



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

**Master-in-Equity
(Incumbent)**

Full Name: Maurice Anderson Griffith

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1. Do you plan to serve your full term if re-appointed? Yes

2. Do you have any plans to return to private practice one day? That would depend on the number of terms that I serve. I do not have any intention of returning to private practice at this time.

3. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes, I am 59 years old and have been admitted to practice law in South Carolina since 1988. I am a United States Citizen and have resided in South Carolina since 1958.

4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Rule 501, SCACR Canon 3 (B) (7) states that the judge shall not initiate, permits or consider any ex parte communications. There are exceptions where ex parte communications are allowed. However, this procedure should only be used if a judge finds that the ex parte matter will not give any procedural or tactical advantage to a party in the litigation. The judge also has a responsibility to set out the requirements for notifying other parties to allow the opposing side to respond.

Ex parte communications should be strictly limited to what is allowed under the rule. The Canon provides exceptions for scheduling matters, administrative matters or emergencies. Generally, when an order of reference is signed, the equity clerk will contact the parties to schedule the date for the hearing after a discussion of the time that they believe will

be needed. In approximate 23 years of practice in civil matters, I did not have any discussions with the master in equity on scheduling matters unless it was by agreement of the parties. I have had conference calls where both parties have discussed scheduling issues. I believe the judge has the responsibility to make sure that the staff is properly trained not to have any conversation with the parties about the merits of the case.

Emergencies can arise that may require an ex parte hearing. An example outlined in the comments of ex parte Rule 501, SCACP, Canon 3 is Rule 65 (b), SCRCP in regards to an ex parte order issued for a temporary injunction. In those cases, the judge has to strictly comply with the rule and the Canon for notifying other parties and allowing the opposing side to respond. If at all possible, that type of hearing should be avoided unless there is a clear showing of the emergency nature.

There are also other circumstances outlined in Canon 3 that allow a judge to obtain advice from a dis-interested expert on the law, consulting with court personnel as long as it's related to the judge's adjudicative responsibility and with other judges. A judge may also, with the consent of the parties, confer separately with the parties and their lawyers to mediate or settle matters pending before the judge. I believe that exception should be avoided if possible. It creates a difficult situation for the attorney and the parties as well as the judge hearing the case. The usual process is for the judge to hold a meeting with the attorneys to discuss the issues in the case are any preliminary matters. I believe Rule 501, SCACR, Canon 2 commentary outlines the requirements of the judge to avoid not only the improprieties in regards to hearing a case but avoid the appearance of impropriety. While this relates to all of the judge's activities, I believe the Canon applies in particular to matters where a judge must consider recusing himself are hearing a motion to recuse himself filed by one of the parties. That duty must be balanced against the requirements in Rule 501, SCACR Canon 3 (B) (1) that a judge should decide matters assigned to the judge except when disqualification is required.

5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I worked with the same individuals for 23 years. I would recuse myself from hearing any cases that involve partners in that law firm. The only two associates who worked in that firm had either opened their own practice or worked with another firm years before I was appointed. In regards to lawyer – legislators, I believe that would have to be disclosed to the parties so the opposing party could file or make a motion.

I believe Rule 501, SCACR, Canon 3 (F) does allow for a discussion by the parties and their attorneys following the disclosure of any basis for disqualification other than personal bias or prejudice. If the parties then agreed that the judge should not be disqualified and the judge believes it does not create the appearance of an impropriety, the judge may proceed to handle the case. However, that decision and the basis for that decision should be placed on the record.

6. 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?

That decision would depend on the details involved in the case. Rule 501, SCACR Canon 2 discusses the judge avoiding the appearance of an impropriety. The commentary provides some guidance on the phrase "appearance of impropriety". If the conduct would create in reasonable minds the perception that a judge could not carry out the duties of the office with integrity, impartiality and competence, the judge should grant the recusal.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

Rule 501, SCACR, Canon 4 (D) (5) addresses this issue. One of the issues with accepting any gifts is creating the appearance of an impropriety. The action may also convey the impression that individuals are in a special position to influence a judge. That is why I believe it would be best not to accept gifts from third parties. Canon 4 (D) (5) states that the judge shall not accept gifts and shall urge members of his family residing in the judge's household not to accept any gifts except for a gift incident to public testimonial, books, tapes or other resource materials supplied by publishers on a complimentary basis for official use. A judge may also attend a bar related function or an activity devoted to the improvement of the law or the legal system. An exception is provided for ordinary social hospitality's and gifts from relatives or friends on special occasions.

While any of the exceptions allowed are proper according to the rules, a judge should err on the side of caution in accepting gifts even under these exceptions. A judge should advise the staff about accepting any gifts to avoid the same issues.

8. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a judge?

Rule 501, SCACR, Canon 3 (D) outlines the responsibility of a judge in regards to disciplinary matters. If a judge receives information that creates a substantial likelihood that another judge has committed a violation of the code, that action would be reported. The same rule discusses the requirements of a judge to report the matter if he feels that an attorney has committed a violation of the Rules of Professional Conduct. Further, if the action by the attorney raises a substantial question as to the honesty, trustworthiness or fitness as a lawyer, the matter would be reported. The commentary states that a judge may consider the appropriate action to take in those circumstances. That may include direct communication with the judge or lawyer who has committed the violation are reported to violation to the appropriate authorities.

9. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

I have not participated in any fundraising activities with any political, social or community boards or agencies. Rule 501, SCACR, Cannon 4 discusses what is proper in regards to any extra judicial activities. I believe, in particular, Canon 4 (C) (3) (b) discusses the restriction on the judge personally participating in the solicitation of funds or other fundraising activities.

10. How do you handle the drafting of orders?

My normal procedure is to draft the final order on any contested litigation. In foreclosure matters before the Master-in-Equity, it is common for the plaintiff to submit a proposed order. In my office, the proposed order, record of hearing and notice of sale or emailed to the Equity Clerk. I will then review those orders, make any necessary changes and e-file the order with the Clerk of Court. The Master in Equity still has the responsibility to review that order and make sure it complies with the law and accurately provides the information needed. I also make sure the exhibits listed have been filed with the clerk of court.

In some cases, I may ask for both sides to draft a memorandum of law in regards to a particular issue.

11. What methods do you use to ensure that you and your staff meet deadlines?

The Equity Clerk is responsible for setting up the appropriate calendar and scheduling hearings. We normally try to schedule a hearing within 60 days of the order of reference. If the order of reference specifies a specific timeframe, the hearing will be scheduled on specific days set aside for emergency hearings or when a trial exceeds the scheduled time for the matter. Having scheduled meetings with the staff to review the calendar is important since matters often settle or motions may be withdrawn that would be scheduled in a particular case. This process allows new matters to be substituted or activities such as the drafting of orders and review of the information presented in a case to be scheduled during those times.

12. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

Black’s Law Dictionary defines “judicial activism” as a judicial philosophy where judges depart from the strict adherence to judicial precedent in favor of a progressive and new social policies that may not be consistent with that precedent. I do not believe that a judge should vary from the judicial precedent set through the judicial branch. This includes decisions by the appellate courts on the particular issues that may be heard by the Master in Equity.

13. 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?

Since been appointed, I have served as the President of the Master in Equity Association. During that time, I would organize presentations for the Association during the various judicial conferences. I also made a presentation at the state conference for clerk of courts and organized the Masters Bench to Bar CLE in 2014. I anticipate that I would continue to do similar activities that may contribute to the improvement of the the legal system.

14. 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?

I do not feel that serving as a judge has placed any strain on my personal relationships. I've lived in Aiken County for most of my life. I have lifelong friendships that would clearly require a recusal if the parties were involved in a case before the Master in Equity. I've attended one church for the past 29 years and while I have participated in organizations such as the Jaycees, it has been as a member rather than an officer. I have not participated in that type of organization for a number of years. The obligations and responsibilities have required some explanation and discussions with my wife, children, friends and relatives of the rules that apply to a judicial official.

15. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I do not receive any additional income from any active investments. I have an IRA account and a retirement account. My wife maintains retirement accounts.

16. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

The term "de minimus" is defined in the Judicial Conduct Code as an insignificant interest that will not raise a reasonable question as to the judge's impartiality. It refers to SCACR Cannon 3 (D) (1) (c) and 3 (E) (1) (d). Rule 3 (D) (1) states that a judge shall disqualify himself if the impartiality of the court might be questioned. Subsection (c) describes the situation where the judge, individually or as a fiduciary R has an immediate family member reside in the judge's household that has an economic interest in the subject matter is more than a de minimus interest. In those cases, the judge should disqualify himself from the proceeding. The difficult decision for a judge is to determine if the interest meets the definition of de minimus. When in doubt, the judge should place the matter on the record and allow the litigants to determine if they wish to make a motion of recusal.

17. 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 these bases.

No

18. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes

19. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Rule 501, SCACR, Canon 3 (B) states that a judge will be patient, courteous and act in a dignified manner when dealing with the parties, attorneys, witnesses and other parties in the courtroom. This behavior is also expected when dealing with other personnel in the office and the courtroom. The judge should also exhibit the same characteristics when outside of the courtroom.

The judge must always act in a manner that complies with the Judicial Code of Conduct. The judge should be aware of any action in his speech or conduct that may be perceived as improper when dealing with any member of the public. The judicial conduct rules dealing with the involvement in organizations, accepting gifts, being aware of economic interests are all examples that the rules are intended to require and remind a judge that the rules apply each day and for all of his activities.

20. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Rule 501 SCACR, Canon 3 (B) states that a judge must exhibit proper decorum in the courtroom. If a judge becomes angry with a member of the public, a pro se litigant or the attorneys, it creates an impression of bias or prejudice in some cases. I do not believe that anger in the form of shouting at a party is proper. A judge does have to maintain control of the proceedings, ruling probably on any motions, you sidebar conferences or meet with the attorneys outside of the courtroom if an activity needs to be addressed. I have found that some explanation of the proceedings before

the trial begins is helpful when pro se litigants are participating in the proceedings.

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

Sworn to before me this ____ day of _____, 2018.

(Signature)

(Print Name)

Notary Public for South Carolina

My commission expires: _____