



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

Family Court
(Incumbent)

Full Name: Randall Edward McGee

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

The Family Court allows me to participate in public service in an area in which I believe I am most qualified. I have enjoyed my service as a 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?

Not at this time.

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?

Ex parte communication is to be avoided in almost all circumstances. There are exceptions, such as requests for emergency relief under SCFC Rule (21a) or for a temporary order under SCRCF Rule 65(b). The Code of Judicial Conduct, Canon 3(B)(7) limits on ex parte communication would be enforced strictly by me if I am re-elected judge. There should never be a question as to whether ex parte contact has occurred if Canon 3(B)(7) is followed.

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

Canon 3(E)(1) is controlling. I would generally recuse myself from future matters involving my former firm. I practiced law for over 20 years with John. G. Felder,

Sr. and over ten (10) with Bates N. Felder, my former law partners. T. Derrick Felder and I practiced together for over five (5) years. Obviously, I would have to recuse myself from any matters or parties I had previously represented. I think it best to not hear any matters involving my former law partners as counsel, parties, or as a witness, unless all parties consent after full disclosure via Canon 3(F).

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 most likely would always err on the side of caution and recuse myself. See Canon 3(E)(1)(a).

8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

If the financial matter was more than a de minimis interest, recusal would be required. I would recuse myself from a close, personal friend or associate involved, including work associates, church friends, and social friends. Mere acquaintances or familiarity would not require recusal.

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

Those standards found in Canon (4(D)(5) apply. Obviously, attending bar related cookouts or events where all bar members are invited, I believe would be permissible. I do not believe judges, or their staffs should accept gifts and hospitality from lawyers and litigants to protect judicial impartiality and the very appearance of impartiality.

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?

I would follow the requirements of Canon 3(d) and if the situation warranted or required reporting the misconduct to the appropriate disciplinary body, I would do so.

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?

I would continue the practice of having lawyers on the cases before me prepare proposed orders in most matters.

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

(a) – Orders. All dockets are recorded weekly as to orders due from all attorneys. These lists are monitored as to compliance with the 30-day rule. Reminders by email and phone call are implemented for past due orders, and (b) – All Other Deadlines. All calendar deadlines are entered on both my calendar and my administrative assistant’s calendar to ensure they are met timely.

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?

I would continue to be sure S.C. Code § 63-3-810 et seq is complied with in each case where applicable. Each guardian should be appointed by Court order. Only persons qualified per S. C. Code Ann. § 63-3-820 should be appointed. Each appointed guardian would have to provide his or her affidavit certifying their qualifications under the statute. Each guardian would also have to provide the disclosure regarding the previous relationship the guardian has had with any party or any interest adverse to a party or his or her attorney which might cause the impartiality of the guardian to come into question. I would also ensure the guardian is fulfilling his or her duties toward the child and investigation by having pre-trial or status conferences. I would also require the guardian to prepare necessary reports at appropriate intervals in the case with a final written report that is made available to the Court and parties at least 20 days prior to any merits hearing.

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

My philosophy is that judges are duty bound to follow the law as promulgated by the General Assembly and as interpreted by the Appellate Courts. I would not use my judicial post to “make” 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?

I am available to speak to student groups for educational purposes. I am scheduled in October 2018 to speak at the SC Bar’s Law School for Non-Lawyers at Orangeburg-Calhoun Technical College. I have and will continue to speak at CLE

seminars. I currently serve on the SC Bar Pro Bono Board, Judicial Subcommittee for the First Circuit. I have and will continue to speak at CLEs.

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?

No.

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?

I believe a judge should conduct himself outside the courtroom just as he does inside. Justice and impartiality requires judges of good moral character and integrity. A judge should always, in all areas, strive to be fair, impartial, and caring. Your demeanor should always be polite, courteous, and respectful.

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?

Anger in and of itself is not always inappropriate. Anger that is instructional in nature can be very motivating. If used correctly, anger can be a tool a judge uses to administer justice. The anger must not be of a personal nature or administered

with vengeance. Anger in the regard I am speaking of is probably more appropriately termed sternness.

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: _____