



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

**Family Court  
(Incumbent)**

Full Name: James G. McGee, III

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1. Why do you want to serve another term as a Family Court Judge?

I continue to believe Family Court is where I can best utilize my experience in service to my state. I continue to have a desire to serve my state and my fellow citizens in this capacity. My prior experience in this position has only confirmed my desire to serve and has made me a better S.C. Family Court Judge.

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

3. Do you have any plans to return to private practice one day? No

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? I do not allow *ex parte* communications as to substantive matters before the Court except when the need for emergency action is shown to the Court and no other alternative exists. I have issued *ex parte* orders in emergent situations. When such action is taken, the Court should take the smallest action to remedy the alleged harm and schedule an emergency hearing to all sides can be heard on the merits. Most of the emergent actions are matters pertaining to minor children.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? I disqualify myself in matters in which my impartiality might be

reasonably questioned. Lawyer-Legislators appearing before the Court are not shown partiality but it would be improper to recuse myself from a hearing involving a Lawyer-Legislator unless there was an independent reason for the recusal not related to their service as a Legislator. I would recuse myself from any matter before me that was instituted at the time I was a partner in my former law firm or matters in which I previously represented one of the parties involving the issue at hand before the Court.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I would generally grant the motion to avoid the appearance of impropriety. South Carolinians must have confidence that their judicial system is fair. Hearing a matter in which one side believes I have a bias because there is the appearance of bias can lead to erosion of confidence in the judicial system.
8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? I would apply the same standard as I apply to myself.
9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? I do not accept gifts and have instructed members of my household not to accept any gift except those that were ordinary before I was appointed to the Family Court (birthday gifts from relatives and other gifts commensurate with the occasion). I would accept ordinary social hospitality.
10. How do you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge? Misconduct and appearance of infirmity are reported appropriately.
11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe. No
12. Do you have any business activities that you have remained involved with since your election to the bench? No
13. Since Family Court judges do not have law clerks, how do you handle the drafting of orders? After the hearing, I select an attorney to draft the Order

and circulate it with other counsel before submitting the same to me. I prefer a transmittal letter to be included with proposed orders sent to me by counsel. When drafting my own orders I generally send either the order or instructions for the drafting of the Order to all counsel and self-represented litigants.

14. What methods do you use to ensure that you and your staff meet deadlines? I have a standard hearing note sheet for each hearing before me. At the end of a term of Court, my administrative assistant logs those for which Orders were not provided at the hearing. If the Order is not timely submitted, the Administrative Assistant contacts the attorney who has been assigned with the drafting of the order to determine the reason for the delay.
15. What specific actions or steps do you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case? There are generally two types of guardian *ad litem*s who appear before the Court. Volunteer lay-guardians in abuse and neglect cases that are represented by counsel and guardian *ad litem*s who are primarily attorneys or certified guardians appointed in private cases involving custody and visitation. To ensure statutes are followed the Court must be familiar with the statutes pertaining to both as well as attend CLE events to remain abreast of changes in the statutory law, best practices and case law.
16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy? I apply the U.S. Constitution, S.C. Constitution, statutes, rules and case law to the facts before me and make decisions within the authority I have been sworn to uphold. The term “judicial activism” implies that the Court is making law from the bench. This is not appropriate and is contrary to the Judicial Oath. The Constitution grants only the legislative branch of government the authority to create law.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? In order to bring forth ideas to improve court procedure I would consult with my fellow Family Court Judges. My experience has been that Family Court Judges work together well as a group. When we experience problems or issues that need improvement we can discuss it with one another at meetings or use our group email.

18. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this? No
19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? Generally yes, in that by definition, a *de minimis* interest would mean that there is no reasonable question as to the Judge's impartiality. However the Court must remain sensitive to the appearance of impropriety if a party objected to the Judge hearing a matter in which it had a *de minimis* interest for the reason set forth in Question 7.
21. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis. No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period? Yes
23. What do you feel is the appropriate demeanor for a judge and when do these rules apply? The appropriate demeanor for a judge is one of cordiality, patience and calmness. They apply at all times on the bench and in chambers.
24. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a *pro se* litigant? No, anger is not appropriate from the bench. It is not appropriate with litigants or counsel. The Court must sometimes be emphatic with a party or counsel, but not angry.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_