job. And I just want to thank you
17 for it.

18 A. Thank you, that means a lot.

19 CHAIRMAN RANKIN: Senator Young?

20 JUDGE ROBERTSON - EXAMINATION BY SENATOR YOUNG:

21 Q. Thank you, Mr. Chairman. Judge, I want to ask
22 you a question about abuse and neglect cases.

23 A. Yes, sir.

24 Q. If you could improve the system for the families
25 and the children involved in abuse and neglect

1 cases based on what you've observed in your
2 courtroom and the cases you've presided over and
3 then in your private practice before you ascended
4 to the bench, what would you change?

5 A. That's an interesting question. And the problems
6 with the Department of Social Services and the
7 child protection system are well documented, and
8 you read about them. My only perspective of
9 child protection is what I see in the courtroom,
10 and really for the last year and a half my
11 courtroom has been limited to Greenville with a
12 week in Pickens and maybe a week in Spartanburg.
13 So I'm in Greenville. And what I see is
14 positive, and you don't hear that from many
15 judges around the state. And I hear the horror
16 stories that are told by my colleagues on the
17 family court bench, but I don't really see it.
18 In family court in Greenville what I see are some
19 dedicated attorneys for the Department of Social
20 Services who take their job of protecting
21 children very seriously, while also recognizing
22 that a large part of their job is to provide the
23 services to those parents in need for the
24 ultimate goal, the state goal, of reunifying the
25 children with their families. It's a balance

1 that I think our attorneys in Greenville get. I
2 also see attorneys who are appointed almost
3 always, appointed attorneys representing the
4 defendants, the parents and other caretakers.
5 They have very difficult jobs, but I'm impressed
6 with what I've seen, and it seems to be getting
7 better, trending upward. So there are a lot of
8 judges that I think could give you some really
9 good answers, but those are judges that see more
10 problems than I do. And I think things are
11 running really well in Greenville. Obviously if
12 we had more time on the docket to dedicate to
13 child protection, we could move things quicker.
14 And moving those child protection cases as
15 quickly as possible is quite obviously important
16 because we want these children to be in foster
17 care for as short a period of time -- whether it
18 means getting them back with their families, or
19 if that's not going to happen, getting them to an
20 appropriate home for adoption, but we can only
21 dedicate so many -- I mean, we could literally
22 fill all five or six courtrooms in Greenville
23 with the child protection cases and run it all
24 day every day, but that wouldn't be fair to the
25 other institutional cases that have to be heard

1 that we do and also the private cases. So we
2 have to balance that, and I think in Greenville
3 we're doing a really good job. So, Senator, I
4 wish I had a bit of advice or something that I
5 thought would help, but I think other judges are
6 going to be in a better position to talk about
7 it.

8 **Q. Thank you.**

9 CHAIRMAN RANKIN: Mr. Safran?

10 JUDGE ROBERTSON - EXAMINATION BY MR. SAFRAN:

11 **Q. Thank you, Mr. Chairman. Judge Robertson, first**
12 **I want to reiterate what they've already said. I**
13 **mean, you have basically distinguished yourself**
14 **as a lawyer and not missed a beat once you --**
15 **since becoming a judge. And, you know, my**
16 **question is maybe asking you to give us some**
17 **feedback. Now I remember -- you know, your**
18 **father was a longtime lawyer up in Greenville. I**
19 **remember him. I was a law clerk with Judge**
20 **Anderson years ago when he was practicing then.**
21 **You obviously put your time in, what we call,**
22 **paying your dues. You found an area of practice,**
23 **focused on it and excelled in it. And then it**
24 **really wasn't something you had to do, you chose**
25 **to come in and say I'm going to become a judge,**

1 and you were told earlier -- which we didn't have
2 to tell you. Well, you know -- at a tremendous
3 pay cut. And so I guess the question is, is that
4 in my early days I used to see people doing
5 exactly what you did who went and were exemplary
6 in an area of law, and ultimately they felt like,
7 hey, I want to do something that gives back. I
8 want to get out and be on the bench and use what
9 skills that I've established over time in order
10 to kind of make the state better for it. We
11 don't see that as much anymore, and I'm sure you
12 probably have noticed that yourself. What is it
13 that needs to be done both -- whether it be this
14 commission, the legislature, or otherwise, to
15 kind of replicate what's going on in your
16 situation?

17 A. In other words, to get more lawyers who have done
18 well in their careers to want to give that up and
19 --

20 Q. Exactly. What about those other 24 that you
21 pointed out who were members of a very exclusive
22 association --

23 A. Right.

24 Q. Where do you go get some of those guys and women
25 to do that?

1 A. And I will say that I was the -- to my knowledge,
2 I was the first fellow in the academy to become a
3 judge, a family court judge. I'm not sure if
4 Brooks Goldsmith, who's a circuit court judge,
5 was in the academy or not. If he wasn't, he
6 could have certainly been. But there's been one
7 since -- the two, Monét Pincus was a fellow and
8 Thomas Boltman is -- recently brought in, so I'm
9 not saying that I'm the trend setter. I'm
10 certainly not, but it looks like that sort of
11 goes against the theory that there are -- that
12 qualified attorneys that -- are getting less
13 likely as opposed to more likely to want to go to
14 the bench. I don't know. I mean, I think that
15 the attorneys who excel in their practices, a lot
16 of them feel like they make too much money, they
17 have children that they need to get through
18 college, they have mortgage payments and things
19 like that, and they don't see how they're going
20 to be able to continue to live the same financial
21 lifestyle that they live as attorneys if they
22 become judges. And I don't know. I think it's
23 just -- it's a valuing system and a prioritizing
24 system that everybody has their own. To me, I'm
25 willing to pay a pretty large premium to have --

1 to be doing something that's so rewarding and
2 that I enjoy so much and find so interesting, and
3 frankly, I find a lot less stressful than
4 practicing law in the private arena. But not
5 everybody is wired the same way I am, and all I
6 can say, unless we can get the family court
7 judges -- and I'm speaking in terms of family
8 court, but it would certainly apply to circuit
9 court as well -- get the judges to just be a
10 little more vocal to the really good lawyers
11 about what a great job it is. And as long as
12 they come seeking -- I don't want a contested
13 race against one of these highly qualified
14 lawyers and neither does anybody else, but we
15 would -- I think judges could play a large role
16 in talking to the exceptional lawyers about why
17 we like our job so much and maybe give them
18 another perspective on the priorities.

19 **Q. Thank you.**

20 A. Yes, sir. Thank you.

21 CHAIRMAN RANKIN: Other questions?

22 JUDGE ROBERTSON - EXAMINATION BY CHAIRMAN RANKIN:

23 **Q. Real quick. And you're from Greenville, Judge**
24 **Sinclair, Spartanburg. He, thus far, is the only**
25 **sitting judge who has warranted no negative**

1 **comments. You're the second best with only two,**
2 **so I think you can feel proud of that.**

3 A. If anybody has anything negative to say about
4 Judge Sinclair, I would like to hear who it is
5 and what they have to say, because that would
6 shock me.

7 **Q. Next time just make something up, will you?**

8 A. Right. I do get to turn in the survey.

9 **Q. Maybe you two can trade negative comments.**

10 A. There you go. That's perfect.

11 **Q. Tommy Hodges was your partner, Judge Hodges?**

12 A. Well, before I became a judge, we were partners
13 for, I believe, it was eight years, the last
14 eight years of my private practice, and he
15 continued by himself before he followed my lead
16 to the court.

17 **Q. All right. And on a personal note, I should**
18 **remember you from law school. You were a year**
19 **behind me.**

20 A. Right.

21 **Q. But you were in the smart class, and I was in --**
22 **I wouldn't have been hanging around anywhere near**
23 **you I'm sure.**

24 A. I flew under the radar I'm sure compared to most.

25 **Q. Well, I -- and finally, I just want to commend**

1 you as well. You are a lawyer's lawyer and a
2 judge's judge.

3 A. Thank you very much, Senator.

4 Q. And you know that. And to have it affirmed by
5 people who are not assigning their names to these
6 responses is certainly of some good -- good for
7 you. The two nay sayers, again, you have to
8 discount that as outliers and perhaps irregular
9 people. Let's just go with that.

10 A. My wife keeps telling me I need to discount those
11 two negative comments, and I'm working on it.

12 Q. You have certainly given up a lot to do this, and
13 so -- but you've set a mark for your children and
14 the legacy you talked about at the outset, and I
15 think a legacy for public service and wearing a
16 robe. You wear it lightly but efficiently and to
17 be affirmed in the cases that you cited in your
18 five most important cases has also got to be of
19 some consequence to you, because you're getting
20 it right, so --

21 A. I appreciate those comments. Thank you.

22 Q. All right. And unless there are other questions,
23 this will conclude this portion of the screening
24 process. Let me remind you that pursuant to our
25 evaluative criteria we expect candidates and you

1 to maintain both the spirit and the letter of the
2 South Carolina laws of ethics. Any violation or
3 any appearance of impropriety will be deemed very
4 serious and potentially deserving of heavy
5 deliberation by us. We don't expect that to be
6 the case, but if it were to arise, you do know
7 that we would call you back and continue to
8 question you, because the record will not be
9 closed until final qualifications are issued.

10 A. Understood.

11 Q. Very well. Thank you for being here early and
12 this going much later than we thought. God speed
13 to y'all and your three shining star children.

14 A. Thank you so much. It's been a pleasure.

15 Q. God speed. Upon a motion from Senator Hayes,
16 seconded by Representative Murphy we will now go
17 into executive session.

18 (Executive Session.)

19 CHAIRMAN RANKIN: We are back on the record, and
20 during executive session I want the record to
21 reflect that no decisions were made and no votes
22 were taken. Now we will proceed with the
23 screening of the next candidate.

24 RAME L. CAMPBELL

25 CHAIRMAN RANKIN: Mr. Campbell?

1 MR. CAMPBELL: Yes, sir.

2 CHAIRMAN RANKIN: Welcome. Pronounce your first name
3 for me.

4 MR. CAMPBELL: It's Rame, R-A-M-E.

5 CHAIRMAN RANKIN: Rame, not Rame?

6 MR. CAMPBELL: No, family name.

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

9 RAME L. CAMPBELL, having been duly sworn, testifies as
10 follows:

11 CHAIRMAN RANKIN: You have prepared two documents
12 there, a PDQ and a Sworn Statement. Any changes
13 that need to be made to those?

14 MR. CAMPBELL: No, sir, not -- the only change I made
15 was on the financial statement. I did amend the
16 financial statement, but other than that, these
17 are fine.

18 CHAIRMAN RANKIN: Very good. You don't object to
19 those being made part of the record for your --

20 MR. CAMPBELL: No, sir.

21 CHAIRMAN RANKIN: If you'll hand those to Lindi, we'll
22 mark those in. Mr. Campbell, you are familiar
23 with this process, and in our evaluation of your
24 candidacy, we focus on nine criteria, which
25 includes a ballot box survey, a thorough study of

1 your application materials, verification of your
2 compliance with the state ethic laws, a search of
3 newspaper articles in which your name appears,
4 and a check for economic conflicts of interest.
5 No affidavits have been filed in opposition to
6 your election. No witness has been -- has
7 requested to be present to testify for you or
8 against you. You now have the floor for an ever
9 so brief statement, recognizing that we, not you,
10 are substantially behind schedule. And so with
11 that, you're welcome to make comments.

12 (Exhibit Number 5 was marked for identification
13 purposes - (17 pages) Rame L. Campbell - Personal Data
14 Questionnaire.)

15 (Exhibit Number 6 was marked for identification
16 purposes - (6 pages) Rame L. Campbell - Sworn
17 Statement.)

18 MR. CAMPBELL: I'll keep it brief. I'm running for
19 family court judge. I have been in the legal
20 practice for 21 years. I have worn many hats,
21 the main one being I've been a litigator in many
22 different arenas and aspects of the law. And
23 based upon that, I feel like I bring something
24 good to the court through my experience, through
25 my courtroom experience, and the fact that I have

1 a lot of experience dealing with children and
2 juveniles and special needs children. And since
3 the last time I ran, my priorities have changed.
4 That's why I'm running for family court at this
5 time, because life has thrown me some curve
6 balls. And from that I have learned that my
7 passion is really dealing with children and
8 solving problems for people. And that's why I'm
9 running for family court judge.

10 CHAIRMAN RANKIN: Very well. All right. And I
11 omitted saying that we have obviously reviewed
12 your prior screenings as well. With that, Mr.
13 Franklin, if you will.

14 MR. CAMPBELL - EXAMINATION BY MR. FRANKLIN:

15 **Q. Thank you, Mr. Chairman. Mr. Campbell, please**
16 **state for the record the city and circuit where**
17 **you reside.**

18 A. I live in Anderson, and I live in -- and it's in
19 the Tenth Judicial Circuit.

20 MR. FRANKLIN: Mr. Chairman, I note for the record
21 that based on the testimony contained in the
22 candidate's PDQ, which has been included in the
23 record with the candidate's consent, Rame L.
24 Campbell meets the statutory requirements for
25 this position regarding age, residence, and years

1 of practice. Mr. Campbell, you alluded to this.
2 You last appeared before the commission in 2009
3 seeking a seat on the circuit court; is that
4 correct?

5 A. That's correct.

6 **Q. And why do you now want to serve as a family**
7 **court judge, and how exactly has your legal and**
8 **professional focus changed since 2009 that -- to**
9 **give you the requisite experience to be an**
10 **effective family court judge?**

11 A. Well, as you know, as you grow older, you mature,
12 you find things, things come your way that
13 changes your perspective, and that's what's
14 happened to me. I realize now in looking back,
15 hindsight, is that I was not prepared or ready
16 for, in 2009, to actually be on the judiciary.
17 And it's kind of one of those things that, you
18 know, thank God for unanswered prayers, because
19 in '09 I went to the screening. I was
20 successfully screened out, went through the
21 process, and then eventually I bowed out. The
22 Honorable Lawton McIntosh was elected to that
23 position. It was about two months after that
24 fact my daughter -- I only have one child -- she
25 was diagnosed as being autistic. And I can tell

1 you this that mentally and emotionally if any of
2 y'all have ever dealt with special needs
3 children, or if you have your own or know someone
4 that does, it take a toll on you. And now,
5 looking back, that -- I wasn't ready at that
6 point in time, but now since my -- as I -- since
7 that time, of course I've gotten older, gotten
8 wiser, gotten more experience, I've realized my
9 passion is for children, which is why I do a lot
10 of guardian work, especially children with
11 special needs. I'm a big advocate for that. In
12 fact, when a position came up for the Anderson
13 County Disability and Special Needs Board my
14 local delegation called me and asked would I sit
15 in and would I consider running and being elected
16 to the position, which I did. And I'm now the
17 secretary of the board. And so looking back in
18 my career, I've been a litigator, and I bring a
19 lot of courtroom experience. I've tried cases in
20 every court there is, from municipal court all
21 the way up to doing death penalty trials in the
22 State of South Carolina. I'm also licensed in
23 federal court, CJ appointment list, and so I have
24 real world trial experience, which I think
25 assists me in helping solve problems and working

1 things out. And so based upon my experience --
2 and it's not just in -- I know I did a lot of
3 work in general sessions court, but civil court,
4 probate court, of course magistrate's court,
5 Social Security, you know, workers' comp, done
6 real estate. I've done a little bit of
7 everything. When you work in a small town in a
8 general practice firm, you really handle a lot of
9 different areas. And all that comes into play,
10 because family court deals with many of these
11 different facets, and you have to understand and
12 know a lot of it, because it all intertwines.
13 And the thing about the family court is we still
14 use the same rules of evidence, the same rules of
15 procedure, you're still using due process rights
16 and the constitutional rights, especially when
17 you're dealing with juveniles. And so that, you
18 know, in and of itself, I think, helps and would
19 be beneficial for me if elected to the position.

20 **Q. Are there any areas of law for which you would**
21 **need additional preparation in order to serve as**
22 **a family court judge, and how would you handle**
23 **that additional preparation?**

24 **A.** I think the one area I probably do the least
25 amount of work in in my family court practice --

1 and I practice probably 65 percent family law,
2 and I didn't include juveniles when I did my
3 numbers for the PDQ. I consider that criminal
4 aspect, but probably DSS. I don't -- I've never
5 represented DSS. I do not actually seek out DSS
6 cases, but I do have a lot of experience dealing
7 with them. Especially on my private cases in
8 which my clients have had their kids taken away
9 due to abuse or neglect, or they're looking for
10 termination of parental rights. So dealing with
11 DSS in and of itself is probably the one area
12 that I -- is not as strong as others. Like with
13 juveniles, I'm very strong with juveniles, a lot
14 of experience dealing with them. But DSS is
15 probably the one area I've had the least
16 experience in.

17 **Q. Briefly describe your experience in handling**
18 **complex contested family court matters, and**
19 **specifically discuss your experience with the**
20 **financial aspects of family court work.**

21 A. Well, the type of practice I have and where I
22 practice we don't get a -- I personally do not
23 get a whole lot of cases dealing with large
24 amounts of money. I do have a couple of cases
25 that -- when I say large amounts, I'm typically

1 talking about a quarter of a million to \$500,000
2 worth of assets. Typically the type of cases I
3 deal with are smaller. And it's mainly you're
4 dividing up pots and pans and furnish --
5 furniture and furnishings and appliances and
6 trucks and trailers and that sort of bit. And
7 typically you're dealing with more debt than you
8 are assets. But when dealing with the financial
9 aspect, I have a lot of experience dealing with
10 appraisers. Case I have right now we're dealing
11 with timber rights, how much is the -- you know,
12 hardwoods cost, the value, how much is your
13 softwoods value, how much is the pastureland
14 worth, how much are the cows worth, and the farm
15 implements. So I have a lot of experience
16 dealing with appraisers, whether it's real estate
17 or on those type of items. And furthermore, I
18 have a lot of experience especially dealing with
19 mental health experts in cases I have. So those
20 are the type of cases I deal with on a day-
21 in/day-out basis, but it doesn't change. There's
22 no -- unlike, you know, a circuit court, like a
23 larceny type case where's there's a dollar
24 amount, family court doesn't have that where it's
25 divided up, and all the statutes are still the

1 same no matter if it's a small case or a large
2 case. You still follow the same rules of
3 evidence, the same rules of procedure. The only
4 thing that changes is in the family court there's
5 no jury and the subject matter.

6 MR. FRANKLIN: Mr. Chairman, I'd like to now request
7 that we go into executive session to handle a
8 matter.

9 CHAIRMAN RANKIN: All right. Motion by Ms. McIver,
10 seconded by Mr. Safran for executive session.

11 (Executive Session.)

12 CHAIRMAN RANKIN: All right, we are back on the
13 record, and while in executive session let the
14 record reflect that no votes were taken, no
15 decisions were made. Now we will continue with
16 Mr. Rame L. Campbell.

17 Q. Mr. Campbell, the commission received 114 ballot
18 box surveys regarding you, with 16 additional
19 comments. The ballot box survey, for example,
20 contained the following positive comments: "A
21 smart, dedicated public servant now in private
22 practice. Rame would be a good judge, and brings
23 a wealth of experience to the job." "Mr.
24 Campbell is an excellent lawyer, and would make
25 an excellent judge. His qualifications and

1 experience are outstanding. Also, he has the
2 temperament to be a fair and effective judge."

3 "Rame is a fair individual and has a prosecutor -
4 - as a prosecutor he always remembered that it
5 was his duty to seek justice and not just obtain
6 convictions. Rame always treated all parties, to
7 include coworkers, police officers, judges,
8 defense counsel, and the defendants with courtesy
9 and respect regardless of their point of view or
10 difference of opinions on cases." Ten of the
11 written comments express concerns, however.
12 Several of the comments indicated that your
13 primary experience has been in criminal law and
14 that you have had very little experience with
15 family court matters. Is there anything that you
16 would like to add to what you said before about
17 that?

18 A. Well, dealing with family law, I've been
19 practicing 21 years, seven of that's been in
20 family court. And prior to me going to through
21 the judicial circuit solicitor's office I was in
22 a general practice firm where our primary focus
23 was family law, and that's what I do now. I do a
24 lot of family court work. I do a lot of guardian
25 work. And the fact is you're still dealing with

1 -- whether it's circuit court or family court --
2 you're still dealing with the same rules of
3 evidence, the same rules of procedure, due
4 process rights, constitutional rights. There's a
5 low of overplay, like dealing with juveniles. I
6 do a lot of juvenile work. And I'll give you a
7 case in point. I'm representing one of the case
8 -- biggest cases in probably South Carolina.
9 2017 was the Townville school shooter. And
10 earlier this year he was 14 years old when he
11 committed this crime. Fourteen -- actually 14
12 and three weeks. If he had done it three weeks
13 prior, he would have been in juvenile court, and
14 it would never have gone up. But in February
15 this year we had a waiver hearing that lasted,
16 you know, a full week, called -- basically it was
17 a trial. You're calling -- we called
18 approximately 30 to 40 witnesses, five of them
19 mental health experts, and the fact the case came
20 down to whether he met the criteria of U.S. v.
21 Kent and decided whether he should be -- stay as
22 a juvenile and tried in the family court aspect
23 or go to general sessions court. Ultimately,
24 based on the safety of the community, the judge
25 decided that it was best for him to be tried.

1 And so you get a lot of overplay and overlap, and
2 just -- you know, I'll admit I -- my focus in my
3 career has not just been one area of the law.
4 I've had experience or exposure to a lot of
5 different aspects in many different areas, and it
6 all intertwines and interplays together. So the
7 fact that, you know -- seven years experience is
8 still experience. I still have a lot of
9 courtroom experience, and it all works together.

10 **Q. Another concern is that your professional**
11 **dealings are not fair and impartial unless the**
12 **outcome is to benefit you as opposed to the**
13 **interests of others, and that you are easily**
14 **swayed by those who you believe to be in power,**
15 **and are often led down a path which seeks to**
16 **better your own position or status. What is your**
17 **response -- what is the response that you would**
18 **offer to that?**

19 **A.** First of all, when you get some comments like
20 that, I'd like to know the context that it's made
21 in. That's the problem I have with the anonymous
22 type of questions is because I've never had that
23 issue. I mean, what -- I don't understand what I
24 would try to gain. My position's always been I
25 worked either for myself or a small business, or

1 I worked in a solicitor's office. And so there's
2 not really a whole lot to gain. I mean, so I
3 don't understand that type of comment or what
4 context it's made in. Without seeing more, I
5 don't understand what they're talking about, and
6 I completely deny that, you know, allegation.

7 **Q. Mr. Campbell, one of the comments states that**
8 **your reputation, especially among women, is that**
9 **you're sexist and demeaning. What response would**
10 **you offer to that concern?**

11 A. I absolutely deny that. You know, I go to this
12 point that I ran for the solicitor. And a lot of
13 people ran and immediately started taking sides
14 once it started. And it got bad, I'll admit.
15 And I submitted an affidavit from an individual.
16 A lot of these comments came from other people.
17 And y'all being in politics you understand that
18 when you put your name on a general ballot you
19 can't control what other people do. You can't
20 control what people do in your name. You can't
21 control what third parties do. And that's the
22 issues I was running into. And so, you know,
23 there's a group of attorneys who were female in
24 the solicitor's office who were -- voiced their
25 opinion, wanted the other candidate to win. But

1 one of the issues, you know -- what I take from
2 it is this, is that if those comments were
3 actually true, then my boss, who is a female, why
4 would she have put me in the position that she
5 did if they were actually true, because she was
6 in the office every day. She knew what was going
7 on. And so these comments, in my opinion, were
8 made, you know, in a political manner, because if
9 it was true, I wouldn't have been nominated or
10 put in that position to be the deputy solicitor.
11 I was put there because I can get things done. I
12 have a good working relationship with law
13 enforcement, a good working relationship with the
14 victims. And, you know, I try cases, and I get
15 things done. And that's why she put me in that
16 position. So if these were actually true, I do
17 not think she would have put me there.

18 **Q. And how would you respond to the criticism or**
19 **comment that you have made inappropriate comments**
20 **to female colleagues regarding their appearance**
21 **and their personal lives?**

22 A. No, I've never done that.

23 **Q. Did you ever air any concerns about anything in**
24 **the solicitor's office to the public?**

25 A. No. The -- you know, things made it to a runoff,

1 and at that, you know, individuals who had a
2 vested interest and who actually were let go from
3 the office, they took it upon themselves because
4 they didn't feel like I was being aggressive
5 enough in addressing some of the issues that they
6 saw that was going on with the office. And
7 unfortunately they had access to my email account
8 -- or what do you call it -- Facebook account,
9 because I don't do social media, and typed up
10 something that I had no knowledge of prior to it
11 being posted. And of course, I'm the one,
12 because my name is on the ballot -- I bear
13 responsibility, and I bear the brunt of it. And
14 even though I had no actions or did nothing to
15 that, so -- and I submitted, actually to you, an
16 affidavit from the individual who did that. I
17 didn't know until way after the fact who did it.
18 And basically it was because they didn't think I
19 was being aggressive enough in not calling out
20 certain people. Because that -- up until that
21 point none of that had been done. And then this
22 individual took it upon themselves to do it, and
23 that's why I'm having to answer questions about
24 it today.

25 **Q. And the attorneys who came into your office, what**

1 **is your relationship, if any, with those**
2 **attorneys today? Do you have any relationship or**
3 **any --**

4 A. Yeah, I -- individuals, and I know who they are -
5 - the individuals -- their comments -- I still
6 have cases with them today. I work with them.
7 Most of them are on that case, the Townville
8 shooting case. Not once have they brought this
9 up or mentioned it to me. I have a good working
10 relationship with all the attorneys. I have a
11 good reputation in the Anderson bar. The fact of
12 the matter is, when I left the solicitor's office
13 I was asked by two individuals, two ladies, to
14 give recommendations. One wound up, after I gave
15 a good recommendation to her, she was hired by
16 the Denver Clerk of Court's office in Colorado
17 when her husband got transferred. Another lady I
18 worked with for years, she used me as a
19 reference, and she's now working with the U.S.
20 Marshals in Asheville. And, you know, I spoke to
21 them about that. So, you know, my opinion is if
22 these things were actually true, these
23 individuals would not have used me. They would
24 not have come to me and asked me to be references
25 for them.

1 Q. And when you were at the solicitor's office, did
2 anyone ever commence a formal internal grievance
3 proceeding against you alleging any form of
4 sexism --

5 A. No, sir. That's --

6 Q. -- or discrimination?

7 A. I can say this. The first time I've heard it is
8 when you read it to me. That is the first time
9 I've ever had that. I mean, I totally disagree
10 with that, because the fact of the matter is, you
11 know, I'm the father of a daughter. I'm
12 definitely one for rights when it comes to women.
13 And if anything, I've done -- gone above and
14 beyond dealing with that. I've never based
15 anybody, their actions, on whether they're male,
16 female, you know, the race or gender, the
17 religion. My thing has always been that you do
18 your job, is it right or wrong. And that didn't
19 sit well with a lot of people, and in the office.
20 And in fact, the affidavit, if you submitted it
21 to the committee, you know, what was stated was
22 true. My work ethic was a lot different than a
23 lot of people in the office, and people in the
24 office had gotten complacent. And they were
25 showing up late, leaving early, and they didn't

1 like the type of ethics that I had. And so that
2 was a conflict, and so it turned out to be a
3 conflict during the race.

4 **Q. Mr. Campbell, what do you believe to be the**
5 **proper demeanor of a family court judge?**

6 A. My opinion's always been that someone's
7 respectful, that is courteous, allows the
8 litigants and the attorneys the opportunity to
9 try their case or have their say, and to
10 basically uphold the laws of civility that's in
11 the courtroom setting. And I've gone before a
12 lot of judges. You know, I started out in the
13 Fourteenth Circuit. And a good judge that I
14 always admired and looked up to was Judge Gerald
15 Smoak, little Gerald, out of Walterboro and Judge
16 Edwards here in Anderson. And they've always
17 given the say and allow the people time to do
18 their case without interfering, without being
19 demeaning, without calling people down. And they
20 make sure it runs smoothly. And they give a just
21 and fair decision based upon the facts that are
22 presented to them.

23 **Q. In 2013 you were named as a defendant in a**
24 **complaint filed in South Carolina State Court**
25 **entitled, J.P. Morgan Chase Bank National**

1 **Association v. Holland. Please explain the**
2 **nature and disposition of that lawsuit?**

3 A. Yeah. And I actually brought a copy -- if it
4 needs to be -- that happened in 2003. I was the
5 attorney in a domestic action in which it went
6 before The Honorable Tim Cain, who's now a
7 federal judge. And I was awarded attorney fees
8 in the amount of \$1,000 by the defendant husband.
9 My client was also given the property, the
10 marital home. After the hearing, of course, he
11 was living out of his van. He left, so I never
12 collected on the attorney fees that were awarded
13 to me. And I was only brought into that case
14 because of the fact that when they did a research
15 of it and they found the Order, it stated that I
16 was owed \$1,000 for attorney fees. And in fact,
17 Judge Drew, when he drew up the order, it states
18 the only reason I am in this is because I was
19 owed the attorney fees. And I actually have a
20 copy of the -- if it needs to be seen.

21 **Q. All right. Now for a few housekeeping issues.**
22 **Mr. Campbell, are you aware that as a judicial**
23 **candidate you are bound by the code of judicial**
24 **conduct as found in Rule 501 of the South**
25 **Carolina Appellate Court Rules?**

1 A. Yes.

2 Q. Since submitting your letter of intent, have you
3 contacted any members of the general assembly or
4 the commission about your candidacy?

5 A. No, sir.

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

9 A. Yes.

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

14 A. No.

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

19 A. No.

20 Q. Finally, have you reviewed and do you understand
21 the commission's guidelines on pledging and South
22 Carolina Code § 2-19-70(E)?

23 A. Yes, sir.

24 MR. FRANKLIN: I would note that the Upstate Citizens
25 Committee found Mr. Campbell qualified in the

1 evaluative criteria of constitutional
2 qualifications, ethical fitness, professional and
3 academic ability, reputation, physical health,
4 mental stability, and experience. The commission
5 found Mr. Campbell well qualified in the
6 evaluative criteria of character. However, Mr.
7 Campbell was found unqualified in the evaluative
8 criteria of judicial temperament. The Committee
9 further stated, "A number of the candidate's
10 professional colleagues have reported that he has
11 a difficulty working well with others. The
12 candidate also displayed an uneasiness during the
13 interview process that was readily apparent to
14 members of the Committee." I would just note for
15 the record that any concerns raised here in the
16 investigation regarding the candidate were
17 incorporated into the questioning of the
18 candidate today. Mr. Chairman, I have no further
19 questions.

20 MR. CAMPBELL - EXAMINATION BY CHAIRMAN RANKIN:

21 **Q. Mr. Campbell, I want to ask you about that last**
22 **area --**

23 A. Right.

24 **Q. -- of inquiry by Mr. Franklin, and that being the**
25 **Upstate Citizens report and meeting. Describe**

1 **that process, if you will?**

2 A. I will. It -- the hearing is about 45 minutes to
3 an hour. It was -- to be honest with you, it was
4 awkward. You had four people in there, total.
5 They normally -- the last time I went through the
6 Citizens Committee there was a lot of -- eight,
7 nine, ten people. There was four. There was an
8 attorney out of Spartanburg who asked the
9 questions. The three other individuals in there
10 didn't ask anything. They just sat there and,
11 you know, let him control the dialogue that went.
12 And it was -- it was not a give and take type of
13 a conversation. It was kind -- I believe --
14 honestly, it was awkward, and I had -- once I
15 heard that -- I totally disagree with that
16 finding they came out with, because of this, you
17 know, when I got done with that hearing, one of
18 the ladies walked out with me and spoke to me f
19 or 20 minutes about me running for judge and how
20 she was glad I was running and that -- my concern
21 for the children and, you know, special needs
22 kids. And she didn't mention a word during the
23 hearing, but yet she walks out and speaks 20
24 minutes to me in private. And when I ran, you
25 know, last time I didn't have any of these --

1 none of these things popped up last time when I
2 ran in '09. The only intervening factor that has
3 happened since that time is I ran for a public
4 office in a heavily contested race. And --

5 **Q. Which you made to a runoff, I think you said.**

6 A. Yes, sir, I made it to a runoff. And so that's -
7 - and last time, you know, the same -- the
8 committee chairman of the Upstate Committee was
9 the same person that was there in '09. You know,
10 she had to recuse herself, because she supported
11 one of the other candidates, and she's, you know,
12 friends of one of the other candidates in this
13 race. And so, you know, I deny those allegations
14 that they were making. You know, I've never had
15 a problem working with people. Because if you
16 look at the comments that are given, and you can
17 tell the comments are based out of the -- a lot
18 of people out of the same office -- my office,
19 the solicitor's office, they're polar opposites
20 of one another.

21 **Q. Well, let's stick the Upstate Committee report.**
22 **You said of your own accord -- said it was**
23 **awkward?**

24 A. Yeah.

25 **Q. So perhaps they felt awkwardness on your part or**

1 uneasiness on your part, but both of you are
2 saying at least a different definition or a
3 different term, "uneasy," "awkward" --

4 A. It was -- sorry.

5 Q. And again, whatever that matters aside, the
6 person who was asking the questions was an
7 attorney you recall?

8 A. Yes, it was an attorney.

9 Q. Who was that?

10 A. Works for Charlie Hodges in Spartanburg. I can't
11 remember his name off the top of my head. You
12 know, he --

13 Q. Blonde?

14 A. Yeah, that's him.

15 Q. Not too young, but Langley?

16 A. That's it.

17 Q. Yeah, okay.

18 A. It's Ryan. I believe, Ryan Langley. That's who
19 it was.

20 Q. All right. But in terms of the fairness of it,
21 did you feel like you were denied the input,
22 denied the opportunity --

23 A. No, sir. I answered all their questions. It was
24 -- I thought it was straightforward and didn't
25 think -- you know, when I left I had a real good

1 feeling about it, and it -- you know, none of
2 these things really cropped up until later.

3 **Q. And so it was a 45-minute exchange, you said?**

4 A. Actually him asking questions, and, you know, me
5 responding. The other individuals were not --
6 didn't ask a thing.

7 **Q. Let me shift to the ballot box survey. Do you**
8 **typically participate in this? You respond when**
9 **you get questions submitted --**

10 A. Yes and no.

11 **Q. -- the same ballot I get?**

12 A. Yes and no. I only respond if I know the
13 individuals who are running, and only respond if
14 I have some positive to say. I don't put down
15 any negative comments. I know people can do
16 that, but I work in a small legal community, and
17 people know who says what. And I've always been
18 taught and raised that if you have nothing nice
19 to say, don't say it, and that's kind of the way
20 I approach these ballots, even though they're
21 anonymous.

22 **Q. Do you think that we should value this and give**
23 **consideration to it, the good and the occasional**
24 **negative?**

25 A. I think it is something that is one useful tool

1 for the Commission to use, but I don't think it's
2 the only thing that should be used. I think it
3 should be, you look at the overall body of work
4 that an attorney has done, like in my case I've
5 never had any disciplinary actions, I've never
6 been, you know, sued by a client, no malpractice
7 issues. I've always had a good reputation. In
8 fact, I was asked by the Supreme Court to take
9 over another attorney's case when I was in
10 private practice the first time. And so I think
11 it's just one of the things you can use. I think
12 the appropriate thing is if someone has a
13 negative comment that in order for fairness for
14 the candidate, that person should sign an
15 affidavit and come forward. And as you stated in
16 the opening statements that no affidavits were
17 filed against me, and nobody has stated they
18 wanted to come and testify. And so when, you
19 know, these allegations that are made against me,
20 you know, I would like to have the accusers come
21 in and sit down and go over it. But I'm not
22 afforded that opportunity because they don't put
23 their name on it, and they don't write their name
24 on it.

25 **Q. You can write your name.**

1 A. Yeah, you can, but I'm talking about coming to
2 testify.

3 Q. Right. For good or bad, any comments on those
4 ballot box surveys you can put your name.

5 A. Yes, sir.

6 Q. Let me shift, and I'm -- less the comments that
7 you denied earlier, there is a theme, though, not
8 as to perhaps the heated campaign context, which
9 you say many of these arise from, but would you
10 agree that your experience in the area of family
11 law is not that broad and not that long in
12 duration?

13 A. In duration, it's been a third of my career. You
14 know, like I say, I've been practicing since
15 November '97. And when I was in private practice
16 from 2000 right to up 2005, that's the main --
17 the majority of what I did was family court. And
18 the majority of what I do now in my own practice
19 is family court. I do a lot with guardian work.
20 I do a lot with juveniles. You know, I've
21 handled everything from divorce or adoption
22 through, you know, termination of parental
23 rights. So as overall I have not focused my
24 entire career in one area of the law. And -- but
25 yes, it is limited in that aspect. But when you

1 look at the things, you know, a lot of times
2 people wonder, well, do they have courtroom
3 experience, do they understand the rules of
4 evidence, do they understand the rules of
5 procedure. All that inter-winds, interplays with
6 the family court laws. It's all the same. It's
7 just a different topic that you're dealing with.
8 And as a judge you're still charged with taking
9 what the law is and making a decision on it.

10 **Q. You mentioned on the financial side your**
11 **experience in defining big cases. I think you**
12 **said \$250,000 to \$500,000 --**

13 A. That's kind of --

14 **Q. -- would be a bigger case --**

15 A. For me.

16 **Q. -- and certainly in my practice years ago when I**
17 **did it, it was -- this is how old I am and how**
18 **long ago I used to do it. It was a fight over**
19 **the eight track tape collection and the spoons**
20 **from various tourist spots that folks would**
21 **acquire them.**

22 A. Typically most of the cases I deal with involve
23 custody. The -- most of the people are not
24 wealthy. They don't have a lot of money.
25 They're mostly fighting over, you know, pots and

1 pans and how you're going to divide up -- really
2 a lot of it comes down to how you going to divide
3 up the debt. But custody, children issues, are
4 the main issues my family court case revolves
5 around.

6 **Q. And you mentioned financial negotiation,**
7 **appraisals, et cetera, invoked a timber fight**
8 **that you are currently involved with as an**
9 **example of your ability to handle the bigger**
10 **financial type cases other than the pots and the**
11 **pans?**

12 **A.** Right. I've used, you know, accountants before,
13 CPAs to come in and testify, looking at business
14 evaluations. The -- most of the cases I have,
15 like I say, do not deal with that. And this one
16 particular case, which is actually coming up in a
17 couple of weeks for a temporary hearing, we're
18 dealing with -- we're fighting over what's the
19 value of the property and how we're going to
20 divide it up. And all the rights -- you know,
21 the property has more than just timber property
22 rights. You know, you look at the timber aspect
23 of it. You're looking at the -- what the
24 pastureland's worth compared to the hardwoods and
25 regular woods. And so those are the type of

1 issues that I kind of deal with.

2 Q. The last question and this comment, one praising
3 you for your work seeking out Guardian ad Litem
4 cases in a contested context, but your run for
5 the solicitor's office was in '16?

6 A. Yes, sir.

7 Q. This comment that you really have not practiced
8 family law up until the election. So you said a
9 third of your practice, but -- so that
10 observation would not be correct, that since the
11 election, you have shifted --

12 A. Since the election, I went into private practice
13 for myself, and the focus in the majority of my
14 current practice is in domestic relations. And
15 I'm counting the time -- I also was in private
16 practice prior to that before going to the
17 solicitor's office in Anderson.

18 Q. You were in the solicitor's office how long all
19 told?

20 A. In Anderson from '05 to '15, '16. I can't
21 remember when I actually left.

22 Q. Other than Guardian ad Litem cases, have you
23 tried to -- not verdict, but order a case before
24 a family court judge in the last two years?

25 A. One case.

1 Q. Was that -- with you representing who?

2 A. Representing the plaintiff.

3 Q. All right. And that -- again, you may have
4 touched on this. What was the issue in that?

5 A. It was really custody.

6 Q. All right. Any questions? Representative
7 Murphy.

8 MR. CAMPBELL - EXAMINATION BY REPRESENTATIVE MURPHY:

9 Q. Thank you, Mr. Chairman. Mr. Campbell, just
10 following up on what Chairman Rankin has stated.
11 Now your testimony is that the majority --
12 because I read the same concerns that you lack
13 the necessary family court experience. And if
14 I'm following your testimony, you testified that
15 the majority of your practice in -- is domestic
16 law, correct?

17 A. That's correct.

18 Q. Then I look at your PDQ, and under question 13
19 you have 40 percent of your practice is in
20 domestic law, and the remaining 60 percent is
21 divided between civil, criminal, and other. You
22 also stated in your PDQ, question number 14, that
23 the percentage -- 75 percent of your practice, is
24 jury related. We know that family court there
25 are no juries.

1 A. Well, they also -- it says you go back five
2 years. And previously I was counting also the
3 solicitor's aspect of it of what I did.

4 Q. When I look at your website -- I had it pulled up
5 here a minute ago -- when I look at the website
6 of Newton -- I think it's Newton and Campbell --

7 A. Right.

8 Q. -- or Campbell and Newton, the first thing that
9 pops up is that y'all are trial attorneys, DUI
10 and personal injury. And when I pop up on your
11 name, it states that you're a DUI and personal
12 injury attorney. It's not until I actually go to
13 the small tab on domestic family court cases that
14 it mentions. So if I'm viewing your website, it
15 would appear to me that you are mainly a trial
16 attorney. Because that's -- basically you were a
17 trial attorney, and I was a former solicitor in
18 the First Circuit, and -- but it appears from
19 your practice that your practice is not centered
20 around domestic law as your testimony is stating
21 to this body?

22 A. I can explain that. Dealing with the -- I don't
23 deal with advertising. My partner does that. In
24 fact, we're basically -- we're in the same firm,
25 but we practice two different areas. I don't do

1 DUIs. That's not one area I deal with. He is
2 the one that set all that up regarding the actual
3 firm website, because to be honest with you, I'm
4 not good with computers. That's one of the areas
5 I don't deal with. He handled all that aspect of
6 it. But we are kind of split, and our two areas
7 are totally different. He mainly handles -- what
8 he really does is family -- I mean, DUI law,
9 whereas my practice consists mainly around
10 domestic practice, civil, and some criminal.

11 **Q. I noticed in the last -- I guess the last three**
12 **years you've taken one family law seminar, CLE?**

13 **A. No, I've taken several.**

14 **Q. Which ones are they, because I'm looking at the**
15 **report that you provided, and I want to be**
16 **accurate here? In your CLE compliance report you**
17 **do have the Guardian ad Litem in '18, and then**
18 **'16 you have Family Law Essentials. Those are**
19 **the two. I don't see where -- that you've**
20 **reported, I don't see where there's several.**

21 **A. Well, I've taken some since then, which I didn't**
22 **add to the list.**

23 **Q. And did -- I think Lindi just asked if you had**
24 **any additions to you PDQ. So which ones have you**
25 **taken that would have to be added to your PDQ?**

1 A. I took another family court CLE, and I want to
2 say it was August or September. I'd have to look
3 at it. It was on my current CLE report that I
4 received from the bar.

5 **Q. The interim?**

6 A. Yes, sir. And to be honest with you, it slipped
7 my mind regarding adding it to the PDQ.

8 **Q. That's all I have at this time, Mr. Chairman.**

9 CHAIRMAN RANKIN: Any other questions? Senator
10 Young.

11 MR. CAMPBELL - EXAMINATION BY SENATOR YOUNG:

12 **Q. Thank you, Mr. Chairman. Mr. Campbell, thank you**
13 **for being here. I wanted to ask you some**
14 **questions about abuse and neglect cases. Have**
15 **you handled any abuse and neglect cases?**

16 A. Yes, sir. I've handled them on two different
17 aspects. As a prosecutor I've handled those type
18 of cases. Typically they involve unlawful
19 neglect of a child, usually resolving --
20 revolving out of a drug case, in which the
21 parents have been charged, whether selling,
22 dealing, possessing, manufacturing some sort of
23 illegal substance, and the children test positive
24 for meth -- in my case it's typically, in the
25 upstate, methamphetamines. In the aspect of

1 dealing with family law with DSS I've been
2 appointed on several guardian cases. My clients
3 also have had cases in which their children have
4 been removed. And, you know, they're put on
5 safety plans and going through treatments through
6 DSS and trying to -- trying to get their children
7 back. A lot of times the cases I have the
8 children are put into foster care, and/or with a
9 relative, you know, if they can find one. And so
10 I do have experience dealing with that is --
11 dealing with abuse and also the termination of
12 parental rights regarding that. And it's usually
13 one of the allegations that I have dealt with in
14 the past, is that the children have been abused.
15 That's why were removed from the home, and then
16 the parents right are eventually being
17 terminated.

18 **Q. You mentioned earlier in your testimony, unless I**
19 **heard you wrong, I thought I heard you say that**
20 **you have had -- your experience with cases in the**
21 **family court involving DSS is not as broad as you**
22 **would hope it to be?**

23 **A.** Right, this is true. And that's one of the areas
24 that, you know, I have some limited experience
25 dealing with is abuse and neglect. Dealing with

1 my clients on a private -- as I've taken with my
2 private cases. I don't seek out DSS or nor do I
3 represent DSS type cases, but as they come along
4 I have dealt with them.

5 **Q. Have you ever been a contract attorney for DSS?**

6 A. No, sir.

7 **Q. I don't have anything further at this time.**

8 **Thanks.**

9 CHAIRMAN RANKIN: Anything further from any other
10 member fo the commission? All right, if not, Mr.
11 Campbell, thank you. This will conclude this
12 portion of the screening process. I will remind
13 you that any violation of the spirit or letter of
14 the South Carolina laws of ethics will be deemed
15 very serious, and we expect the candidates to
16 follow it to the letter and the spirit. If there
17 were to be a violation of that or the appearance
18 of any impropriety, you understand that we could
19 call you back, because this record will not be
20 closed until the final qualifications have been
21 issued. You understand that, right?

22 MR. CAMPBELL: Yes, sir, I do.

23 CHAIRMAN RANKIN: We trust that will not be the case,
24 and with that that will close the record. Thank
25 you.

1 MR. CAMPBELL: Thank you.

2

3 (Off the Record)

4 CHAIRMAN RANKIN: All right, Ms. Nichols-Graham, if
5 you will, please raise your right hand.

6 KIMAKA NICHOLS-GRAHAM, having been duly sworn,
7 testifies as follows:

8 CHAIRMAN RANKIN: Thank you. I will remind you to
9 speak audibly in that mike. The court reporter
10 is right there. She won't miss a word, but so we
11 hear you up here as well.

12 MS. NICHOLS-GRAHAM: Okay.

13 CHAIRMAN RANKIN: You have prepared two documents, a
14 Sworn Statement and a Personal Data Questionnaire
15 that are before you; is that right?

16 MS. NICHOLS-GRAHAM: Yes.

17 CHAIRMAN RANKIN: Any changes need to be made to those?

18 MS. NICHOLS-GRAHAM: No.

19 CHAIRMAN RANKIN: And do you have any objection to
20 them being made part of the sworn testimony you
21 have today?

22 MS. NICHOLS-GRAHAM: No objection.

23 CHAIRMAN RANKIN: All right. If you'll hand those to
24 Lindi, we'll make them a part of the record. You
25 are familiar with this process and our criteria

1 that we look for in our investigation of your
2 candidacy?

3 (Exhibit Number 13 was marked for identification
4 purposes - (20 pages) Kimaka Nichols-Graham - Personal
5 Data Questionnaire.)

6 (Exhibit Number 14 was marked for identification
7 purposes - (20 pages) Kimaka Nichols-Graham -
8 Amendment to Personal Data Questionnaire.)

9 (Exhibit Number 15 was marked for identification
10 purposes - Kimaka Nichols-Graham - Sworn Statement.)

11 MS. NICHOLS-GRAHAM: Yes, sir.

12 CHAIRMAN RANKIN: There are nine, which include
13 specifically a ballot box survey, a thorough
14 study of your application materials, a check of
15 newspaper articles in which your name appears, a
16 check for economic conflicts of interest, and
17 verification of your compliance with the state
18 ethics laws. No one has filed an affidavit in
19 opposition to your candidacy, and no one has
20 requested the ability to speak today for you or
21 against you. The floor is yours. You can make a
22 brief opening statement, but given the tardiness
23 of the start of this hearing, we will not expect
24 much. You can say all or as little as you want
25 or waive it.

1 MS. NICHOLS-GRAHAM: I will waive it. Can I reserve
2 it for the end?

3 CHAIRMAN RANKIN: You can do it now and later, if you
4 want.

5 MS. NICHOLS-GRAHAM: Okay.

6 CHAIRMAN RANKIN: We'll let you do that at the end, if
7 you like.

8 MS. NICHOLS-GRAHAM: Okay.

9 CHAIRMAN RANKIN: Thank you. Mr. Crawford?

10 MS. NICHOLS-GRAHAM - EXAMINATION BY MS. CRAWFORD:

11 **Q. Thank you, Mr. Chairman. Ms. Nichols-Graham,**
12 **could you please state for the record the city**
13 **and circuit in which you live?**

14 A. I live in Greenville, and it's the Thirteenth
15 Judicial Circuit.

16 MS. CRAWFORD: Mr. Chairman, I note for the record
17 that based on the testimony contained in the
18 candidate's PDQ, which has been included in the
19 record with the candidate's consent, Ms. Nichols-
20 Graham meets the statutory requirements for this
21 position regarding age, residence, and years of
22 practice. Ms. Nichols-Graham, why do you wish to
23 serve as a family court judge?

24 A. I would like to serve as a family court judge to
25 have the opportunity to serve additional people.

1 I have been given a great opportunity being a
2 public interest attorney, a lawyer at South
3 Carolina Legal Services, and I truly appreciate
4 that opportunity. However, I would like the
5 chance to serve a larger group of people in
6 different types of cases, all of the different
7 types of cases that appear before family court.
8 And I believe that given my vast experience that
9 I would be a pretty good candidate for family
10 court in the fact that I have, I guess, a non-
11 traditional background, having been a legal
12 services attorney and having -- I'm experienced
13 in other areas of the law and other areas related
14 to family court. Then that would probably be a
15 little different than some of the candidates that
16 you normally see.

17 **Q. Okay. You do have a different background, as you**
18 **said. Why do you feel that that background --**
19 **how will it assist you in becoming an effective**
20 **judge?**

21 **A.** Because family court and families do not exist in
22 a vacuum, and there are lots of other issues that
23 families struggle with or encounter that impact
24 the decisions that they make in their household,
25 families with and without children, and also my -

1 - the ability that I've had to help develop the
2 education law practice at South Carolina Legal
3 Services is -- it relates to family court and a
4 lot of the issues that we see in family court.
5 The community has been speaking about employment
6 opportunities for South Carolinians, and children
7 are not raised in a vacuum. I believe that
8 education law and the things that happen in the
9 family are related. They're not two separate
10 things, because, you know -- as you know,
11 children are not, you know, going to be raised in
12 orphanages. I think we envision that our South
13 Carolina families are going to be raised in the
14 21st century graduates.

15 **Q. Thank you, Ms. Graham. Are there any areas of**
16 **law that you have not experienced or have not**
17 **practiced in that you would need additional**
18 **preparation or study for to serve as a family**
19 **court judge? And how would you prepare for that?**

20 **A.** I do not believe there are any areas of law that
21 I have not practiced in or worked in. In the
22 past, when I have applied to be a family court
23 judge -- initially I thought that I would -- I
24 would need some assistance with juvenile justice
25 cases. But given the case work and the children

1 and families that I've represented with special
2 needs or who are involved in disciplinary matters
3 that also are facing DJJ cases in family court, I
4 believe I do have more experience than I
5 initially thought I did when I first applied in
6 the fall of 2012. So I'm confident in a lot of
7 areas of law that appear -- that are heard in
8 family court. Because I'm a legal services
9 attorney, I have had the ability to represent
10 people in DSS cases. I've had some appearances
11 in DJJ cases. I have represented individuals in
12 all kinds of custody cases, third party custody
13 cases, biological parent custody cases, child
14 support enforcement cases, divorce, orders of
15 protections, adoptions. So I -- rule to show
16 cause hearings. I have a vast experience in the
17 different types of cases that appear routinely
18 before the judges that hear family court cases.

19 **Q. What about complex family court matters?**

20 A. I have. I have had the opportunity to represent
21 people in a lot of contested cases, a lot of
22 complex and sensitive issues. I've represented
23 families who are seeking to terminate parental
24 rights in contested complicated cases and
25 families who are seeking to prevent the

1 termination of parental rights in contested cases
2 and complicated custody cases and things of that
3 nature.

4 **Q. Have you had a lot of experience with the**
5 **financial aspects of family court?**

6 A. I have, given the clients that I -- that we
7 represent. But I guess a lot of people wouldn't
8 necessarily know that we are -- we do have
9 funding that allows us to represent victims of
10 crime who would not ordinarily qualify, based on
11 our income guidelines. If they have not been
12 able to secure legal representation from a
13 private attorney, and they can document that,
14 then I have represented individuals who have --
15 who would not qualify at all for family court.
16 I've filed rule to show causes to enforce
17 alimony, property divisions, you know, all types
18 of matters that you wouldn't traditionally think
19 of a local legal services agency representing
20 individuals in.

21 **Q. Thank you, Ms. Graham. Ms. Nichols-Graham -- I'm**
22 **sorry, I said Ms. Graham.**

23 A. That's fine.

24 **Q. The Commission received 152 ballot box surveys**
25 **regarding you with 25 additional comments. For**

1 example the Ballot Box contained the positive
2 following comments: I have known Kimaka as a
3 practicing attorney for many years. She has had
4 the skills, temperament and knowledge to make a
5 really good family court judge and fair,
6 organized, able to make decisions, committed to
7 the law, respects all people, able to listen,
8 outstanding work ethic, never stops researching
9 the issues. Only one of the written comments
10 expressed concerns and that -- you've kind of
11 been through this. That comment suggests that
12 you do not possess enough experience in family
13 court to actually sit on the bench. How would
14 you respond to that concern?

- 15 A. I probably would need to know a little bit about
16 the person's background who made that comment.
17 They may not have been practicing in family
18 court, I would say, in Greenville County in the
19 last two or three years. They may have begun
20 practicing at that point in time. Because I have
21 20 years of experience. The first 15 years of my
22 experience at South Carolina Legal Services I
23 spent more time in the courtroom. My first year
24 as an attorney I was able to represent over 100
25 individuals and at least 70 of them were family

1 court cases that were filed in family court, and
2 that was my first year of practicing law. In
3 looking at pulling some of the statistics that we
4 keep, I've had well over seven or eight hundred
5 family court cases. I have been the managing
6 attorney of the Greenville office for the last
7 five years, and we serve four different counties
8 out of that office, Anderson, Greenville,
9 Pickens, and Oconee. So if that individual was
10 probably new to the practice of law and maybe
11 only practicing in Greenville County, they may
12 not have seen me in the last few years, but I do
13 still get to family court. I was in court a
14 couple of times this month, sometimes as much as
15 four or five times a month. Of course, when I
16 was a -- you know, a younger attorney and for the
17 first 15 years I could be in court four or five
18 times a week or more than that, four or five days
19 a week or more than that, but because of the
20 ability that I've been given to manage that
21 office and some other endeavors at the firm that
22 assist with the administration of justice on
23 other levels, I'm not in court as often as I was.
24 But again, I don't know if that individual was
25 even practicing law at that time.

1 Q. Ms. Nichols-Graham, what do you feel is the
2 appropriate demeanor for a family court judge,
3 and maybe tell the Commission some family court
4 judges you admire and would aspire to be like
5 should you accede to the bench?

6 A. I believe a family court judge should not display
7 emotions from the bench, that temperament should
8 be calm. They should be not -- they should not
9 be communicating non-verbal -- making non-verbal
10 communications with any of the parties during the
11 cases. I do not believe that anger should be
12 displayed in the courtroom. I believe that the
13 attorneys and pro se litigants and anyone
14 involved who steps in that courtroom should be
15 treated with respect, and they should be given
16 every opportunity to maintain their own dignity.
17 And some of the judges that I -- I've admired a
18 lot of judges. I've had the opportunity to see a
19 lot of family court judges, even before I started
20 practicing law, because I did a lot of clerkships
21 in front of -- in family courts in Richland
22 County and other places. So I have seen a lot of
23 judges, so I can't -- I hate to limit it to a few
24 judges to say that I admire their temperament. I
25 would say perhaps Judge Letitia Verdin in

1 Greenville County and other judges on the
2 Greenville County bench. But if I start naming
3 names, I feel like I'll have to name a lot more
4 than you have time to hear, so --

5 **Q. Thank you.**

6 A. Okay.

7 MS. CRAWFORD: Mr. Chairman, I note for the record
8 that the Upstate Citizens Committee found Ms.
9 Nichols-Graham qualified in the evaluative
10 criteria of constitutional qualifications,
11 physical health, and mental stability. The
12 Committee found Ms. Nichols-Graham well qualified
13 in the evaluative criteria of ethical fitness,
14 professional and academic ability, character,
15 reputation, experience, and judicial temperament.
16 The Committee did not offer any written comments
17 or summary. I have a few housekeeping issues,
18 questions.

19 **Q. Are you aware that as a judicial candidate you're**
20 **bound by the code of judicial conduct as found in**
21 **Rule 501 of the South Carolina Appellate Court**
22 **Rules?**

23 A. Yes.

24 **Q. Since submitting your letter of intent, have you**
25 **contacted any members of the commission about**

1 your candidacy?

2 A. No.

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

6 A. Yes.

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

11 A. No.

12 Q. Have you asked any third parties to contact
13 members of the general assembly on your behalf?

14 A. No.

15 Q. Are you aware of anyone attempting to intervene
16 in this process on your behalf?

17 A. No.

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

21 A. Yes.

22 MS. CRAWFORD: Mr. Chairman, I note for the record
23 that any concerns raised during the investigation
24 regarding the candidate were incorporated into
25 the questioning of the candidate today. And I

1 have no further questions.

2 KIMAKA NICHOLS-GRAHAM - EXAMINATION BY CHAIRMAN RANKIN:

3 **Q. Okay, thank you. Ms. Nichols-Graham, I want to**
4 **ask you a couple of things. In terms of your**
5 **experience in looking at your PDQ, you've been --**
6 **give me the history and your work out of law**
7 **school. Give me the benefit of your practice**
8 **outside, once you finished law school.**

9 A. My first year at South Carolina Legal Services I
10 was a general staff attorney. However, most of
11 the cases I received were family law cases. I
12 represented individuals in custody cases, in
13 contempt cases. I also represented individuals
14 in housing cases and some Social Security cases.
15 After that first year, a position opened up that
16 allowed us to begin a children's law attorney
17 position. And at that point I was able to
18 continue representing clients in family court,
19 also adding in adoption work to custody and
20 divorce and other issues that we routinely see
21 that the public needs assistance with. But I
22 began to develop education law as a practice area
23 at South Carolina Legal Services, representing
24 students who had special needs, who needed
25 additional services in order to participate in

1 the educational process, and who were facing
2 school disciplinary issues if school safety was
3 not an issue. And I also was able to -- I guess
4 you would say oversee other adoptions and -- in
5 other counties. At that point, we were still
6 operating under regional legal services delivery
7 program, and I was working at Legal Services of
8 Western Carolina. That was before all of those
9 entities merged into one statewide law firm that
10 we have now. And in that particular office
11 served counties from Greenwood through Anderson,
12 Oconee, Pickens, and Greenville. And so I was
13 monitoring and providing feedback and assisting
14 attorneys who were representing individuals in
15 adoption cases, special needs adoption cases, as
16 the children's law attorney. And then after the
17 merger, we no longer had separate funding for a
18 children's law attorney position, so my position
19 went back to a staff attorney position. Within a
20 year or two of the merger we were a statewide
21 firm at that point, and so we started developing
22 departments, and they created different units of
23 departments. The education unit is one of those
24 departments. That particular process at legal
25 services is in addition to your work as a staff

1 attorney. So it's an additional duty or
2 responsibility at legal services, and I was the -
3 - became the first education unit head. And so I
4 continued to represent individuals in family
5 court as well as start working on trying to
6 secure funding and figuring out how to add a
7 practice area to our practice. South Carolina
8 Legal Services, now we're a statewide law firm.
9 We have nine different offices. Greenville,
10 Columbia, and Charleston are the largest offices.
11 We provide civil legal services to people who
12 cannot afford legal assistance, and sometimes we
13 do receive grants, like I was referring to our
14 domestic violence grants, that allows us to
15 represent other individuals who wouldn't
16 financially qualify for legal assistance, and so
17 we're actually trying to help close the -- you
18 know, the justice gap. And so we're definitely a
19 part of the access to justice movement in this
20 state and in many states.

21 **Q. Got you. And I appreciate that. You certainly**
22 **aren't lacking in details for your career since.**
23 **Real quick and ever so briefly, your Rutgers**
24 **experience and the degree in -- was that a**
25 **master's?**

1 A. Yes.

2 **Q. In public policy?**

3 A. Yes, sir. It was a master of science and public
4 policy. I was a work study student at Winthrop
5 University, and I worked in the political science
6 department. So I saw all of the literature that
7 came in for all of the professors. And I saw
8 that program, and I was interested in doing that
9 before I went to law school. At the point when I
10 was at Winthrop, I knew I wanted to be a lawyer,
11 but I also wanted to know how education law and
12 policy affected and impacted families, South
13 Carolina families and South Carolinians, in
14 general. And so I was given the -- I, you know,
15 went to Rutgers -- it was a one-year program. It
16 was -- you know, I'm much older than I appear,
17 because that was around the time when the
18 internet came out. And it was a big deal because
19 Rutgers had -- they had computers and there was
20 the worldwide web and all of that. And so it was
21 quite an experience, but it was only a one-year
22 program, and I finished that program and then I
23 came to law school. I was happy to come back to
24 South Carolina to attend law school, because I
25 intended to represent and serve --

1 Q. What was the Rutgers mascot?

2 A. It was -- it's the -- what is it? I know it's
3 red and white. It's garnet.

4 Q. I have no idea. I'm just wondering if you, in
5 your master's study there, would you have found
6 that out.

7 A. It was a one-year program. Everybody didn't have
8 computers, so I spent a lot of time in a computer
9 lab, because we didn't have our personal
10 computers. And so it was very -- it was very
11 intensive.

12 Q. Good deal. In your PDQ you list your mix of
13 practice. I think I've read this correctly.
14 Fifty-three percent domestic and perhaps 47
15 percent civil --

16 A. Yes, other than domestic.

17 Q. -- did I get that right? So what is the civil
18 component of your practice that is not domestic?

19 A. It would probably be education. It would also be
20 like administrative law, Social Security cases.
21 I've also practiced bankruptcy law. I've
22 represented individuals in some bankruptcy cases,
23 so --

24 Q. And perhaps -- and forgive me for interrupting, I
25 may have misread it, but I'm taking that to mean

1 **presently your mix, your practice --**

2 A. Uh-huh, my present, my -- mostly now my caseload
3 is family, education, and I have like one Social
4 Security case. My caseload is much smaller than
5 it used to be, but I still maintain a caseload,
6 and I do represent individuals who are seeking
7 orders of protection in family court as well as
8 that.

9 Q. Okay. And good and majority good. It marks for
10 honesty in terms of your even-handedness,
11 compassion, pleasantness, devotion to your job.
12 There is a theme, though, of a lack of
13 familiarity with you in the family court
14 trenches. You answered a question earlier that
15 perhaps they don't know you as well as perhaps
16 others do, but in terms of -- it's hard for you
17 to try a case for custody -- although you've
18 mentioned one in here in your five that you've
19 cited. It's hard for you to try a case over
20 equitable distribution, I guess. You've not done
21 that, could not do that with your present job, I
22 guess, could you?

23 A. No, I would not say that I could not do that and
24 have not done that with my present job.

25 Q. Well, you wear only the hat -- or is it a part-

1 **time position?**

2 A. You mean, right now, currently?

3 **Q. Presently.**

4 A. Currently I have not had a contested equitable
5 distribution case this year. I have not done
6 that this year.

7 **Q. When's the last time you have?**

8 A. It would probably have been -- it may have been
9 four or five years ago that I had an equitable
10 distribution case where there was enough assets
11 that would be -- I guess, you know, referring to
12 the cases, the type of cases that you were --
13 that you are seeking. I am the direct supervisor
14 of eight attorneys at South Carolina Legal
15 Services. The majority of the cases that, you
16 know -- of course that we receive are family
17 consumer and housing cases.

18 **Q. And let me just interrupt, because I think I**
19 **understand. I think I know the answer to this,**
20 **but you can't -- you're not representing folks**
21 **for hire outside of your full-time position at**
22 **legal services department, correct?**

23 A. No, I do not maintain a private practice. I do
24 not practice privately outside of South Carolina
25 Legal Services.

1 Q. The areas that you've listed that y'all render
2 services for don't allow you to litigate alimony,
3 support and maintenance --

4 A. We do litigate. We do -- we are allowed to
5 litigate alimony and support and maintenance. We
6 receive cases daily. And in the office that I
7 work in we receive probably anywhere from 40 to
8 60 applicants for legal services every week. And
9 I determine which cases we have the staff and we
10 are able to take and which cases that I'm able to
11 take at the current time with my caseload.

12 Q. All right. So on that front, you said you
13 supervise eight. You're a staff attorney, too.
14 That's a distinction with the department, I
15 guess, right?

16 A. Yes, I'm the managing attorney.

17 Q. So --

18 A. In the Greenville office.

19 Q. And you've been that managing attorney for how
20 long?

21 A. For the last five years.

22 Q. All right. So you delegate to your brothers and
23 sisters within the office of lawyers, correct?

24 A. Yes, I do. And I'm responsible for all of those
25 cases. And --

1 Q. You are more -- would it be fair to say more
2 supervisory? You're kind of the conductor?
3 You're calling the shots?

4 A. At this point in time, most of -- I would say the
5 majority of my time is spent on supervising and
6 guiding as well as dealing with individuals who
7 are seeking legal services, people who would
8 appear in court pro se or unrepresented by any
9 attorney anywhere. But in the supervision
10 requirements we are -- I have to have a good feel
11 and an understanding of every case that we have
12 open in my office. And I am not only quarterly
13 doing case reviews, but daily, sometimes hourly,
14 meeting with attorneys, helping them to develop
15 strategy, giving them guidance on how to deal
16 with matters that are before the family court. I
17 can think of three of them that I spoke with an
18 attorney about and gave guidance to as to family
19 court this morning.

20 Q. Okay.

21 A. Before I came to the public hearing, so I'm very
22 much involved in those decisions.

23 Q. I know, and don't think that I'm suggesting
24 you're not. Obviously, you have to be with that
25 many people, but -- and just to make sure, the

1 practice areas that you listed on your PDQ
2 involve divorce, custody, school discipline,
3 special education, special needs, relative
4 adoptions, bankruptcy, credit card defense, and
5 children's Social Security appeals. When you
6 list divorce, do you mean the whole gamut of a
7 divorce, including separate support and
8 maintenance or alimony if it's equitable
9 distribution?

10 A. Yes, it depends on the case, the facts of the
11 case and what assistance the client is seeking
12 whether or not it's going to be a separate
13 support and maintenance case or divorce case.

14 Q. All right. And those are one in the -- totally
15 different, right, a divorce is?

16 A. Yes, they are different causes of action.

17 Q. But -- and so in the last five years have you
18 litigated a divorce involving equitable
19 distribution, financial issues?

20 A. In the last five years, I probably -- I probably
21 have in the last five years. My last contested
22 litigation would be orders of protection for
23 domestic abuse and divorce -- not divorce, and
24 termination of parental rights, both sides,
25 either someone seeking to terminate someone's

1 parental rights or someone trying to maintain
2 their parental rights, those off the top of my
3 head without having the opportunity to go
4 actually pull the statistics, because I do -- I'm
5 exposed to a lot of cases. But off the top of my
6 head, those would be the main areas that I've,
7 you know, had contested cases in, in family
8 court. I guess you would say most recently. I
9 wouldn't say -- so I can't necessarily say five
10 years, but those would be the -- you know, the
11 ones that I can, you know, speak to without
12 actually pulling up our software system.

13 **Q. Finally, do y'all, within your department,**
14 **participate in mediation on any of these issues?**

15 A. Our clients are -- if it's a contested case
16 involving custody and visitation, then they are
17 going to go through mediation if they don't
18 settle before they -- you know, before it's time
19 to request a final hearing.

20 **Q. Okay.**

21 A. And we've done that forever. Greenville was the
22 pilot county for mediation in South Carolina in
23 the judicial department. And actually the
24 Upstate Community Mediation Center started out of
25 my office where I actually practice right down

1 the hall.

2 Q. Are you a mediator?

3 A. I am not a mediator. I do not mediate.

4 Q. I'm not either. When is the last time you
5 personally represented someone in a mediation?

6 A. It would have been this year or last year, and --
7 was the last time that I went to the mediation
8 center to represent someone in mediation.

9 Q. Nothing further from me. Senator Sabb -- Senator
10 Young?

11 MS. NICHOLS-GRAHAM - EXAMINATION BY SENATOR YOUNG:

12 Q. Thank you, Mr. Chairman. Ms. Nichols-Graham,
13 thank you so much for your interest in serving
14 the state on the family court. One of the
15 questions I have for you, and I'm not sure if
16 you've addressed this with the other questions
17 you've taken, because I had to step out for just
18 one moment, but the question I have is in the
19 area of abuse and neglect.

20 A. Uh-huh.

21 Q. Will you just briefly elaborate on your
22 experience with any kind of abuse with abuse and
23 neglect cases?

24 A. We -- I used to accept and actually represent a
25 lot of individuals in those cases. It was

1 primarily before we started doing the contract
2 system. When we had court-appointed attorneys
3 who were -- you know, we used to pick between
4 family law and criminal law. And so I have
5 represented defendants in the abuse and neglect
6 cases, DSS cases. I do have that experience in
7 my background.

8 **Q. The bar of comments about you, most of them are**
9 **extremely complimentary. One of them in**
10 **particular mentions a family court case you took**
11 **to the Supreme Court. Have you argued something**
12 **at the Supreme Court that was a family court**
13 **case?**

14 **A.** I have at the Court of Appeals, but I have
15 written briefs and prepped attorneys for moot
16 court experiences and supreme court cases, so I
17 have a written a part of a supreme court case
18 that I'm not a named attorney of.

19 **Q. Maybe whoever this anonymous comment was meant**
20 **the South Carolina Court of Appeals. What was**
21 **the South Carolina Court of Appeals family court**
22 **case?**

23 **A.** The South Carolina Court of Appeals family court
24 case, it was a custody case. And it was a rather
25 convoluted custody case that began, I think, with

1 a DSS case. And then custody -- it was a third
2 party custody case against relatives. The
3 supreme court case was a termination of parental
4 rights case. It was the Broom case that I was
5 involved in. Although I was not the attorney of
6 record, I was heavily involved in that particular
7 case.

8 **Q. Thank you very much.**

9 CHAIRMAN RANKIN: Senator Sabb?

10 MS. NICHOLS-GRAHAM - EXAMINATION BY SENATOR SABB:

11 **Q. Thank you, Mr. Chairman. Good to see you.**

12 A. Good to see you.

13 **Q. And I would echo Senator Young's point of thank**
14 **you for offering. I was listening attentively to**
15 **the exchange between you and the Chairman, and it**
16 **seemed to me like he was trying to get to an**
17 **issue. And so I want to see whether or not I can**
18 **carve it out. So as I understand it, the first**
19 **15 years that you spent with legal services, you**
20 **were more of a litigator; is that accurate?**

21 A. That would be -- yes, more. Yes.

22 **Q. And the last five years you've been in more of a**
23 **supervisory role?**

24 A. Yes.

25 **Q. And of course, in order to supervise you've got**

1 to understand the law and know how to help others
2 both identify and address issues as they come up,
3 right?

4 A. Yes.

5 Q. And in the first 15 years or so of your practice
6 as a litigator, you litigated custody issues?

7 A. Yes.

8 Q. All kinds of divorces, whether it's -- did y'all
9 do fault grounds as well as one year separation
10 and desertion?

11 A. Yes. It is rare that we do one year separation,
12 so it is usually a fault-based ground.

13 Q. Yeah. So you've litigated the various causes for
14 divorce, you've litigated custody issues, you've
15 litigated child support issues, you've litigated
16 alimony issues, and you've litigated equitable
17 distribution issues?

18 A. Yes.

19 Q. And obviously, you don't deal with the multi-
20 million dollar clients, but you understand the
21 financial aspects of divorce and equitable
22 distribution and all of those kinds of things,
23 right?

24 A. I definitely do.

25 Q. No further questions.

1 CHAIRMAN RANKIN: All right. Mr. Hitchcock?

2 MS. NICHOLS-GRAHAM - EXAMINATION BY MR. HITCHCOCK:

3 Q. Ms. Nichols-Graham, this isn't really by way of a
4 question. This is -- hopefully at the end of
5 this you'll just say yes and agree with me. But
6 I just wanted to say I greatly appreciate your
7 willingness to offer for this position. I know
8 you've been down this road a couple of times. I
9 was here the last time that you offered, and I
10 was very impressed by your credentials and your
11 experience, and I'm happy to see you back. And I
12 just want to wish you well as you continue on in
13 this process and just wanted to say that I'm glad
14 that you've decided to stay with it and keep
15 pursuing this goal, so, thank, you.

16 A. Thank you.

17 CHAIRMAN RANKIN: Okay. Any other questions, y'all?
18 All right. Thank you. And Ms. Nichols-Graham,
19 this will conclude this portion of the screening
20 process. You asked at the outset for the ability
21 to make closing comments. You're welcome to do
22 that if you still feel the need to do so.

23 MS. NICHOLS-GRAHAM: Yes, I do. I began -- well, the
24 first time I applied to be a family court judge
25 was in the fall of 2012. That was six years ago.

1 That was before I became a managing attorney at
2 South Carolina Legal Services. I had the
3 privilege to become a managing attorney at South
4 Carolina Legal Services in April of 2013.
5 Although assuming a management role removed me
6 from being, I guess you would say, a 100 percent
7 -- 100 percent of my time being spent in the
8 courtroom, it has given me other skills and
9 opportunities that a family court judge needs.
10 I'm required to review and assess cases quickly
11 and make decisions and explain my decisions, not
12 only to the people that apply for legal services,
13 but also to our attorneys and to other attorneys
14 in the community. And a lot of the people who
15 apply for assistance at South Carolina Legal
16 Services are routinely facing issues in family
17 court. And I explain when we cannot accept them
18 for legal assistance. And so I have to operate
19 on a level that is open, that is transparent, and
20 communicate with people who are not always
21 attorneys who are, you know, by and large, pro se
22 individuals who would be appearing in family
23 court, either with the assistance of an attorney
24 from our office or by themselves. And so I have
25 to assess all of the issues that are going to

1 appear before family court. A lot of times I
2 explain the law to those individuals and how the
3 facts relate to their situation and to their
4 circumstance, and then I go the additional step
5 of a lot of times -- sometimes I have to explain
6 why we cannot represent them. And I, you know --
7 so I have had a lot of experience with dealing
8 with individuals who are in crises, who are
9 dealing with very complicated matters. And I
10 would just like to say that the amount of wealth
11 that an individual has does not necessarily mean
12 that's how complicated their case may be.
13 Individual's custody cases are very complicated.
14 Adoption cases are very complicated. DSS cases
15 are very complicated. As the managing attorney,
16 we also have private contracts with private
17 attorneys, and I oversee those contracts. I
18 review those attorneys fees and determine whether
19 or not they are warranted, whether or not the
20 work should be paid for by South Carolina Legal
21 Services. So I have been more involved in, I
22 guess you would say, reviewing attorney fee
23 situations and matters than I did when I was a
24 staff attorney as a managing attorney. And so I
25 -- you know -- and so the fact that I have a lot

1 of experience, that has given me the opportunity
2 to serve as the managing attorney is a very
3 positive thing, because -- because it's based on
4 experience. It's not just, you know, a random
5 appointment at legal services.

6 SENATOR SABB: So if I were grading closing arguments,
7 I'd give you an A+, okay.

8 MS. NICHOLS-GRAHAM: Thank you.

9 CHAIRMAN RANKIN: And with that, we will close the
10 record. And I want to remind you and get you to
11 acknowledge that you are aware of, again, the
12 criteria that we abide by, that being that you as
13 a candidate maintain both the spirit and the
14 letter of the laws of South Carolina ethics. And
15 so that if there was any violation or any
16 appearance of impropriety, you realize that we
17 would have the right to call you back, because
18 this record is not closed. You understand that,
19 correct?

20 MS. NICHOLS-GRAHAM: Yes, I do understand that.

21 CHAIRMAN RANKIN: We don't expect that to be the
22 case, but nonetheless we've got to put it on the
23 record and your acknowledgment. And with that,
24 Ms. Nichols-Graham, God bless you. Thank you for
25 your patience and continued service.

1 MS. NICHOLS-GRAHAM: Thank y'all for your service to
2 South Carolina.

3

4 (Off the Record)

5 HONORABLE JESSICA ANN SALVINI

6 VICE-CHAIRMAN SMITH: I'm filling in today, Ms.
7 Salvini.

8 JUDGE SALVINI: Not a problem

9 VICE-CHAIRMAN SMITH: Judge Salvini, I'm sorry.

10 JUDGE SALVINI: No, that's okay.

11 VICE-CHAIRMAN SMITH: I remember you from last time.

12 JUDGE SALVINI: It's good to see y'all again.

13 VICE-CHAIRMAN SMITH: Good to see you. Will you raise
14 your right hand, please, ma'am?

15 HONORABLE JESSICA ANN SALVINI, having been duly sworn,
16 testifies as follows:

17 VICE-CHAIRMAN SMITH: All right. Judge Salvini, you
18 have your Personal Data Questionnaire and your
19 Sworn Statement before you. Are both of those
20 documents that you have filled out?

21 JUDGE SALVINI: They are.

22 VICE-CHAIRMAN SMITH: All right. Any amendments or
23 changes that you would like to make at this time?

24 JUDGE SALVINI: No, sir.

25 VICE-CHAIRMAN SMITH: Do you have any objection to us

1 making that a part of this record of the hearing?

2 JUDGE SALVINI: I do not.

3 VICE-CHAIRMAN SMITH: If you'll hand that to Lindi for
4 me, please, ma'am, we'll make that as an exhibit.
5 All right, Judge Salvini. The Judicial Merit
6 Selection Commission has thoroughly investigated
7 your qualifications for the bench. Our inquiry
8 has focused on the nine evaluative criteria.
9 We've received a ballot box survey, a thorough
10 study of your application materials, verification
11 of your compliance with the state ethics laws, a
12 search of newspaper articles in which your name
13 appears, a study of previous screenings, and
14 checks for economic conflicts of interest. We've
15 received no affidavits filed in opposition to
16 your election. There are no witnesses present to
17 testify. You can make a brief opening statement
18 if you like, or we can proceed with the
19 screening. Your choice.

20 (Exhibit Number 16 was marked for identification
21 purposes - (26 pages) Hon. Jessica Ann Salvini -
22 Personal Data Questionnaire.)

23 (Exhibit Number 17 was marked for identification
24 purposes - (13 pages) Hon. Jessica Ann Salvini - Sworn
25 Statement.)

1 JUDGE SALVINI: I would just like to thank you all for
2 the honor of being here this evening, but
3 otherwise, I'm happy to answer any questions. I
4 know I'm the last candidate for today, so --

5 VICE-CHAIRMAN SMITH: That's a very good opening
6 statement. Thank you very much. We'll turn it
7 over to Mr. Appleby, please.

8 JUDGE SALVINI: All right.

9 JUDGE SALVINI - EXAMINATION BY MR. APPLEBY:

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

12 A. I live in Greenville, the city of Greenville and
13 Greenville County, in the Thirteenth Judicial
14 Circuit.

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

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

1 A. All right. It's has been my goal to serve on the
2 bench full-time. I am excited about that. I
3 have been serving as a city judge. I'm now --
4 since 2007. So now I'm the chief trial judge for
5 the City of Mauldin, and I love it. It's the
6 highlight of my practice. And I enjoy it more
7 now than I have when I first began, primarily
8 because I have learned just a tremendous amount.
9 And I have enjoyed serving the public for the
10 City of Mauldin. It has been the most rewarding
11 part of my practice now, and so I'm in a position
12 where my -- I am very, very grateful and
13 thankful, and I hope it continues for my law
14 partner and my associate, but my practice is
15 thriving. I'm in a position to where I can serve
16 full-time. I have been a family court
17 practitioner for 17, going on 18, years. I --
18 let's see, my first -- one of my first cases
19 after passing the bar was a divorce, so -- and
20 since that time I began a family court practice
21 that is pretty substantial. So I have served as
22 a Guardian ad Litem to begin with to really learn
23 about the family court system, how cases work,
24 and custody battles ensue. Early on in my
25 practice there was a point in time it used to be

1 where a larger law firm would hire associates or
2 single -- sole practitioners to do Department of
3 Social Services cases. And so I took those on,
4 so I've handled numerous Department of Social
5 Services cases. I began a divorce practice.
6 I've handled -- I can't think of a -- an estate
7 that I haven't handled. I have handled cases
8 where there is nothing to fight over. And I've
9 handled cases where there are millions of dollars
10 to fight over and businesses and medical
11 practices. I have done DJJ cases, although
12 that's more of my limited practice, but I have --
13 do state criminal work. So I'm at a point now
14 where I feel like I'm in a position to serve
15 full-time, and I'm excited about it.

16 **Q. Are there any areas of the law for which you**
17 **would need additional preparation in order to**
18 **serve as a family court judge, and how would you**
19 **handle that additional preparation?**

20 A. I think as I look at my family court practice, as
21 I mentioned, my DJJ work is probably the most
22 limited. I think the last time I handled a DJJ
23 case was probably -- I don't know, three or four
24 years ago easily. I have a pretty extensive
25 state criminal practice, so I do think that that

1 helps me. But nevertheless that would be the
2 area that I think that I would want to study up
3 on, really re-familiarize myself with those
4 cases. It's not that I don't like to do them. I
5 just -- they don't come through the door that
6 often. If I handle one, it's because I've got a
7 friend of a friend whose child is in trouble and
8 they've asked me to step in, and I'm happy to do
9 it. It's just that's the -- I think out of all
10 of my domestic practice, that's the area that I
11 would be the weakest. And I think that by
12 talking to my fellow members on the bench,
13 observing hearings, which is what I did when I
14 first became a city court judge -- in fact, I
15 drove Judge Stillwell probably crazy sitting with
16 him. I think I told you all that before, but
17 he's been still wonderful to me when I call him
18 to ask questions. And I think that I could
19 pretty easily get up to speed on it.

20 **Q. Please briefly describe your experience in**
21 **handling complex contested family court matters,**
22 **and specifically discuss your experience with the**
23 **financial aspects of family court work?**

24 **A.** So as I've mentioned, I've done an extensive
25 amount of divorce, so I -- when it comes to

1 complex family court litigation dealing with
2 equitable distribution of assets, I think I've
3 handled a wide variety. So I have -- I have
4 fought over everything you can imagine,
5 especially, I think, when it comes to complex
6 litigation. Medical practices have been probably
7 the hardest thing for me to fight over, how to
8 determine the values of those and divide them up.
9 I have fought over numerous different types of
10 businesses and hired experts to help me
11 understand exactly how I'm going to value that.
12 I've had areas where I have -- I have fought over
13 different types of stocks that I'm not sure how
14 should be valued and really had to dig in and
15 learn about how to assess those. I have fought
16 over, boy, transmutation about inheritances used
17 during the course of a marriage to buy things,
18 where property hasn't been titled in both peoples
19 names. So I think that during the course of the
20 last 17 years I've handled a pretty extensive
21 amount of equitable distribution cases. I feel
22 pretty confident in terms of how I -- my
23 experience level on handling those.

24 **Q. Judge Salvini, the commission received 220 ballot**
25 **box surveys regarding you with 22 additional**

1 comments. The ballot box surveys, for example,
2 contained the following positive comments: Ms.
3 Salvini's work ethic is beyond reproach; She
4 treats every case with the same amount of passion
5 and always takes an open approach to every
6 situation; She is an exception person and
7 attorney; Ms. Salvini is an extraordinary family
8 court lawyer who would make for a well-qualified
9 judge; She is well versed in family law, and has
10 the type of temperament one would seek in a
11 judge. However, three of the written comments
12 expressed concerns. The comments indicate a
13 concern about your genuineness and potential to
14 be using the family court as a stepping stone for
15 serving on the circuit court bench. What
16 response would you offer to this concern?

- 17 A. So I thought about this quite a bit before I
18 decided to make the decision to apply for the
19 family court versus the circuit court. And I did
20 run for the circuit court last year. I had the
21 opportunity this year to either run for this seat
22 and seek a family court position, or to run for
23 the at-large seat and seek a circuit court
24 position. And so I -- I disagree about my
25 genuineness, because I think people who know me

1 and have dealt with me or have observed me on the
2 bench for the City of Mauldin would know that I
3 am very up front. I treat everybody the same
4 way. I'm very fair and open about how I feel and
5 what I think and what my positions are. I talk
6 to my delegation. I talk to members that are
7 already on the bench and my colleagues about the
8 benefits of being on the family court bench
9 versus the circuit court bench. And I thought
10 about my experience. I talked to them about the
11 pros and the cons, and asked them to be very
12 honest with me about where I would be most
13 useful, beneficial, and ultimately the consensus
14 was you should be on the family court bench. You
15 are a family court practitioner. You do an
16 excellent job in family court and you love it, so
17 what's the hesitation. And so I waited. I
18 looked at my circuit court practice, my general
19 sessions trial criminal practice, my family court
20 practice, and I'm not looking to use this as a
21 stepping stone. I want to serve full-time. I
22 love it. I love the practice of law, but I also
23 love being on the bench, so I don't look at that
24 as a concern. I weighed the decision carefully
25 and made the decision that family court is where

1 I should be.

2 Q. Just a few housekeeping issues. Are you aware
3 that as a judicial candidate you are bound by the
4 Code of Judicial Conduct as found in Rule 501 of
5 the South Carolina Appellate Court Rules?

6 A. Yes.

7 Q. Since submitting your letter of intent, have you
8 contacted any members of the commission about
9 your candidacy?

10 A. I have not.

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

14 A. Yes.

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

19 A. No.

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

24 A. No.

25 Q. Have you reviewed and do you understand the

1 **commission's guidelines on pledging in South**
2 **Carolina Code § 2-19-70(E)?**

3 A. Yes.

4 MR. APPLEBY: I would note that the Upstate Citizens
5 Committee reported Judge Salvini to be well-
6 qualified in the evaluation criteria of ethical
7 fitness, professional and academic ability,
8 character, reputation, experience, and judicial
9 temperament, and qualified in the remaining
10 evaluative criteria of constitutional
11 qualifications, physical health, and mental
12 stability. I would not for the record that any
13 concerns raised during the investigation
14 regarding the candidate were incorporation into
15 the questioning of the candidate today. Mr.
16 Chairman, I have no further questions.

17 VICE-CHAIRMAN SMITH: Thank you.

18 JUDGE SALVINI - EXAMINATION BY VICE-CHAIRMAN SMITH:

19 **Q. Judge, let me ask you this question, because**
20 **you're filling Judge Kinlaw's -- you're applying**
21 **for Judge Kinlaw's seat; is that correct?**

22 A. Yes, sir.

23 **Q. All right. Do you know how much -- 2022, so**
24 **won't be up for reelection until 2022. And I**
25 **heard the question about the stepping stone to**

1 circuit court. And you say your passion is in
2 family court, and that's where you'd like to
3 serve; is that correct?

4 A. That's correct. That is where I would like to
5 serve.

6 Q. And so if you were successful in your endeavors
7 of getting elected to this position, would you --
8 do you plan on serving that entire term?

9 A. Yes, sir.

10 Q. Okay. And should a circuit court judge race seat
11 come up, would you seek that, or would you -- do
12 you intend to continue to serve the term that you
13 would be elected here?

14 A. It is not my intention to seek a different seat.
15 I would serve on this seat and this term.

16 Q. All right. And I'll just say this. I don't
17 think -- you know, obviously some people see
18 circuit court as a step up. Some people say I
19 want to be in family court forever, and that's my
20 goal. And I don't want to say this by trying to
21 limit you where you go. I mean, you may be on
22 the Supreme Court one day, so, you know, I'm not
23 trying to limit you, but I would have some
24 concerns if you were to seek this seat and then
25 turn around in a year or two years and try to

1 seek another seat and leave this one vacant.
2 And, you know, we invest in judges like -- you
3 know, you've probably have had associates that
4 always say I invest in associates, and we try to
5 bring them along, and if it doesn't work out, you
6 know, you've lost that investment. And we invest
7 in judges, and so I just wanted to make sure that
8 you intend to serve that entire term.

9 A. I do intend to serve the entire term, and I --
10 and I'm -- I mean, I'm young enough that I intend
11 to serve hopefully another term, if y'all
12 continue to have me on. But I certainly would
13 never say I would never seek to move on to the
14 appellate court or to the circuit court, although
15 that's not my desire. My desire is to serve
16 full-time, and I would finish the term, yes, sir.

17 Q. Okay. All right. Thank you very much. Any
18 other questions? Senator Young.

19 JUDGE SALVINI - EXAMINATION BY SENATOR YOUNG:

20 Q. Thank you, Mr. Chairman. Judge, if you could,
21 just briefly -- could you expand upon your
22 experience with abuse and neglect cases?

23 A. Yes. So my experience has been in defending in
24 abuse and neglect cases, so I have probably
25 handled -- I've handled numerous abuse and

1 neglect cases. I've handled the cases that start
2 out from the time that a child is removed and
3 placed in emergency protective custody from the
4 very outset, either being retained or because I
5 was appointed at the time. And I've handled
6 cases that are just intervention cases. I've
7 tried numerous of those cases. I -- most of the
8 time not successfully. But I have been
9 successful in the past with at least one that I
10 can think of that I'm very, very happy about,
11 because I fought very hard and the children got
12 returned. And so that made me extremely thrilled
13 and my client very happy about it. So I know the
14 process from start to finish where there are time
15 constraints as well as cases where there's just
16 intervention with the intention of returning
17 those children -- or not removing the children
18 from the home. I have done that -- I have not
19 handled an abuse and neglect case probably in the
20 last couple of years, but that doesn't hamper my
21 ability to be able to preside over them. I've
22 handled so many over the course of numerous
23 years, and I've even tried -- I mean, I can
24 recall a week-long case that I tried that was
25 pretty extensive with numerous children and a lot

1 of ugly allegations, but nevertheless I'm very
2 familiar with them.

3 **Q. Thank you.**

4 VICE-CHAIRMAN SMITH: All right. Any further
5 questions of Judge Salvini? Judge, you enjoy the
6 benefit of being the last person screened today
7 as well also recall you and we screened you last
8 year, so most everybody was on the commission
9 last year, so you also -- that's probably
10 shortcut a lot of this, so we appreciate you
11 being here today. Judge Salvini, I want to thank
12 you for this opportunity -- sorry. I want to
13 take this opportunity to remind you that pursuant
14 to the Commission's evaluative criteria, the
15 Commission expects the candidates to follow the
16 spirit as well as the letter of the ethics laws.
17 And we'll view any violations or the appearance
18 of any impropriety as serious and potentially
19 deserving of heavyweight in the screening
20 deliberations. Do you understand that?

21 JUDGE SALVINI: I understand.

22 VICE-CHAIRMAN SMITH: Okay. And on that note, the
23 record will remain open until the formal release
24 of the report of qualifications, and you may be
25 called back at such time if the need arises.

1 Hopefully that won't arise. So appreciate you
2 being here. We thank you for your interest in
3 this position and thank you for your service to
4 the State of South Carolina.

5 JUDGE SALVINI: Thank you. I appreciate it very much
6 and hope y'all have a good evening.

7 VICE-CHAIRMAN SMITH: Okay. You too. Have a safe
8 drive back.

9 JUDGE SALVINI: Thank you.

10 VICE-CHAIRMAN SMITH: Enjoy I-26 at malfunction
11 junction at 5:00 p.m.

12 JUDGE SALVINI: I may get something to eat.

13 VICE-CHAIRMAN SMITH: Wait about an hour, hour and
14 half. It'll be a much more pleasant drive.

15 JUDGE SALVINI: Yes, it will, but I don't mind at all.
16 It's good to you all tonight

17 VICE-CHAIRMAN SMITH: Great to see you. Thank you so
18 much. All right. With that being said, Mr. Sabb
19 -- Senator Sabb moves we go in executive session.
20 All in favor, say aye.

21 (Ayes are heard.)

22 (Executive Session.)

23 CHAIRMAN RANKIN: All right. We are back on the
24 record. During executive session, the Judicial
25 Merit Selection Commission neither cast any votes

1 nor conducted any business. Now we will proceed
2 to a vote on the slate of offices today. Do I
3 have a motion.

4

5 VOTE

6 REPRESENTATIVE SMITH: Mr. Chairman, I find that we --
7 move that we find The Honorable W. Marsh
8 Robertson qualified and nominated.

9 CHAIRMAN RANKIN: All right. Second to that? All in
10 favor say aye.

11 (Ayes are heard.)

12 CHAIRMAN RANKIN: The record will reflect there is no
13 dissenting vote there. All right. In the next
14 race, circuit seat 3. If you will poll the
15 members.

16 MS. CRAWFORD: Mr. Chairman, for the family court 10th
17 circuit, seat 3, we have one candidate, Rame L.
18 Campbell.

19 CHAIRMAN RANKIN: Is there a motion.

20 MR. HITCHCOCK: Mr. Chairman, prior to the vote I'd
21 like to make a comment in regards to Mr.
22 Campbell, if that would be appropriate at this
23 time.

24 CHAIRMAN RANKIN: Yes, sir.

25 MR. HITCHCOCK: Based on Mr. Campbell's presentation

1 here today and his demeanor and the way that he
2 presented to the Committee, I would say that I
3 have strong reservations in regards to his -- the
4 evaluative criteria of judicial temperament. And
5 I believe that the presentation that he gave
6 today and the manner that he presented himself
7 really does lend credence to the Upstate Citizens
8 Committee's finding him unqualified in the
9 evaluative criteria of judicial temperament, so I
10 just wanted to -- the record to reflect that.

11 CHAIRMAN RANKIN: All right. And I would like to
12 call attention to my sense that clearly Mr.
13 Campbell lacks experience in family court. He
14 said from the outset of his presentation that he
15 was a trial lawyer, a litigator perhaps. And
16 that's the reputation that he enjoys in the bench
17 -- the ballot box survey with time and again the
18 comments were he is not experienced in family
19 court. So I would likewise question his
20 experience as a family court judge. Unless there
21 are other comments, we will proceed to a vote of
22 Mr. Campbell's candidacy.

23 MS. CRAWFORD: Mr. Chairman -- all those finding Mr.
24 Campbell qualified for family court, 10th
25 circuit, seat 3 please raise your hand.

1 CHAIRMAN RANKIN: For the record, Mr. Campbell
2 receives no votes as qualified. Therefore, that
3 would be, by default, a finding of not qualified,
4 but let's have a vote on that as well. So all
5 those finding Mr. Campbell as not qualified,
6 please raise your hand. Let the record reflect
7 that all members present and one voting by proxy
8 find Mr. Campbell to be not qualified.

9 MS. CRAWFORD: Mr. Chairman, the next race we have is
10 the family court Thirteenth Judicial Circuit,
11 seat 6. We have two candidates. I'll say them
12 in alphabetical order. First of all, the
13 candidates are Kimaka Nichols-Graham and The
14 Honorable Jessica Ann Salvini.

15 CHAIRMAN RANKIN: Is there a motion for individually
16 and/or -- yes, sir, Mr. Hitchcock.

17 MR. HITCHCOCK: Mr. Chairman, I would move that we
18 find both candidates qualified and nominated.

19 CHAIRMAN RANKIN: All right. Seconded by
20 Representative Smith. All in favor, please show
21 of hands. Mr. Safran also voting. All right.
22 And unanimously by present and voting proxy,
23 which is only Senator Hayes. All right. Folks,
24 that concludes today's slate. See y'all tomorrow
25 morning 9:30.

1 (There being nothing further, the proceeding concluded at
2 5:25 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 TUESDAY, THE
27TH DAY OF NOVEMBER, 2018, AND THAT THE FOREGOING 120
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
7TH DAY OF DECEMBER, 2018.



JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 11, 2023

Exhibits	\$			
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