



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

**Master-in-Equity
(New Candidate)**

Full Name: James John Wegmann

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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?

No

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?

Canon 3(B)(7) and its subparts (a)-(e) govern a judge's conduct in regard to *ex parte* communications. Generally, a judge shall not engage in *ex parte* communications outside the presence of the parties on a pending or impending proceeding. Under subpart (7)(a) there are general exceptions for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits as long as the judge believes no party will gain a procedural or tactical advantage and the judge promptly notifies all other parties of the substance of the communication. Under subparts (7)(b) – (e) there are additional exceptions for seeking advice of a disinterested expert, consulting with court personnel, conferring separately with the parties with their consent in an effort to settle or

mediate the matter pending and when authorized by law. Consequently, my philosophy is to follow the dictates of the Canon and generally avoid all *ex parte* communications other than when circumstances dictate for administrative purposes, etc. under the allowable exceptions.

5. 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?

Canon 3(E)(B)(5) requires a judge to perform judicial duties without bias or prejudice.

Canon 3(E)(1) states a judge shall disqualify himself or herself if the judge's impartiality might reasonably be questioned. 3(E)(1)(a) discusses disqualification when a judge has a personal bias or prejudice concerning a party or a party's lawyer, etc.

Given that an appearance of bias can be as damaging as actual bias, I would give great deference to a party requesting my recusal. Canon 2 requires a judge to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Consequently, I would grant the motion for recusal to ensure all parties are confident their matter is being heard by an impartial judge.

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

Canon 4(D)(5) states a judge shall not accept a gift from anyone. Subparts (5)(a) – (i) are the general exceptions to the general rule on gifts. Under 4(D)(5)(c), ordinary social hospitality is acceptable and under 4(D)(5)(d), a gift from a relative or friend for special occasions such as weddings, birthdays, etc. are acceptable as long as the gift is commensurate with the occasion and the relationship. The comment to 4(D)(5)(d) cautions that a gift of excessive value would likely raise questions about impartiality and integrity of the judicial office that might require disqualification. Consequently, as the commentary to Canon 4(A) indicates, a judge should not isolate themselves from their community and all extra-judicial activities, but I would attend normal community events with my spouse, continue to socialize with

my close friends and relatives while keeping in mind the requirements of Canon 4 and strictly confine the acceptance of gifts to family and close friends that are appropriate for the occasion such as holidays and birthdays.

7. 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?

Canon 3(D)(1) & (2) require a judge to take appropriate action when a judge receives information indicating a substantial likelihood that another judge has violated the Canons, or a lawyer has violated the Rules of Professional Conduct. Appropriate action is further discussed in the commentary and may include direct communication with the judge or lawyer or other direct action and/or reporting the violation to the appropriate authority. Consequently, if I received information indicating a substantial likelihood another judge or lawyer violated the applicable Code or Rules, I would have a private conversation with them first and based on that conversation decide whether additional action is required that may include reporting the violation to the appropriate authority.

The evaluation and action to be taken is different under Canon 3(D)(1) & (2) if a judge or lawyer has knowledge of a violation. Knowledge is a term with a specific definition within the Code. If a judge has knowledge that another judge or lawyer has committed a violation of the Canons or Rules of Professional Conduct that raises a question as to the judge's fitness for office or the lawyer's honesty, trustworthiness or fitness as a lawyer, the judge is required to inform the appropriate authority. If I had knowledge of a violation, as the term is defined, and I believed that knowledge raised a substantial question as to the judge's fitness for office or the lawyer's honesty, trustworthiness or fitness as a lawyer, then pursuant to the Code, I would report it to the appropriate authority.

The potential infirmity of another judge or lawyer is discussed under Canon 3(G). The standard is whether or not a judge has a reasonable belief that the performance of the judge or lawyer is impaired, then the judge is required to take appropriate action. The commentary discusses appropriate action as any action intended and reasonably likely to help the judge or lawyer in question to address the problem and prevent harm to the system. Actions may include talking to the

judge or lawyer directly, notifying their supervisor, or making an appropriate referral to an assistance program. The commentary further cautions that depending on the gravity of the conduct questioning the judge's or lawyer's potential infirmity, the judge may be required to take other action under Canon (3)(D)(1) or (2). Consequently, if I had a reasonable belief that the performance of the judge or lawyer was impaired, then I would first have a discussion with them and then based on that discussion, if necessary, take the next steps to potentially include a referral to an assistance program.

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

I am not affiliated with any political parties, boards or commissions.

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

(1) Coached youth sports, baseball, basketball, soccer for approximately 10 years for Beaufort PALS and I raised funds through concession stands, etc. to supplement the PALS budget for purchases of sporting equipment, etc.

(2) Coached travel baseball for approximately 3 years in which we raised funds locally for uniforms and equipment for the kids.

(3) Blue and White Club at Beaufort Academy – assisted in raising funds through a variety of methods to help supplement the sports programs at Beaufort Academy. Also was a volunteer varsity assistant baseball coach and football coach and helped raise funds for those specific programs within the community.

(4) Dragonboat Beaufort is a local non-profit organization that supports cancer patients that live, work, or receive treatment in Beaufort County. Was a Board Member for approximately 6 years and the Board Chair for three of those years. Raised funds through various means to provide grants to cancer patients.

(5) Volunteer Middle School Basketball coach for St. Peters Catholic School. Helped raise funds to offset the program costs. Also assisted the Church in raising funds for other Church programs.

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

The commentary to Canon 3(B)(7) allows a judge to request a party to submit a proposed order in the matter so long as the other party(ies) are afforded an opportunity to review and respond. Depending on the matter, its length, complexity, etc. I would likely use a variety of methods that may include: (1) for short matters, motions, etc. a Form 4 Order produced and filed by the court; (2) have one side or the other prepare the proposed order, allow the other side to review and comment, then review, make changes as necessary and file the order; or (3) in some cases it may also be appropriate to have both sides prepare draft orders for review, comment, changes and filing. In the end Canon 3(B)(8) requires disposition of matters promptly, efficiently and fairly and I would keep those requirements in mind in the preparation of orders to ensure the order reflects the appropriate findings of fact, conclusions of law, etc.

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

I would first evaluate the systems in place to determine their effectiveness. This would include calendaring, case management, deadline tracking, etc. Whomever is appointed to this particular judicial office will have the advantage of taking over for The Honorable Judge Dukes who held the position for 17 years. Two (2) of Judge Duke's three (3) clerks remain in the Master's Office, and both have worked in the office for a considerable number of years. Consequently, if appointed, I would review the current systems in place and observe the systems in practice for an initial period of time. I would further discuss the current systems with the two (2) clerks who have used the systems and if there were any concerns, I would implement the necessary changes to ensure that matters are promptly, efficiently and fairly handled.

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

Judicial activism is generally referred to as court rulings that are partially or fully based on a judge's political or personal considerations rather than existing laws. Canon 3(B)(2) requires a judge to be faithful to the law, be competent in it, and not be swayed by partisan interests, public clamor or fear of criticism. Likewise,

Canon 2 requires a judge to respect and comply with the law to include court rules, statutes, constitutional provisions and prior court decisions. Consequently, the Canons make clear that judges have a responsibility to apply the laws as written or decided and that would be consistent with my philosophy. As for public policy, that generally rests within the purview of the legislature and often is a consideration for the formation or change to statutes to further public welfare. Consequently, judges should not have an effect in setting or promoting public policy.

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?

I would like to participate more and help assist and grow Public Programs like Law Talk and Law School for Non-Lawyers in Beaufort County. Beaufort County still struggles with heirs' property and other property issues. Basic courses/discussions on the proper methods to pass real property upon death, quiet title actions, boundary disputes, easements, etc. would be beneficial for the area in general. I would seek to include the Beaufort County Probate judges who often deal with these types of issues in the probate process to assist in the courses and discussions.

14. 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 believe that serving as a judge will put a strain on any of my personal relationships. If I become aware of an issue, I will sit down with the family member or friend and discuss the issues, etc.

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

Generally, my investments are portfolio based and they are handled by a Certified Financial Planner. I do own a one-half (1/2) interest in commercial building with one of my law partners. The building is the current location of my law firm.

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

Canon 3(E)(1)(c) & (d) discuss *de minimis* financial interests which is defined in the Canon terminology as an insignificant interest that could not raise a question of impartiality. The commentary to Canon 3(E)(1) indicates a judge should disclose on the record any information that a party might consider relevant to the question of the judge's disqualification. If the *de minimis* financial interest could be substantially affected by the litigation then no, I would not hear the case. If the *de minimis* financial interest would not be substantially affected by the case, then I would disclose on the record the information, note that I do not believe it would be a basis for disqualification and take into consideration any of the parties' potential requests for recusal much like the discussion in question 5 above and if requested, I would recuse myself.

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 any basis.

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?

Under Canon 1 a judge shall personally maintain high standards of conduct to preserve the integrity and independence of the judiciary. Canon 2 and the commentary to Canon 2 state a judge must at all times comply with the law and that irresponsible or improper conduct erodes the public's confidence in the judicial system. The commentary further provides that improper conduct or the appearance of improper conduct by judges in their professional and personal lives is prohibited and that judges should accept restrictions

on their conduct that might be viewed by ordinary citizens as troublesome or burdensome. Consequently, the appropriate demeanor or behavior towards others should always be, in both the judge's professional and personal life, of the highest standard at all times. Canon 3(B)(4) requires the judge to be patient, dignified and courteous to all litigants, jurors, witnesses, lawyers and others and to require similar conduct of lawyers, staff, etc. These would also be appropriate standards in a judge's personal life.

20. 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?

Anger, in either situation, is never appropriate. Such conduct has the potential to erode the public's and the attorneys or pro se litigants' confidence in the integrity, impartiality and confidence of the judiciary and the judicial process. As stated above, Canon 3(B)(4) requires the judge to be patient, dignified and courteous to all litigants, jurors, witnesses, lawyers and others and to require similar conduct of lawyers, staff, etc.

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 _____, 2024.

Notary Public for S.C.

My Commission Expires: _____