



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

Master-in-Equity
(New Candidate)

Full Name: A. Paul Weissenstein, Jr.

Business Address: 106 Broad Street Sumter, SC 29151

Business Telephone: 803-418-5700

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

Yes

2. If appointed, do you have any plans to return to private practice one day?

Because the Master-in-Equity position for Sumter County is part time, I will continue my private practice.

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

Yes

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

Ex parte communications are not allowed and I will not allow them. The only circumstance where I foresee allowing an ex parte communication would be for scheduling, administrative purposes or emergencies such as to request a postponement due to emergency hospitalization or death, etc.

Rule 501 Canon 3B (7), South Carolina Appellate Court Rules (SCACR)

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 would make all parties aware of my prior relationship. If I perceive a genuine conflict, I will recuse myself. In the event of appearance by another attorney or legislator, I would advise the other party(ies) of my prior relationship, and offer to recuse myself pursuant to Rule 501 Canon 3E (1) SCACR.

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?

A judge should not express bias or prejudice. Rule 501 Canon 3B (5), SCACR. However, judges are human, and if I disclosed something that appeared to show bias, if a request for recusal was made, I would address it. The decision to grant the request would depend on the facts, such as where the case is procedurally, how quickly the motion was made when the appearance of bias arose, if I believe the motion was for the purpose of delay, the level of prejudice to the non-moving party, etc. I have never asked a judge to recuse himself, and do not recall another party in a case in which I was a participant asking for a recusal.

However, if I determined that the motion is well-founded, I would grant the motion.

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

We do not exchange gifts with other lawyers or friends, and I would not anticipate starting now. As judge, I would not accept gifts, nor let someone buy me dinner, but I would continue to attend parties and other social events if invited.

While I do not anticipate that this would become an issue, I would comply with Rule 501 Canon 4D (5), SCACR.

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

Perceived Misconduct in the Courtroom would have to be addressed immediately, and so would the appearance of an infirmity. Depending on the circumstances, I would probably clear the courtroom, if a discussion on the record was required, or otherwise meet privately with all counsel on the case.

If the attorney or other judge was not in an active trial mode, and I became aware of these problems, the correct procedure would be to report the perceived misconduct or infirmity to the appropriate authority. In all events, I would attempt to comply with Rule 501 Canon 3D (1) and (2), SCACR, etc.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed?

No

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

I have participated in fundraising activities for different organizations since grammar school, selling magazines and band calendars and possibly other items in school, raising funds for the Walterboro Civitan Club, the United Way, or the Sumter Sertoma Club, raising funds for Church activities including when my wife and I were Sunday night youth counselors, and donating items to Goodwill and other organizations. I have given small donations to several politicians and charities and fairly significant contributions to the churches of our choice.

11. If appointed, how would you handle the drafting of orders?

I anticipate that I would request the prevailing attorney provide to me a draft order, which I would feel free to modify.

12. If appointed, what method would you use to ensure that you and your staff meet deadlines?

My staff and I would use a calendar to assist in meeting deadlines.

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

Judges should not make law, but should interpret the law to apply to the fact situation of the individual case. As Supreme Court nominee Brett Kavanaugh has said, "Judges...must interpret the law and not make the law." I agree.

14. 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?

If elected to serve, I anticipate that I will continue to participate in CLE, not only as a student, but anticipate that I may also volunteer to be an instructor. I will continue to be active in my church and select civic activities, I am scheduled to be president of the Sumter County Bar for 2019.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not expect that serving as a judge will create any strain on my personal relationships with others.

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

None, except I would not hear cases involving Wafa Investments, LLC, Weissenstein Law Firm, LLC, or Catalpa Capital, LLC.

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

No, except after disclosure and consent of all parties.

18. 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.

None

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

I am exempt from CLE, based on my age, but have attended many CLEs since attaining that exempt status, including three CLEs totaling about 13.5 hours so far this calendar year.

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

A judge should be fair and civil to all persons appearing in court, including attorneys, parties, witnesses, court reporters, and security officers. These rules apply at all times, whether in court, or in the community.

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

A judge should strive to never be angry with any member of the public appearing in Court, including attorneys and pro se litigants.

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 July, 2018.

Notary Public for S.C.

My Commission Expires: _____