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**HEARING PROCEEDINGS**

*May 08, 2024*

**2024 JMSC Spring Screening**

REPORTER: Kathryn Bostrom

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JUDICIAL MERIT SELECTION COMMISSION  
TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN  
REPRESENTATIVE "MICAH" CASKEY, IV, VICE CHAIRMAN  
SENATOR SCOTT TALLEY  
REPRESENTATIVE WALLACE H. "JAY" JORDAN, JR.  
REPRESENTATIVE J. TODD RUTHERFORD  
HOPE BLACKLEY  
LUCY GREY MCIVER  
ANDREW N. SAFRAN  
J.P. PETE STROM  
ERIN B. CRAWFORD, CHIEF COUNSEL

\* \* \* \* \*

DATE: Wednesday May 8, 2024  
TIME: 9:30 a.m.  
LOCATION: Gressette Building, Room 105  
1101 Pendleton Street  
Columbia, South Carolina 29201  
REPORTED BY: Kathryn B. Bostrom, Court Reporter

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Court Reporter's Legend:

- dashes [--] Intentional or purposeful]
- interruption
- [ph] Denotes phonetically written
- [sic] Written as said

1 P-R-O-C-E-E-D-I-N-G-S

2 SENATOR RANKIN: We are going to now go on the record.

3 And this session of the Judicial Merit Selection  
4 Commission is called pursuant to the rules of  
5 law. And before we get started with the rest of  
6 this introductory remarks, we need to elect a  
7 chair and a vice chair.

8 REPRESENTATIVE CASKEY: Senator, if I may.

9 SENATOR RANKIN: Representative Caskey.

10 REPRESENTATIVE CASKEY: It's my privilege and pleasure  
11 to nominate my good friend Senator Luke Rankin as  
12 chairman of the Judicial Merit Selection  
13 Commission for this screening hearing process.

14 SENATOR RANKIN: All right. And it fails for a lack  
15 of second.

16 MR. STROM: I second and move the nominations be  
17 closed.

18 SENATOR RANKIN: All right. Second, and all in favor,  
19 say aye.

20 MEMBERS: Aye.

21 SENATOR RANKIN: Any opposition? There being none.

22 Now, it is my distinct honor and pleasure and  
23 more than just duty to nominate as the vice  
24 chair, the former chair, who served so well and  
25 distinguished himself yet again in another role

1 of legislative service --

2 REPRESENTATIVE CASKEY: Say more --

3 SENATOR RANKIN: -- Representative, newlywed, happily  
4 married to the ever beautiful Mrs. Caskey, I give  
5 you and nominate as vice chair Representative  
6 Micah Caskey.

7 SENATOR TALLEY: Second.

8 SENATOR RANKIN: It almost fails for a second but --  
9 all right, motion made, seconded. All in favor,  
10 say aye.

11 MEMBERS: Aye.

12 SENATOR RANKIN: All right. There being no  
13 opposition, we will now proceed. Thank you. And  
14 so, as you all know, we, again, are comprised and  
15 have authority under Chapter 19, Title 2 of South  
16 Carolina Code of Laws, and our job, under current  
17 law, to review the candidates for judicial  
18 office. The function of this Commission, as we  
19 know, is not to choose between the candidates,  
20 but rather, to declare whether the candidates who  
21 offer for the position on the bench, in our  
22 collective judgment, whether they are qualified  
23 to fill the positions they seek. The inquiry we  
24 undertake is a thorough one. It is centered  
25 around the Commission's nine evaluative criteria

1 and involves a complete personal and professional  
2 background check on each candidate. These public  
3 hearings are convened for the public for the  
4 purpose of screening candidates and in this  
5 session we will screen one open seat for the  
6 Supreme Court. We have six candidates, and we  
7 will be taking them up over the next two days.  
8 And so welcome bystanders, Ms. Williams, from  
9 Cherry Grove. Your full name, again?

10 MS. WILLIAMS: Laurie Williams.

11 SENATOR RANKIN: Laurie Williams. And a couple of --  
12 well, one new guy out there with blonde hair. I  
13 think he's the voice of the Gamecocks, maybe?  
14 He's here. Anyway, some might know him as Mr.  
15 Knowzit. I would never call him that. All  
16 right. And then a couple of members from the  
17 press. This place is brimming with attention  
18 today, and the probate court folks will be coming  
19 for me shortly. All right. So, now, we'll turn  
20 it over to Erin Crawford for some introductory  
21 tasks, and then we will proceed on.

22 MS. CRAWFORD: Good morning. First of all, I'd like  
23 to introduce the screening attorneys and staff  
24 for this screening. From the senate, we have --  
25 screening attorney is Madison. I saw her a



1 minute ago. House screening attorneys, Kate  
2 Crater, Jimmy Hinson, and Meredith Ross.  
3 Additional senate staff, we have Maxine Henry,  
4 our proofer; Elizabeth Harrell, Susan Gibson,  
5 Marie Waller, and of course, Lindi Putnam. Mr.  
6 Chairman, at this time, I'd like to request a  
7 vote on the cover page for the draft report. It  
8 shows that the report will be delivered on  
9 Monday, May 20th, 2024. The 48-hour period ends  
10 at noon on Wednesday, May 22nd, and the election  
11 is currently scheduled for noon, Wednesday, June  
12 5th.

13 SENATOR RANKIN: All right. Is there a motion for  
14 that?

15 REPRESENTATIVE CASKEY: So moved.

16 SENATOR RANKIN: All right. I'll second that. All in  
17 favor, say aye.

18 MEMBERS: Aye.

19 SENATOR RANKIN: Any opposition? There being none.

20 MS. CRAWFORD: And Mr. Chairman, at this time, I'm  
21 going to ask if Lindi can please distribute the  
22 signature page for the draft report.

23 SENATOR RANKIN: All right.

24 MS. CRAWFORD: And Mr. Chairman, at this time, I'd now  
25 like to suggest we move into executive session to

1 discuss matters related to legal advice.

2 SENATOR RANKIN: All right.

3 REPRESENTATIVE CASKEY: So moved.

4 SENATOR RANKIN: Motion, seconded. All in favor, say  
5 aye.

6 MEMBERS: Aye.

7 SENATOR RANKIN: There being no opposition, we will  
8 now go into executive session.

9 (EXECUTIVE SESSION WAS HELD FROM 9:20 - 9:33)

10 SENATOR RANKIN: All right. We're back on the record.  
11 Thank you, ladies and gentlemen. We are now back  
12 on the record. And for the record, I would like  
13 to state that while in executive session, no  
14 decisions were made, no votes were taken during  
15 executive session. And now, I would turn it back  
16 over to Ms. Crawford for further details and  
17 housekeeping.

18 MS. CRAWFORD: Thank you, Mr. Chairman. Mr. Chairman,  
19 I'd like to offer and have made exhibits to the  
20 records the following: The Spring 2024 Citizens  
21 Committee Reports from the Low Country, Midlands,  
22 Pee Dee and Upstate, as well as the Spring 2024  
23 South Carolina Bar's JQC -- or Judicial  
24 Qualifications Committee Report.

25 SENATOR RANKIN: All right. Any objections to that?

1 Hearing none, these reports shall be marked and  
2 entered into the record as exhibits.

3 (EXHIBIT NO. 1 MARKED FOR  
4 IDENTIFICATION PURPOSES (7 pages)  
5 Citizens Committee Reports)

6 (EXHIBIT NO. 2 MARKED FOR  
7 IDENTIFICATION PURPOSES (6 pages)  
8 Judicial Qualifications Committee  
9 Report)

10 SENATOR RANKIN: And now, we'll proceed into the  
11 candidate portion of the hearing with our first  
12 candidate, and that is Honorable Blake Hewitt.

13 MS. CRAWFORD: Correct.

14 SENATOR RANKIN: In our lull here, I want to recognize  
15 our distinguished house member. Are you here to  
16 make sure that Todd Rutherford is in his seat?

17 REPRESENTATIVE WILLIAMS: Well, that's a hard job. I  
18 -- so I'm just here. You know, I'm just here  
19 this morning. I was given an invitation, so I  
20 did come.

21 SENATOR RANKIN: And for the record, so that everybody  
22 can see and hear you, tell us what part of the  
23 Great Pee Dee you're from and your full name?

24 REPRESENTATIVE WILLIAMS: Okay. I'm Representative  
25 Williams down from the Great Pee Dee, Florence

1           and Darlington County. So I got that District  
2           62.

3           SENATOR RANKIN: Very good.

4           REPRESENTATIVE WILLIAMS: Yes, sir.

5           SENATOR RANKIN: We're happy to have you here. And  
6           Judge Hewitt, come on up.

7           JUDGE HEWITT: Good morning.

8           SENATOR RANKIN: It's refreshing to see house members  
9           -- in fact, any legislator actually to come to  
10          see what goes on. It's amazing. Welcome.

11          REPRESENTATIVE WILLIAMS: Thank you, sir.

12          SENATOR RANKIN: You might be one of few out of 170  
13          ever to darken this door.

14          REPRESENTATIVE RUTHERFORD: Joe White, Russ Fry.

15          SENATOR RANKIN: Very Good. Well, we're glad to have  
16          you with us. All right. Judge, raise your right  
17          hand, if you will.

18          WHEREUPON:

19                    BLAKE HEWITT, being duly sworn and cautioned  
20                    to speak the truth, the whole truth and nothing  
21                    but the truth, testifies as follows:

22          SENATOR RANKIN: Very good. You have the PDQ and  
23          data -- or the Sworn Statement that are ready to  
24          be put in the record, unless you've got any  
25          amendments that you'd like to make to those.

1 JUDGE HEWITT: No, sir, Mr. Chairman.

2 SENATOR RANKIN: All right. If you'll hand those  
3 over, they will be marked and entered into the  
4 record, and likewise, both the PDQ and the Sworn  
5 Statement.

6 (EXHIBIT NO. 3 MARKED FOR  
7 IDENTIFICATION PURPOSES (16 pages)  
8 PDQ - Blake Hewitt)

9 (EXHIBIT NO. 4 MARKED FOR  
10 IDENTIFICATION PURPOSES (8 pages)  
11 Sworn Statement - Blake Hewitt)

12 SENATOR RANKIN: Judge, you know how this works. You  
13 have been through screening how many times?

14 JUDGE HEWITT: This may be four, I think.

15 SENATOR RANKIN: Is your mic on? See if you've got  
16 some green there.

17 JUDGE HEWITT: There we go.

18 SENATOR RANKIN: All right.

19 JUDGE HEWITT: That's number four --

20 SENATOR RANKIN: Number four.

21 JUDGE HEWITT: -- Mr. Chairman.

22 SENATOR RANKIN: All right. So you know our process  
23 and the investigation that we conduct for your  
24 candidacy. And again, the nine evaluative  
25 criteria that we focus on, including ballot box

1 survey, thorough study of your application  
2 materials, verification of your compliance with  
3 state ethics laws, search of newspaper articles  
4 in which your name appears, study of previous  
5 screenings and a check for economic conflicts of  
6 interest. One affidavit has been filed in  
7 opposition to your election, however, that has  
8 been dismissed by this Commission. No witnesses  
9 are present to testify. And you have the  
10 opportunity, if you'd like, to make an ever so  
11 brief opening statement before we turn you over  
12 to Ms. Crawford for questions, and then the rest  
13 of the Commission.

14 JUDGE HEWITT: I have no opening statement, Mr.  
15 Chairman, other than to thank the Commission and  
16 its excellent staff and everybody involved in  
17 this process. I know it's a lot of work.

18 SENATOR RANKIN: I don't see your better half with you  
19 today. Did you bring anyone with you --

20 JUDGE HEWITT: And you must not have received the  
21 affidavit she mailed in opposition to my  
22 candidacy.

23 SENATOR RANKIN: Well, we dismissed it for you. Thank  
24 you.

25 JUDGE HEWITT: My excellent staff is here, my two law



1 Q. Judge, why do you want to serve as a judge on the  
2 Supreme Court?

3 A. As many of you know, I've devoted most of my  
4 professional life to the appellate court system. I  
5 loved being in private practice. I loved the firm I  
6 was with and the people in that firm. But I felt the  
7 call to public service. I felt then, and I still  
8 feel, and obligation to offer to serve where I can be  
9 helpful. I'm very grateful for the opportunity to  
10 serve on the Court of Appeals. I don't take that  
11 opportunity for granted. The Supreme Court would just  
12 be an opportunity to continue the work that I enjoy  
13 doing and that animates me, but also serve the court  
14 system and the state.

15 Q. Thank you, Judge. Judge, could you identify what you  
16 would consider your greatest accomplishment as a  
17 lawyer or a judge, or even outside that arena? And  
18 please explain why.

19 A. Oh, goodness. I don't know that I can identify,  
20 certainly, not a great accomplishment as a lawyer.  
21 What I hope somebody would say, at least about my  
22 career to this point, as the lawyers, they look back  
23 over it, is that I brought all of my creative and  
24 intellectual energy to every case that I had and gave  
25 it my best. I really try to resist, in every way that



1 I can, the idea that some cases are more important  
2 than others, or matter more than others, because to  
3 the people involved, the cases are the most important  
4 case in the world. So as a lawyer, I'm going to have  
5 to complete cop out on identifying anything  
6 particular, other than I hope that the arc of my  
7 career sort of reinforces the idea that I bring  
8 everything I have to the cases that I've worked on in  
9 practice and certainly, as a judge.

10 **Q. Thank you. Judge, is there any area of the law that**  
11 **you would bring to the Supreme Court bench that you**  
12 **believe would be a particular asset to the court?**

13 A. You know, I don't -- I don't know about that. And  
14 again, not to dodge, I want to be responsive. But one  
15 of the things that I enjoyed about my time in private  
16 practice is that I had the opportunity to work on a  
17 bunch of different types of cases. And that -- I've  
18 continued to have a variety of different matters come  
19 before me at the Court of Appeals. And so I hope that  
20 has given me a broad perspective in terms of different  
21 areas of the law, and I would hope that that broad  
22 perspective would be useful in the Supreme Court's  
23 book of business.

24 **Q. Thank you. And how would you describe your general**  
25 **judicial philosophy?**

1 A. So I may harken back to a response I gave a few  
2 moments ago. My general philosophy is to treat every  
3 case as the most important case in the world, because  
4 to the people involved, it is the most important case  
5 in the world, and to make the call for the right  
6 reasons. There are some values that are kind of baked  
7 into those things, things like diligence and courtesy  
8 and humility and others, but that's how I would sort  
9 of put the general philosophy, simply.

10 **Q. Judge, what is your vision for the future of our**  
11 **judicial system and what changes would you advocate,**  
12 **and why?**

13 A. So I share the vision statement that we currently have  
14 for the judicial branch, which is to provide a forum  
15 for the fair, prompt, and efficient adjudication of  
16 cases. I don't know that I'm in a position to  
17 advocate for any particular change at this point in  
18 time. Though, I will say that I've been very glad and  
19 fortunate to serve on a committee for the last few  
20 years that's been devoted to improving the processes  
21 we have at the Court of Appeals. We've been at that  
22 for a couple of years. That work is ongoing. And I  
23 think everyone expects it to continue in perpetuity.  
24 And I'm sure that the other courts in the judicial  
25 branch are doing that. If for some reason they're

1 not, that's the sort of work that we have to do,  
2 involve all the stakeholders and constantly be asking  
3 how can we improve the court system.

4 **Q. Kind of on those lines, what steps, if any, do you**  
5 **think should be taken to foster public trust or**  
6 **increase public trust in our judicial system?**

7 A. So the first things that come to mind -- I'm probably  
8 speaking when I should pause and think more, but I --  
9 the first thing that came to mind was an opportunity  
10 to brag on both of the appeals courts a little bit. I  
11 think video streaming and publically available archive  
12 of oral arguments, which the Supreme Court has had for  
13 a while -- COVID allowed us the opportunity to  
14 innovate in that way at the Court of Appeals -- has  
15 been a good thing. Because now, anybody, whether  
16 lawyer or not, can watch from their workstation live  
17 or archived oral arguments. The other thing that we  
18 -- that is a particular obligation that falls on  
19 appellate courts, in terms of reenforcing public  
20 confidence, is we have to write good opinions. And  
21 that's really -- that's really the best tool that we  
22 have. Not the only tool, but we don't have a bunch of  
23 tools. But the opinion is the work product that goes  
24 out there into the world, both to the lawyers and to  
25 the litigants and to whoever else wants to torture

1           themselves by reading judicial opinions. I thought I  
2           might get some laughs there. I tell my folks with  
3           legal writing to always remember that nobody reads  
4           this stuff because they want to. They read it because  
5           they have to, you know. I love to read too, but when  
6           I go home at night, I don't read legal briefs.

7           SENATOR RANKIN: For the record, let me just say all  
8                       three of your staff and law clerks are brimming  
9                       with smiles, trying to contain themselves with  
10                      that response.

11        A. Well, the opinion is the thing that has to stand the  
12        test of time, right. That's the -- so much work has  
13        gone into an appellate case on the part of the  
14        lawyers, a lot of emotional energy, a lot of financial  
15        resources on the part of the litigants, in some cases.  
16        And at the end, that's the work product you get out,  
17        and it has to stand the test of their scrutiny,  
18        demonstrate to them that their arguments were fairly  
19        considered, their case was fairly considered and ruled  
20        on impartially. And if it's a case that's going to  
21        get broader scrutiny, a case that adds something to  
22        the law, it has to pass scrutiny by lawyers who are  
23        going to look at it later. And if it's going to be a  
24        matter of public concern, it's got to stand up to  
25        that. So those are the best tools -- that's the best

1 tool that we have. Now, then, there are other things  
2 we can do, as far as judges probably to be a little  
3 more visible and speak in schools and civic clubs and  
4 things of that nature. But the -- at least, as far as  
5 the appellate courts are concerned, I think it's been  
6 great that we have more enhanced ability for the  
7 public to see court proceedings, and then we've just  
8 got to write good opinions.

9 **Q. Thank you. Judge Hewitt, to what extent do you**  
10 **believe that a judge should or should not defer to the**  
11 **actions of the General Assembly?**

12 A. So I don't know if this is the great miracle, but it's  
13 certainly a great miracle, a great part of the genius  
14 of our system of government, is the separation of  
15 powers. And from the court system's perspective, what  
16 that means is, yes, we interpret statutes, yes, we  
17 apply them, but we do so with the recognition that  
18 it's the General Assembly's prerogative to set public  
19 policy, and the General Assembly's actions get every  
20 presumption of constitutionality.

21 **Q. Thank you. When do you believe that it's appropriate**  
22 **to write a concurring or a dissenting opinion?**

23 A. So the only thing that you can do -- appellate judging  
24 is different than trial court judging, because it  
25 relies on consensus. The only thing you can do by

1           yourself in an appellate court is concur or dissent.  
2           And so I approach cases with the mindset that I have  
3           an obligation to try and be in consensus if I can and  
4           we work -- we do a good job at the Court of Appeals  
5           working to do that. I've had -- you may have been in  
6           discussions where people say what I'm getting ready to  
7           say, or you may have said it yourself, some people  
8           have certainly said it to me, I wish y'all would  
9           concur and dissent more at the Court of Appeals. We  
10          do that behind closed doors. There's a lot of give  
11          and take in putting opinions together. And -- but if  
12          -- so we certainly -- I certainly try to approach  
13          things that way. But if I can't be in line with what  
14          my brothers or sisters think, I would write separately  
15          perhaps to outline a different avenue to the same  
16          result in the concurring opinion. Of if it's a  
17          dissent and I just can't jive with them, I'd have to  
18          write a dissent.

19       **Q. Well, as a follow up to that, are there any dangers in**  
20       **writing a concurring or dissenting opinion?**

21       A. Well, you know, I don't know. That's a great --  
22       that's a great question. If a concurring or  
23       dissenting opinion -- well, forgive me. The first  
24       thing that comes to mind as to a concurring opinion is  
25       if -- that the fact that somewhat less than a majority

1 of the panel are fully joining the decision, it may  
2 add some uncertainty to the state of the law. I had -  
3 - and I'm pausing because I can remember one instance  
4 where I lost a Court of Appeals case, 1-1-1, which was  
5 very frustrating after we'd put a lot into it. But  
6 then I said, Well, we know we're going to get cert,  
7 because there's no controlling opinion from the Court  
8 of Appeals. As to a dissenting opinion, I don't know  
9 that I can think of any -- that I can identify any  
10 danger. I mean, it's important -- Justice Stephens,  
11 John Paul Stephens, former justice of the U.S. Supreme  
12 Court, used to make -- I was told by one of his former  
13 clerks that he made an extra effort to concur when he  
14 thought he had a view that was important to add to the  
15 development of the law, because that's an important of  
16 a law-giving court to state -- if there are genuinely  
17 different visions of how the law applies, to put it  
18 out there so that it can be subject to adversarial  
19 testing in a future case.

20 **Q. Thank you. Judge Hewitt, the Commission received 550**  
21 **ballot box surveys regarding you and 141 of those**  
22 **provided additional comments. Some of the positive**  
23 **comments -- I mean, the many positive comments**  
24 **included, quote, Judge Hewitt has the perfect judicial**  
25 **temperament, academic knowledge and background for the**

1 Supreme Court. I know that we will see him on the  
2 Supreme Court one day. Judge Hewitt is thoughtful,  
3 considerate and academic in his approach to the law.  
4 He is brilliant, but humble. Judge Hewitt exemplifies  
5 what it means to be a judge of this state and we would  
6 be lucky to have him serving on the Supreme Court.  
7 Twenty-three of the written comments expressed some  
8 concern and these centered mostly around a lack of  
9 experience on the bench. And the most -- the majority  
10 of these noting a lack of experience as a trial judge.  
11 These have been risen -- these come up every  
12 screening. What would you like to offer in response  
13 to these concerns? And maybe you could touch on your  
14 experience as a trial lawyer before you took the bench  
15 --

16 A. Sure.

17 Q. -- on the Court of Appeals.

18 A. Well, I'll do those in reverse, if that's okay. So as  
19 far as my experience as a practitioner, it is  
20 certainly true that I did more appellate work than  
21 trial work. That was by design. I devoted most of my  
22 time in practice just trying to be the best appellate  
23 lawyer that I could be, because I thought that brought  
24 out the best lawyer in me. As to lack of experience  
25 as a trial judge, I mean, I believe I genuinely



1 understand and appreciate that perspective. I will  
2 not surprise you that I think about it a little bit  
3 differently. I'm sure it won't surprise you. I think  
4 of appellate courts as being greater than the sum of  
5 their parts, and that their secret sauce is the  
6 blending of different experiences and perspectives.  
7 Some of my colleagues on the Court of Appeals came  
8 from the circuit court. Some came from a family  
9 court. One came from the administrative law court. I  
10 was principally an appellate litigator. I hope that  
11 my experience -- well, all of a sudden, that just got  
12 loud. I hope that my experience as a litigator is  
13 adding something to the value that the Court of  
14 Appeals produces. I'd like to think it is. I'm  
15 giving it my best. If it's not adding value, then we  
16 would need to reevaluate, because nobody wants to be  
17 in a spot where they are not being effective.

18 **Q. Thank you. Mr. Chairman, I know that the Pee Dee**  
19 **Citizens Committee reported that Judge Hewitt**  
20 **qualified in the evaluative criteria of constitutional**  
21 **qualifications, physical health, and mental stability,**  
22 **and well qualified in the remaining evaluative**  
23 **criteria of ethical fitness, professional and academic**  
24 **ability, character, reputation, experience and**  
25 **judicial temperament. Just a few housekeeping**

1 questions. Since submitting your Letter of Intent to  
2 run for this seat, have you contacted any members of  
3 this Commission?

4 A. No, ma'am.

5 Q. Are you familiar with 2-19-70, including the  
6 limitations on contacting members of the General  
7 Assembly regarding your screening?

8 A. Yes, ma'am.

9 Q. Since submitting your Letter of Intent, have you  
10 sought or received a pledge of any legislator either  
11 prior to this date or pending the outcome of this  
12 screening?

13 A. No, ma'am.

14 Q. Have you asked any third parties to contact members of  
15 the General Assembly on your behalf?

16 A. No, ma'am.

17 Q. Are you aware of anybody doing such?

18 A. No, ma'am.

19 MS. CRAWFORD: I would note for the record that any  
20 concerns raised during the investigation  
21 regarding Judge Hewitt were incorporated into the  
22 questions today. And Mr. Chairman, I have no  
23 further questions.

24 SENATOR RANKIN: Okay. Questions by Representative  
25 Caskey.

1 REPRESENTATIVE CASKEY: Thank you, Mr. Chairman.

2 EXAMINATION

3 BY REPRESENTATIVE CASKEY:

4 Q. Judge, good morning. It's good to see you.

5 A. Good morning. Good to see you.

6 Q. Judge, I noted in your ballot box surveys over the  
7 course of the eight pages of comments, consistent  
8 themes related to comments such as Judge Hewitt has  
9 the demeanor, intelligence, character, experience  
10 needed to be an excellent justice. And then at  
11 somewhat greater length, I want to share with you,  
12 because it ties in to something we were just talking  
13 about. And this comment said, Judge Hewitt is the  
14 epitome of an outstanding judge, ever diligent in  
15 legal research, always conscious and knowledgeable of  
16 all sides of an argument and courteous to everyone in  
17 and out of the courtroom. Judge Hewitt exemplifies  
18 all of the best traits of the judicial office he holds  
19 and no doubt that the Supreme Court would be all the  
20 better with Judge Hewitt on its bench. Not to mention  
21 his uniquely concise opinion writing style has served  
22 as a benefit to the bench and the bar, and will  
23 continue to do so at even higher levels if Judge  
24 Hewitt is elevated to the Supreme Court. Brevity is  
25 clarity, as Judge Hewitt has oft to say. And so I

1 think you have acquitted yourself quite well from the  
2 perspective of your colleagues, our colleagues,  
3 members of the bar. But with respect to your  
4 writings, I noticed in your application packet, the  
5 writing samples offered, and I would offer you the  
6 opportunity to clarify because I don't want to assume  
7 -- the writing samples are signed by your former law  
8 partner, Allison Sullivan. Are we to intuit that you  
9 wrote these for Allison or with her or without your  
10 involvement whatsoever?

11 A. No. I want to answer that directly. But can I just  
12 say that I'm so grateful for the kind compliments that  
13 people took the time to write. Maybe it's just human  
14 nature, but it's just my nature. I tend to remember  
15 the negative ones more than the kind ones. But  
16 anyway, I just wanted to say that. So no, I wrote the  
17 brief. I wrote every word. I mean, I shouldn't say  
18 every word, because we -- that's stuff in house, they  
19 edited them. I would have signed them. I only -- the  
20 only reason I didn't is because they were being filed  
21 in the interim after I was elected to the Court of  
22 Appeals, but before I assumed office. And I just  
23 thought it was better that my name not be on those.  
24 But I wrote -- I wrote those briefs -- I litigated  
25 that case from the Commission all the way up until I

1 would've already been at the Court of Appeals, but I  
2 was no longer at the firm.

3 Q. And the only other comment I've got is that you should  
4 give your law clerks more time off to enjoy their  
5 lives. But that's all, Judge. Thank you for being  
6 here.

7 A. Thank you.

8 SENATOR RANKIN: Any others? Mr. Safran.

9 MR. SAFRAN: Thank you, Mr. Chairman.

10 EXAMINATION

11 BY MR. SAFRAN:

12 Q. I just had a couple of things that popped up just  
13 along the lines of what Representative Caskey said. I  
14 mean, you can understand, I guess, with your age, with  
15 the limited time you've been on the Court of Appeals  
16 that some people may perceive running for the Supreme  
17 Court as a little premature. I mean, you get that.

18 A. Oh, one hundred percent.

19 Q. And what, I think, goes beyond though, is this. I  
20 like brief opinions. I mean, I'm not saying that  
21 that's the only way to go. I mean, I clerked for  
22 Judge Ness and he was insistent on doing brief  
23 opinions. He just said answer the question, and  
24 that's it. I mean, I think there are some benefits to  
25 going into more detail than -- you know, some cases,

1 more so than others, and I do appreciate that. But I  
2 guess, you know, when I see, you know, assaults, it  
3 seems like very minimal but still there, on character,  
4 courteousness. I mean, I've never known you to be  
5 anything but courteous. Or never known you to be  
6 anything but polite, both as a lawyer and on the  
7 bench. I mean, do you recall any situation where you  
8 would've been on the bench and been less than kind to  
9 the people who were appearing in front of you?

10 A. I hope not. You know, again, maybe it's human nature  
11 or just my nature. I think some of us tend to be  
12 harder on ourselves than we should. Particularly,  
13 lawyers, we do a great job at being too hard on  
14 ourselves and trying to work ourselves to death and  
15 that sort of thing. I hope I've never been rude or  
16 unkind to a lawyer, or anybody, for that matter. If I  
17 had, I would want to know --

18 Q. And here is the point. You've been there.

19 A. Yeah.

20 Q. And I'm assuming there have been some times where  
21 maybe people who were a little sharp in their rebukes  
22 of you, right?

23 A. Yeah. The environment is tough enough, anyway. I  
24 mean, everybody's doing their best. The lawyers are  
25 trying like crazy to print everything they want to say

1 and be organized and to get it out, and the judges are  
2 trying to get their questions answered, and it's just  
3 -- the situation is amped up enough that I just don't  
4 see the use for rude -- for being anything less than  
5 extra courteous, and I -- I don't know.

6 Q. I saw another comment that talked about seeming to  
7 want to change authority, you know, change opinions,  
8 revoke established case law, things of that type. As  
9 I understand it, the Court of Appeals has been pretty  
10 deferential to anything the Supreme Court has ruled on  
11 in terms of a particular area of law. I mean, y'all  
12 follow the Supreme Court routinely, don't you?

13 A. We're bound to. I mean, the best we could do is we  
14 could say, We think the law ought to be 'X,' but the  
15 Supreme Court says it's 'Y,' so we do Y.

16 Q. Well, and I think that's been kind of a standard over  
17 time.

18 A. Uh-huh.

19 Q. So at least, again, I don't recall seeing anything --  
20 can you think of anything where you would've been part  
21 of an opinion that tried to somehow change what the  
22 Supreme Court had already ruled?

23 A. No. I saw this -- if you're referencing a comment in  
24 one of the ballot boxes, I'm aware of that comment.  
25 And I just think our opinion stands on its own. I

1 mean, we cited the Supreme Court and relied expressly  
2 on it --

3 **Q. Well --**

4 A. -- in my view.

5 A. -- the other thing is it talks about, at least -- and  
6 again, we're talking about a very small subject. But  
7 still, there's some indication that because you  
8 weren't actively, quote, trying case, that somehow you  
9 don't have the sense on how to rule about things. But  
10 let me ask you this. We heard Chief Justice Elect  
11 Kittredge in here probably three years ago saying,  
12 they don't try civil cases anymore. And so again, it  
13 seems like the vast majority of anything that would  
14 happen in a civil case would generally be the motion  
15 practice, things that, frankly, are going to be  
16 interlocutory to begin with. They're going to often  
17 fall into the discretionary realm. And so do you  
18 really think you're missing anything given the fact  
19 that the trials are probably one percent of the cases  
20 filed anymore?

21 A. It is really -- when I started and, you know, the  
22 further removed I am from day-to-day practice, I know  
23 my perspective gets stale. But when I started in the  
24 line of work that many of us do, the model for the  
25 plaintiff's lawyer was to settle your bad cases and



1 try your good ones. Now, it was certainly my  
2 experience that it was extremely difficult to get a  
3 good case to trial, because you get good counsel on  
4 the other side of good cases, and everybody  
5 understands where we have risk and where we have  
6 exposure, and so things settle. And that happened to  
7 me a bunch. I did trial work, but not nearly as much  
8 as some of the great lawyers in this room. But  
9 particularly, towards the end of my career when I was  
10 kind of -- I was trying to do a sport analogy, but I -  
11 - when I was riding shotgun with some people to try  
12 and get big cases prepped for trial, that happened,  
13 you know, more often than I can count. We'd be ready  
14 to go and then at the last minute, the rug would be  
15 pulled out from under you.

16 **Q. Let me ask you to respond to something else. Given**  
17 **the fact that so many people, in the last 20 years, as**  
18 **practitioners have limited their practice and tried to**  
19 **become more specialized, and so that really their**  
20 **focus and their experience is going to be narrow just**  
21 **because of the way the practice of law has become,**  
22 **wouldn't the fact that you were doing appeals for the**  
23 **wide swath of those people in all those other areas**  
24 **really give you probably more of an experience across**  
25 **the board than most other people that would be at**



1 with her, but she's in the audience. And she lost a  
2 family member to some -- to a murder committed by  
3 someone who was out on bond. That seems to be a  
4 reoccurring story in the newspapers around the state  
5 and around the county. And as lawyers, we understand  
6 people have a constitutional right to a bond. We  
7 understand the two-prong test. But we got victims on  
8 the other side and we've got delays in courts three,  
9 five years. Obviously, scientific evidence is more  
10 complicated. It takes longer to get DNA, and there  
11 are some things that you can't move as fast as you'd  
12 like. But she's upset about that.

13 A. Yeah.

14 Q. And I'm, frankly, upset about it. And I think that  
15 when we talk to citizens around the state and we ask  
16 them what they're mad about if anything in the court  
17 system, that's really what pops in their mind. They  
18 don't like violent criminals --

19 A. Uh-huh.

20 Q. -- out on -- out on bond for extended period of time.  
21 So if you get on the Supreme Court, what are your  
22 thoughts about what we can do to improve that?

23 A. So that's a great question and gah, what a  
24 heartbreaking -- I mean, there's no words. And that's  
25 something I should have been astute enough to include

1 it in the earlier discussion, is delay, you know. No  
2 matter what level of the system, justice delayed is  
3 justice denied. I can speak about that from  
4 experience at the Court of Appeals, because that's  
5 what we're struggling with, and I know all the courts  
6 are struggling with. I -- I don't know that I'm in a  
7 position to make any particular suggestion. I would  
8 love to be a part of the group. You know, if you're  
9 in leadership or a position of authority in any  
10 organization, I ascribe to view that your job is to  
11 empower the other people in that organization, to  
12 leverage yourself and your abilities to give them the  
13 platform to do -- to do what they know how to do and  
14 succeed. And so how that applies here, it is -- it's  
15 going to involve all the stakeholders. I mean, I know  
16 the Legislature has been involved in that. They  
17 looked at bond reform in the last couple of years, if  
18 not last year. The court system's got to be involved  
19 in that. Private lawyers have got to be involved in  
20 that. I mean, if there was a simple solution, we'd  
21 have come -- people would've come up with it, right.  
22 And that's -- the secret sauce of coming up with good  
23 solutions is getting all the different stakeholders  
24 together to come up with stuff, because nobody's right  
25 all the time, and a broken clock is right twice a day.

1 I'm just giving you a word salad, which is not  
2 helpful. But what I hope I'm describing is what I  
3 think needs to be a collaborative conversation among  
4 everybody involved, because you're right. The delay -  
5 - the longer it goes on, the more people's confidence  
6 lapses, and justifiably so, I mean. The right answer  
7 doesn't do you any good if you needed the right answer  
8 three years ago.

9 Q. Well, I mean, obviously, this is a huge issue in our  
10 state and --

11 A. Yes.

12 Q. -- I encourage you guys to just, y'all discuss this  
13 issue. Thank you. Thank you for offering.

14 A. Thank you.

15 SENATOR RANKIN: Other members? Briefly, let me ask  
16 just a few.

17 EXAMINATION

18 BY SENATOR RANKIN:

19 Q. And obviously, I know you from our part of the world.  
20 You lived in my hometown. You grew up in Conway and  
21 you chose Conway and have a wonderful reputation  
22 there. I want to kind of invoke the Ronald Reagan  
23 line against Walter Mondale, and it seems to be  
24 somewhat of a theme in comments about your age. You  
25 may know the quote Ronald Reagan used against Walter

1           **Mondale.**

2       A.    I must not to use my opponent's youth and inexperience  
3            against him.

4       **Q.    So you are the youngest of the six candidates for**  
5           **Supreme Court, this vacancy.  And speak to the youth -**  
6            -

7       A.    I'm --

8       **Q.    -- aspect of --**

9       A.    Sure.

10      **Q.    -- your candidacy and your age.**

11      A.    Sure.  If I -- you know, I do have a fair amount of  
12            experience litigating in the Court of Appeals and the  
13            Supreme Court, but I certainly wouldn't begrudge  
14            somebody thinking that I could use more time at the  
15            Court of Appeals.  If I could leave the Commission  
16            with anything, with only one thing, it would be this.  
17            For me, offering for this seat is not in any way about  
18            ambition, ego or anything like that.  It is purely out  
19            of the obligation I feel to offer where I think I  
20            could be helpful.  I think I'm being helpful at the  
21            Court of Appeals.  I promise I'm trying -- I think I  
22            could be helpful there.  And I've wondered to some  
23            extent whether the youth stuff is influenced by the  
24            fact that I look like I'm ten years old.  I know that.  
25            I've tried growing a beard.  It doesn't work.  And

1 more importantly, my wife doesn't like it. So there's  
2 that.

3 **Q. You are the only candidate, I do believe, who has -- I**  
4 **stand to be corrected -- who has actually taught trial**  
5 **ad at the USC Law School.**

6 A. I told -- I'm sorry, I didn't mean to interrupt you.

7 **Q. Okay. You --**

8 REPRESENTATIVE RUTHERFORD: Please do.

9 SENATOR RANKIN: It wasn't that funny.

10 A. It was a really -- it was a really -- it was a really  
11 great experience. Professor Bokman, the now -- Bob  
12 Bokman, who's a long-time practitioner here in  
13 Columbia, was -- was also the long-term teacher of the  
14 appellate advocacy at that law -- at the law school.  
15 And Governor McMaster appointed him temporarily to  
16 fill the unexpired term of someone who resigned from  
17 the public service commission. He filled that job and  
18 asked me. And then Dean Wilcox was kind enough to ask  
19 me if I would teach appellate advocacy. And so it was  
20 -- it was a difficult experience because, as you know,  
21 I live in Conway. And so being in Conway and teaching  
22 in Columbia was not the easiest thing to accomplish,  
23 and that ultimately led me to not -- I mean, I don't  
24 know whether they would've fired me to teach on an  
25 ongoing basis, but it just wouldn't work for --

1 teaching it more than one semester did not work for me  
2 in this season of life. But it was a great  
3 experience. And it worked out -- the timing worked  
4 out such that by the time I started serving on the  
5 Court of Appeals, a couple of my former students were  
6 there as staff attorneys, and so it was particularly  
7 unique to experience outside of that.

8 Q. Your practice -- and Mr. Strom kind of -- not hinted  
9 at it, but it reminded me of questions that we've  
10 posed to other court candidates, circuit courts,  
11 either reelection or newly appointed, seeking an open  
12 seat. And the mix of practice that these various  
13 candidates have and do they reach that Goldilocks,  
14 just right level of criminal, civil, et cetera. Yours  
15 has nothing but appellate in terms of the roles you've  
16 served in now, correct?

17 A. Correct.

18 Q. And the difference, again, is you will, if you're  
19 successful in the Supreme Court, will be no less  
20 appellate, correct?

21 A. Correct.

22 Q. In your work in arguing before the courts, one of the  
23 commenters wondered if you'd ever argued a case before  
24 the Court of Appeals -- I mean, before the Supreme  
25 Court. For the record, you have been before them how



1           **many times?**

2    A.   Sixty-ish, in oral arguments.  I don't remember  
3           exactly, but in that ballpark.

4    **Q.   And you clerked with both a Supreme Court justice,**  
5           **that was Chief Justice Toal.**

6    A.   Yes, that's correct.

7    **Q.   All right.  And then you worked with a federal court**  
8           **judge --**

9    A.   That's right, Judge Joe Anderson.

10   **Q.   -- Judge Anderson.  And that was in a trial practice**  
11           **with Judge Anderson.**

12   A.   Yes.

13   **Q.   Okay.  Do you feel like there's any area of the law**  
14           **that you would have to go to school on to continue to**  
15           **serve if you were successful in the Supreme Court?**

16   A.   So I don't mean to be coy about it, but I feel like I  
17           go to school every day.  Every time I pick up a case,  
18           whether it's an area of law that's more familiar than  
19           another, I'm the type of guy who -- like I can  
20           internalize some things, but at best, I get a general  
21           idea, I make a research list and I read cases.  That's  
22           just what I have to do to be prepped on stuff.  So I  
23           don't mean to be coy or flippant about it, but I go to  
24           school every day.  Sometimes, it is something  
25           genuinely new.  We had a case involving the

1 jurisdiction of a magistrate court in an eviction  
2 action where the magistrate didn't have -- did or  
3 didn't have the ability to hear a question when -- an  
4 eviction case when there was a contested title. I  
5 never interfaced with that. We've got to read some  
6 really old cases. But it's fun. I mean, that's the  
7 joy of the job. The most frustrating thing about  
8 appellate work is the best thing about it. It's the  
9 opportunity to put a puzzle together and to learn  
10 something. So that's what -- even though we all know  
11 litigating cases is hard, at least that's what keeps  
12 me coming back, is the opportunity to learn a  
13 different thing -- different things about how the law  
14 works.

15 **Q. You said joy. Does this job, the appellate work that**  
16 **you do in the Court of Appeals, bring you joy?**

17 A. It does.

18 **Q. It's a joy to work?**

19 A. It does. I mean, it's hard work. It's hard in ways  
20 that I didn't necessarily imagine before. Even  
21 though, now, in hind- -- you know, hindsight's 20/20.  
22 I think I'm -- you know, I don't go home and split  
23 atoms, but I'm a decently smart guy. I should've  
24 known that this would be -- this part of this job  
25 would be hard. It's a hard job, but I genuinely enjoy

1           it, I mean, I really do. I'm animated by the process  
2           of figuring out what makes cases work and what makes  
3           the law works -- what makes the law work. I speak  
4           English. And I'm grateful beyond words for the  
5           opportunity to do this sort of work in pure public  
6           service. You know, my obligation to the law firm was  
7           practicing law as a public service, and my law firm  
8           was interested in that, but I'm also interested in the  
9           producing revenue from the firm, and my clients were  
10          interested in winning their cases. And now, I just  
11          have a pure public service obligation and it's just a  
12          gift for which I'm grateful beyond words.

13       **Q. One final. You've got a -- we've got a 2L law clerk,**  
14       **Mr. Linkler over here. And behind you in the blue**  
15       **jacket, a rising senior. You're a senior, right, Mr.**  
16       **Hayes?**

17           MR. HAYES: I just graduated.

18           SENATOR RANKIN: Graduated. Headed to law school,  
19                        hopefully.

20       **A. I used to play softball with his daddy.**

21       **Q. Well, I've given you this opportunity before. You've**  
22       **got two in the room. Give them the 30, 45 second, 60**  
23       **second, what they should do, what they should take**  
24       **away from this experience, and what law should mean**  
25       **for them as a career.**

1 A. Give it your best, chase -- a lot of people get caught  
2 up in chasing the money. Chase knowledge, chase good  
3 experience, chase good mentors and success will find  
4 you. And in the words of the late Dr. A. Lewis  
5 Patterson, start where you are, use what you have, do  
6 what you can.

7 **Q. Perfect.**

8 SENATOR RANKIN: Any other questions? All right. For  
9 the record, Todd Rutherford did not ask a single  
10 question. All right. Judge Hewitt, we will now  
11 wrap this portion of the -- your interview up and  
12 remind you, as you do well know, we expect you to  
13 abide by both the letter and the spirit of ethics  
14 law. Any violation or appearance of impropriety  
15 would be deemed very serious on our part and  
16 deserving of heavy weight if we were to call you  
17 back in additional screening deliberations. The  
18 record will remain open until the formal release  
19 of the report of qualifications. And again, as  
20 you know, we may call you back should there be  
21 any issue. You do know that, correct?

22 JUDGE HEWITT: Yes, Mr. Chairman.

23 SENATOR RANKIN: All right, sir. Thank you for your  
24 continued service and offering for this position.

25 JUDGE HEWITT: Thank you. Good to see all of y'all.

1 Thank you.

2 (OFF THE RECORD)

3 SENATOR RANKIN: All right. Welcome, Judge.

4 JUDGE ANDERSON: Thank you.

5 SENATOR RANKIN: Judge Anderson, welcome. And you  
6 know the drill here in terms of how we're going  
7 to do this. You have before you your PDQ and  
8 your Sworn Statement. Are they ready to be  
9 entered into the record with -- or do you need  
10 any amendments to those?

11 JUDGE ANDERSON: I don't need any amendments.

12 (EXHIBIT NO. 5 MARKED FOR  
13 IDENTIFICATION PURPOSES (19 pages)  
14 PDQ - Ralph Anderson)

15 (EXHIBIT NO. 6 MARKED FOR  
16 IDENTIFICATION PURPOSES (7 pages)  
17 Sworn Statement - Ralph Anderson)

18 SENATOR RANKIN: Okay. Lindi, make sure that mic's on  
19 for us.

20 MS. PUTNAM: It is.

21 JUDGE ANDERSON: I can't get my chair but so close.

22 SENATOR RANKIN: That's good.

23 JUDGE ANDERSON: I'm going to have to just speak up.

24 SENATOR RANKIN: That's good? Yeah. All right. And  
25 so those will be put into the record without

1 objection. And Judge Anderson, you are aware of  
2 our process here of investigation and the nine  
3 evaluative criteria that we look at. And those  
4 include the ballot box surveys, thorough study of  
5 your application materials, verification of your  
6 compliance with state ethics laws, search of  
7 newspaper articles in which your name appears,  
8 study of past previous screens, checks for  
9 economic conflicts of interest. No affidavits  
10 have been filed in opposition to your election,  
11 and no witnesses are here to testify. You have  
12 the opportunity to make an -- excuse me -- ever  
13 so brief opening statement now, or to close if  
14 you like. I will offer that to you now or we can  
15 turn it over to questions by staff counsel. Your  
16 choice.

17 JUDGE ANDERSON: I would presume a potential inference  
18 would be ever so brief and would choose not to  
19 make one.

20 SENATOR RANKIN: It seems like I heard that perhaps  
21 from your father. So forgive me for channeling  
22 that. So we will now turn it over for questions.

23 EXAMINATION

24 BY MS. CRATER:

25 Q. Hi, Judge.

1 A. Hello.

2 Q. I note for the record that based on the testimony  
3 contained in the candidate's PDQ which has been  
4 included in the record with the candidate's consent,  
5 Judge Anderson meets the constitutional and statutory  
6 requirements for this position regarding age,  
7 residence and years of practice. Judge Anderson, why  
8 do you now want to serve as a judge on the Supreme  
9 Court?

10 A. Well, when I think about -- when I think about the  
11 position to begin with, I think I'll just say what  
12 I've said in the past. I really do recognize that I'm  
13 asking to be on the Supreme Court. I believe that  
14 every judge, or practically every judge -- many  
15 lawyers would love to be on the Supreme Court, so I'm  
16 really asking for a significant elevation, and I  
17 recognize that. But I wouldn't run if I didn't  
18 believe I had the qualities to be on the Supreme  
19 Court. And I look at my background at the attorney  
20 general's office. I was a prosecutor. When I  
21 started, I was told that, because of my paralysis, I  
22 couldn't be a trial lawyer, but I started doing  
23 magistrate's court work in Greenville, and I worked my  
24 way up to a lead trial lawyer for the AG's office. I  
25 helped start the state-wide grand jury, did PCR. So

1 that's on the criminal side of it. On the civil side,  
2 I was a counsel to the ethics commission and, boy, I  
3 learned a lot about life being the counsel to the  
4 ethics commission. I was an employee grievance  
5 committee attorney, and that was -- I basically served  
6 as a judge and the committee was the jury. And I did  
7 a lot of employee litigation with that. And then, you  
8 know, y'all have seen my PDQ, a lot of areas -- other  
9 areas. But I also look back at -- well, you move to  
10 the AG -- I mean, to the administrative law court, my  
11 gosh, we've got a diverse -- we've got a diverse  
12 jurisdiction in both appellate and contested case  
13 jurisdiction. But even the contested case  
14 jurisdiction is, I would think, comparatively to  
15 appellate, because there's a lot of complex legal  
16 issues that we have to deal with in our court and it's  
17 significant legal issues but it -- statutory  
18 construction. That would give me a background that  
19 would be unique on the Supreme Court in the  
20 administrative law. And the finally, I look at my  
21 background. I had a -- well, my personal background,  
22 I had a father who I will assure you did not coddle  
23 his son. When I was growing up, I wanted a job. Next  
24 thing I know, my father's got me working for the  
25 school district. And there was a year where there was



1 a coal shortage. I was shoveling coal from one end --  
2 one end of the coal bin to the other most of that  
3 summer. But I had a father who taught me ethics. He  
4 taught me the love for law. I had a mother that --  
5 gosh knows, my mother taught me love. But then I've  
6 been paralyzed. That wasn't fun, but I learned a lot  
7 of life lessons with this paralysis. I have to get --  
8 depend on people to help get me up in the morning and  
9 put me to bed at night. I've learned humility through  
10 that. I've also learned from them. And I've learned  
11 what it's like to go through a checkout line and have  
12 the clerk look at my wife and say, Well, what does he  
13 want? And that continues to this day. But I give all  
14 that to say that I really think going through all  
15 that, that I can honestly say that I humbly seek to be  
16 on the Supreme Court, and I believe I'm qualified.

17 **Q. Thank you. Judge Anderson, could you identify what**  
18 **you would consider your greatest accomplishment as a**  
19 **lawyer or a judge or outside of that arena, and please**  
20 **explain why?**

21 A. Well, I'm going to avoid religion and so I'll go with  
22 judge. I think my greatest accomplishment is when I  
23 became a judge on the administrative law court, I  
24 wanted to issue well-reasoned decisions. I wanted to  
25 be a judge that was known as following the law. And

1 my understanding, from the members of the Bar, if the  
2 lawyers come in front of me, they know that I'm not  
3 going to be making decisions on personal views. But  
4 if you can come into my court and convince me what the  
5 law is, you will -- and that law is on your side, you  
6 will prevail.

7 **Q. Thank you. Judge Anderson, is there any area of the**  
8 **law that you would bring to the Supreme Court bench**  
9 **that you believe would be an asset to the court?**

10 A. Well, I referred to that a little bit earlier. I  
11 don't think there's anyone on the Supreme Court right  
12 now that has the depth of knowledge and experience  
13 that I have in administrative law. And I'm not  
14 discounting all the other areas, but administrative  
15 law is a significant area in South Carolina, and I  
16 think I would bring a knowledge in that area.

17 **Q. How would you describe your general judicial**  
18 **philosophy?**

19 A. My general judicial philosophy. I would say that I am  
20 a textualist. And that is that I believe that in the  
21 cases that are brought in front of me, that it is  
22 important to follow the text of the law, to not step  
23 outside of that text. I believe that when you step  
24 outside of the text, you're starting to get into gray  
25 areas of which there is no foundation to control the

1 judges. I've heard it referred to as unfettered  
2 discretion. But if a judge follows the letter of the  
3 law and keeps -- makes every effort to either follow  
4 the law that's in front of you or look to the general  
5 statutes on which that law exists or statutes that are  
6 in pari materia, that justice will be done. And it  
7 adds predictability, stability. It adds respect to  
8 the judicial system, if you're more of a textualist,  
9 in my opinion.

10 **Q. Thank you. Judge Anderson, what is your vision for**  
11 **the future of our judicial system and what changes**  
12 **would you advocate for and why?**

13 A. Future of the judicial system? Honestly, I -- I think  
14 that what I would like the future of the judicial  
15 system is a goal that is inherently been one in the  
16 past and should be in the future and, as somewhat what  
17 I referred to earlier, is I believe that the judicial  
18 system should be one that when individuals walk into  
19 the courtroom, that they have public -- they have  
20 confidence that the system is geared in accordance to  
21 the laws and not the personal views of the judges.  
22 What I would advocate for the future is a continuation  
23 of -- or a development of that belief for our -- by  
24 the public at large, and also attorneys. I recognize  
25 that -- when you say in the future, I recognize

1 technology is really bringing new aspects to the  
2 judicial system. I think that, you know, with the  
3 case management systems that our court has, we're  
4 doing our best to implement the e-filing, but then I  
5 worry about some of the technology, because I really  
6 hesitate, for our court at least, to go toward having  
7 virtual hearings. I think a lot is said to have the  
8 hearing in front of a judge where you can view the  
9 witnesses, the lawyers. You just get more out of it.  
10 But that would be my answer.

11 **Q. Thank you. What steps, if any, do you think should be**  
12 **taken to foster public trust in the judicial system?**

13 A. I think I've answered that question. So for the sake  
14 of redundancy, I'll just refer to that which I have  
15 previously said.

16 **Q. Sure. To what extent do you believe that a judge**  
17 **should or should not defer to the actions of the**  
18 **General Assembly?**

19 A. Well, there's certainly case law -- there's a lot of  
20 case law in that area. I think the most recent one's  
21 when the Supreme Court recognizes it as a separation  
22 of powers, that the prerogative of determining policy  
23 lies with the General Assembly. And then the court  
24 went on to say that the court doesn't engage in policy  
25 determinations. I'm not so sure about that

1 pronouncement simply because I do recognize and I can  
2 -- you know, in novel issues, the court has said in  
3 the past that it is free to decide, based upon the  
4 answers and reasoning, what best comports with the law  
5 and public policy, based upon its sense of -- and I'm  
6 going to go back and forwards on that one -- of right  
7 justice and the law. So the Court does analyze public  
8 policy. But I think the important -- and, you know, I  
9 see that in an employee grievance case -- or employee  
10 retaliation, you know, Rite-Aid, the court recognized  
11 the use of public policy in the choice of law. The  
12 Supreme Court's recognized public policy and used such  
13 language as good morals, natural justice and no  
14 prejudice to the other party. So there is an aspect  
15 of that. But what's important is I think the doctrine  
16 of non-justiciable political questions. And the case  
17 law sets for that a fundamental characteristic of non-  
18 justiciable political questions is it would place the  
19 court in a position of conflict with a coequal branch  
20 of government. So the Court should always be aware of  
21 that potential conflict and recognize that if there is  
22 an initial policy determination, and that policy  
23 determination could lie with the General Assembly,  
24 that it should be exceedingly careful to avoid it. I  
25 might add, I like the decision of Patton, I think it

1 was -- they cited in a Supreme Court decision about  
2 employee grievance -- not employee -- employee  
3 retaliation, but they said unless deductible in the  
4 given circumstances from constitutional or statutory  
5 provisions, public policy should be accepted as the  
6 basis of a judicial determination, if at all, only  
7 with the utmost circumspection. That to me, gives  
8 great guidance.

9 **Q. Judge Anderson, when do you believe that it is**  
10 **appropriate to write a concurring or dissenting**  
11 **opinion?**

12 A. I think I would look at that as a two-sided  
13 consideration. You would -- I think the judge has a  
14 responsibility to represent their views, as a justice,  
15 to present their views on the law if those views are  
16 not adequately represented in a majority opinion.  
17 Well, the other side of that coin is a judge should be  
18 respectful of the other justices' opinions. And so  
19 judges should engage in what I would consider well-  
20 reasoned dialogue, you know, in determining is that  
21 judge that may be considering writing a concurring or  
22 dissenting opinion, is that judge's view sound. And I  
23 think we should be very careful of arrogance toward  
24 our views. This is an area where I think it's well  
25 served for any judge, especially justices, to have a

1 humility to examine their positions and ensure that  
2 that decision is supported by precedent and a sound  
3 analysis of the law as well as the facts of the case  
4 and -- because it is those facts that offer  
5 potentially distinguishing factors. But only after  
6 doing that analysis would a judge do so. Also, I  
7 might add that you should also examine the purpose for  
8 which you seek to write a concurring or dissenting  
9 opinion. Because, you know, I mean, I've had personal  
10 experience in my court. But dissenting opinions can  
11 be beneficial to the court. So -- and those  
12 dissenting opinions may be narrow or addressing one  
13 narrow issue that you think should be spelled out. Or  
14 those dissenting opinions may be one in which you just  
15 completely disagree with the majority opinion, of  
16 which you should thoroughly explain why you do so.

17 **Q. And as a follow up, are there any dangers to writing**  
18 **concurring or dissenting opinions?**

19 A. If it's not well reasoned, if it doesn't have a good  
20 purpose, the court is better served the unanimous  
21 opinions as far as the precedent of the opinion. A  
22 three-two opinion is something that I think is a  
23 consideration in the area of the precedential value of  
24 the decision, or once you get to the level of stare  
25 decisis. You know, it's a three-two opinion -- A

1 three-two opinion, that sends a message that, you  
2 know, that opinion wasn't a completely majority  
3 opinion. It may be one that is open for  
4 consideration. So for that reason, you should be  
5 circumspect in issuing those opinions.

6 Q. Thank you. Judge Anderson, the Commission received  
7 573 ballot box surveys regarding you with 80  
8 additional comments. The ballot box survey, for  
9 example, contained the following positive comments: A  
10 very well-respected jurist, excellent judicial  
11 temperament, most knowledgeable and fair judge, and  
12 fair and impartial judge who has the intellect to  
13 understand complex legal issues and render thorough  
14 and well analyzed judicial opinions. Only 11 of the  
15 written comments expressed concerns. The primary  
16 concern indicated a lack of experience outside of  
17 administrative law. What response would you offer to  
18 this concern regarding your experience?

19 A. Well, I guess that -- those that were concerned about  
20 that maybe should've been sitting second chair when I  
21 was prosecuting murder cases and all the difficult  
22 cases that I prosecuted in the AG's office. So I've  
23 had significant experience outside of administrative  
24 law.

25 Q. Thank you, Judge Anderson. I would note that the



1 Midlands Citizens Committee reported Judge Anderson is  
2 qualified in the evaluative criteria of constitutional  
3 qualifications, physical health and mental stability,  
4 and well qualified in the evaluative criteria of  
5 ethical fitness, professional and academic ability,  
6 character, reputation, experience and judicial  
7 temperament. Judge Anderson, I just have a few  
8 housekeeping issues. Since submitting your Letter of  
9 Intent to run for this seat, have you contacted any  
10 members of the Commission about your candidacy?

11 A. No.

12 Q. Are you familiar with Section 2-19-70 including the  
13 limitations on contacting members of the General  
14 Assembly regarding your screening?

15 A. Yes, ma'am.

16 Q. Since submitting your Letter of Intent, have you  
17 sought or received a pledge of any legislator either  
18 prior to this date or pending the outcome of your  
19 screening?

20 A. No.

21 Q. And have you asked any third parties to contact  
22 members of the General Assembly on your behalf, or are  
23 you aware of anyone attempting to intervene in this  
24 process on your behalf?

25 A. That's a compound question, so that would be no to

1 both questions.

2 MS. CRATER: Thank you. I would just note for the  
3 record that any concerns raised during the  
4 investigation regarding the candidate were  
5 incorporated into the questions of the candidate  
6 today. Mr. Chairman, I have no further  
7 questions.

8 SENATOR RANKIN: All right. Representative  
9 Rutherford?

10 REPRESENTATIVE RUTHERFORD: Thank you, Mr. Chairman.

11 EXAMINATION

12 BY REPRESENTATIVE RUTHERFORD:

13 Q. And Judge, I apologize. While you were facing this  
14 way, Senator Setzler walked in and he had some kids  
15 with him. And you know, that's like bringing a puppy  
16 dog to kindergarten for Senator Rankin. He couldn't  
17 wait for you to tell them some anecdote or story or  
18 how they could do better in life. So that was why his  
19 eyes were diverted. And I apologize on his behalf.

20 A. Y'all could've told me to do that. I would've --

21 Q. Oh, it was coming. It was coming. Senator Setzler  
22 just deferred and left, but it was coming.

23 SENATOR RANKIN: I have a real quick interruption.  
24 I'm just wondering why you were looking at me  
25 instead of looking at Judge Anderson. Don't

1           answer that.

2 BY REPRESENTATIVE RUTHERFORD:

3 Q.   Judge let me ask you something.   This is -- if you  
4       were successful getting to the Supreme Court -- so  
5       this morning, I have a DEA proffer scheduled at 10:00  
6       that I am missing.

7 A.   A DE- --

8 Q.   I have clients that are in both Richland and Lexington  
9       County --

10 A.   Oh.

11 Q.   -- that are texting me about where they're supposed to  
12       be. We are -- we started session at 10:00 and H2 is  
13       up for the budget, and so I've got Ways and Means  
14       calling and lobbyists calling about what's in and  
15       what's not in. My wife is asking when we are going to  
16       send our son to swimming lessons, because the calendar  
17       is full. And then she texted back, we have to talk  
18       for ten minutes about this at some point today. How  
19       are lawyers supposed to deal with what is coming now?  
20       And by what's coming now, as you know, when you  
21       prosecuted in the AG office, you could virtually pick  
22       up a murder file back then -- and not that back then  
23       is in the 1800s, but back then was prior to cell phone  
24       downloads, prior to metadata, prior to pole cameras,  
25       prior to all of these things that now required so much

1 time for those of us that especially do a lot of  
2 criminal work. How are lawyers supposed to balance  
3 all of these things and still practice law to please,  
4 to a great degree, and ODC counsel, a Supreme Court,  
5 that some of whom still believe you can grab a file  
6 and go try a case same day? How are lawyers supposed  
7 to balance all that and how can the Supreme Court  
8 assist in lawyers balancing all of that and still  
9 having a life. Because that's what I run into up  
10 here. That's the criticism lives that lawyer  
11 legislators, who are special creatures, evil beings,  
12 who are trying to simply get through life and have  
13 some enjoyment left while still trying to practice law  
14 and not get dinged because one of those balls that we  
15 have in the air drops. How do you think the Supreme  
16 Court can either help, or do you think that that's  
17 their role at all?

18 A. Well, I'm glad you tried to transition that statement,  
19 because you were asking how do lawyers -- and I, you  
20 know --

21 Q. Yes.

22 A. -- I can't speak for all lawyers. I do recognize that  
23 the Supreme Court has jurisdiction over the admission  
24 to the practice of law and the discipline thereof. I  
25 mean, that's one area. And then also, the Supreme

1 Court substitute statutory revisions can make rules  
2 concerning the practice and procedures concerning law.  
3 So I think, in that regard, we certainly -- I don't  
4 know -- when you say things are more simple now when  
5 picking up a case -- I mean, when I was in the AG's  
6 office, I remember they had to -- they decided to  
7 start doing time sheets and I started filling out my  
8 time sheets. And when I was clicking 60 to 70 hours a  
9 week, they came in and told me to quit doing time  
10 sheets, because I was making everybody look bad. But  
11 see, the practice of law can really be difficult. But  
12 I mean, I think the most important aspect or answer to  
13 your question is that judges need to recognize the  
14 humanity of the practice of law. And if we do that,  
15 if we -- if we recognize it -- maybe some of us are  
16 workaholics, but not all of us are. And those of us  
17 who aren't need to have the freedom to live their  
18 lives as long as it doesn't interfere with the  
19 requirement that we as judges comply with the  
20 Constitution, that every person shall be afforded a  
21 speedy right therein for the wrong sustained, Article  
22 1, Section 9. So I will close my answer to that  
23 question by saying that I think judges have to balance  
24 our responsibility to keep the court system moving and  
25 not let these dockets get all backed up, with

1 recognition that lawyers do have lives outside of the  
2 court system. If that doesn't answer your question,  
3 hit me up.

4 Q. Well, it kind of does. And it gets to -- for example,  
5 if someone is in an accident today right outside this  
6 building, the lawyer has typically three years to file  
7 that case. In Richland County, about a year from file  
8 to trial; so four years later, it comes up. At that  
9 point, they can 40J it, if both lawyers haven't agreed  
10 that --

11 A. Yeah.

12 Q. -- we're not done with it. But there seems to be this  
13 recurring theme, from those that haven't practiced law  
14 for a while, that a criminal case is old at the one-  
15 year mark. It has to be moved at the one-year mark.  
16 And when I first started practicing law, my deputy  
17 solicitor handed me a file, it's a DUI case, it's a  
18 file but there's no paper in it, said, Go try it.  
19 Which back then, in 1998, you went down there, you  
20 could talk to the cop, put him up, read his incident  
21 report and try the DUI case.

22 A. I was on the other side doing the same --

23 Q. Yes, sir. But now, that DUI case would have a body  
24 cam --

25 A. Yeah.

1 Q. -- a dash cam, a camera at the jail, possibly a  
2 traffic camera that City of Columbia or Richland  
3 County had that you need to review, and none of which  
4 may be available even at the one-year mark. But the  
5 pressure is put on the defense attorneys to move the  
6 case, because it's old at one year. Why do you think  
7 that it still exists that a civil case -- a civil  
8 accident case, at the four-year mark, is not old, but  
9 a DUI case is old at the one-year mark, even though  
10 the government itself typically is not even prepared  
11 to move forward at that point?

12 A. Right. I can't commit or make comments that commit or  
13 fear to commit concerning cases or controversies  
14 likely to come upon me.

15 Q. **Yes, sir.**

16 A. So could I back up and maybe be --

17 Q. **Absolutely.**

18 A. -- a little more general?

19 Q. **Absolutely.**

20 A. And it is when you refer to criminal cases, simply  
21 because it's a criminal case, does that mean you lose  
22 your constitutional protection? So while ago, I  
23 referred to Article 1 --

24 Q. **Section 9.**

25 A. -- Section 9, but then that doesn't discount Article

1           1, Section 3. And Article 1, Section 3 requires that  
2           -- it requires that every person -- no, nor shall any  
3           person be deprived of life, liberty or property  
4           without due process of law. So both of those  
5           doctrines or concepts of constitutional law exist at  
6           the same time. It is the court's responsibility to  
7           balance those concepts. And so when a lawyer, you,  
8           come before a judge and express, well, one year - you  
9           know, I've got this one year criteria hanging over my  
10          head, but I also am entitled to the protections of due  
11          process, it's the judge's responsibility to recognize,  
12          to look at the facts that you present to us and make  
13          decisions in accordance to a person's right to due  
14          process.

15       **Q. Thank you. Appreciate that.**

16       A. All right.

17       **Q. People seem to have forgotten Article 1, Section 3, so**  
18       **I'm glad you mentioned it.**

19       A. I haven't.

20       **Q. Yes, sir.**

21           SENATOR RANKIN: Representative Jordan?

22           REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

23   EXAMINATION

24       BY REPRESENTATIVE JORDAN:

25       **Q. Judge, thank you, first, for your service to our**



1 state. And I think I saw on here that you just had  
2 your 30th anniversary on the bench; is that right?

3 A. I didn't even know that. I don't keep up.

4 Q. Looks like February of '94, so doing the math, right.  
5 So congratulations. Also, your resume and background  
6 speak for itself. You mentioned your father, one of  
7 the smartest people I've ever had the privilege of  
8 being around. They're words today, I know what they  
9 mean. I can't spell them, but I know what they mean,  
10 thanks to him.

11 A. You're more erudite.

12 REPRESENTATIVE RUTHERFORD: No, he's not.

13 Q. I was going to give some credit to Representative  
14 Rutherford, but he sort of stole my question related  
15 to -- you know, you're asking to go to the Supreme  
16 Court. You'd agree, I think, based on the answers  
17 I've heard, that you're going to have, in that role,  
18 should you be successful, the ability to impact the  
19 practice of law, the profession of law like very few  
20 could possibly have. You would agree with that, I  
21 think.

22 A. Yeah, three out of five could make a lot of  
23 difference.

24 Q. Our state's a little different than some states in  
25 that the Supreme Court has a tremendous amount to say

1 over the practice or profession of law. I think you'd  
2 agree with that as well.

3 A. Yes, sir, constitutionally.

4 Q. So my only -- as I give you credit for your  
5 experience, my only concern would be do you still have  
6 a connection to the practitioners, the lawyers. And I  
7 think your position, I would guess -- and this is my  
8 question -- being on the administrative law court,  
9 having many lawyers come in and out of your courtroom  
10 and experience that, is an opportunity for you to  
11 still stay connected to, by way of that process, the  
12 actual practice of law. Is that a fair statement?

13 A. That -- yeah. And also, I'm president of SCAARLA,  
14 it's South Carolina Administrative and Regulatory Law  
15 Association, so as president of SCAARLA, I interact  
16 with -- the purpose of SCAARLA is to give CLEs and  
17 education in the area which I practice. And so the  
18 board consists entirely of -- well, we got one judge  
19 on there, but it's lawyers. I mean, I interact in  
20 that area. Certainly, I'll interact with my staff  
21 too. But I think if a judge doesn't have some concept  
22 of the underlying practice of law, they're not a good  
23 judge, so.

24 Q. And lastly -- and you've addressed this to some degree  
25 -- you know, I'll give some credit to Representative

1 Rutherford. He did a good job articulating some of  
2 the differences in civil and criminal and timeliness.  
3 But I want to ask you a little bit about the balance.  
4 Obviously, civil and criminal are different.  
5 Criminal, when you do have victims and victims'  
6 families -- which we've already heard a little bit  
7 about today -- how would you see the court trying to  
8 balance this concept of, one the one hand, we have an  
9 individual, if you're truly wrongfully accused,  
10 sitting in jail a day is a day too many. And so  
11 trying to work with moving a docket forward, but at  
12 the same time, not moving it too fast. So -- based on  
13 some of the reasons that have been articulated just a  
14 moment ago. But also taking into the consideration  
15 that it has to move deliberately in order to fulfill  
16 its obligations to both the victim and families and  
17 other folks.

18 A. Well, I'll go back to the Constitution, as I quoted  
19 earlier, it speaks for itself. You have a right to a  
20 speedy trial therein. So especially those who, you  
21 know, are sitting in jail, they have a right to bring  
22 it forth to -- their concerns to the court. And then  
23 there's -- go back and look at those four criteria  
24 that the court looks at. The length of the delay, the  
25 -- from the delay, the length of the delay, the

1 reasons for the delay, and the prejudice to the  
2 defendant. So there's a balance there too, because --  
3 You know, Mr. Rutherford referred to instances where  
4 the defendant may not be seeking to exercise their  
5 speedy rights. But then there are also experiences  
6 where the defendant is seeking to exercise those  
7 speedy rights. And it's the court's responsibility to  
8 make judgments in both of those arenas, if that's what  
9 you're asking.

10 **Q. I think that's exactly what I'm asking.**

11 A. Okay.

12 **Q. That was well articulated.**

13 A. And I also would say when you see there's victims on  
14 both sides. I mean, I'll say even in the civil area,  
15 there's victims. So I don't know if you discount that  
16 either.

17 **Q. Thank you.**

18 SENATOR RANKIN: All right. Representative Caskey.

19 REPRESENTATIVE CASKEY: Thank you, Mr. Chairman.

20 EXAMINATION

21 BY MR. CASKEY:

22 **Q. And thank you, Judge, for being here. A slightly**  
23 **different question. You mentioned in your remarks**  
24 **that you consider yourself to be a textualist. I'm**  
25 **hoping you can help me understand what you mean by**

1           that. In particular, the sub-question that I want to  
2           ask you is whether or not you would agree with the  
3           principle that, though not always significant, that in  
4           some cases, the punctuation in the text is  
5           significant. And in evaluating a case and applying  
6           the textualism approach to statutory interpretation,  
7           what role do you see for legislative intent, if any?

8       A. Oh, there is a role. You've got -- the cardinal rule  
9           of statutory construction is to ascertain and  
10          effectuate legislative intent. Now, if you read  
11          Justice Scalia's book on statutory construction, he --  
12          he set out that legislative intent is a fiction.  
13          There is -- there is no specific body or person of  
14          which you can guard our legislative intent. Where do  
15          you -- where do you ascertain legislative intent. So  
16          -- and I've looked at another case that legislative  
17          intent must prevail if it can be reasonably discovered  
18          in the words used. Doesn't stop there though. It  
19          says, and that -- and that intent must prevail if it  
20          can be reasonably discovered or in the purpose. So  
21          legislative intent is a doctrine that I think courts  
22          should avoid unless they need to go there. And you  
23          can seek to gain -- or determine legislative intent by  
24          the review of the text itself, but also the context of  
25          which the text exists, and like I said earlier, para



1 Q. And I mean, I read some of the comments about whether  
2 you had the appropriate experience and I've personally  
3 tried a case against you when you were in the attorney  
4 general's office. And remembering you handling others  
5 very competently. And I know your reputation at the  
6 administrative law court, and that's to be fair. You  
7 know, it's -- and whether you have -- you've got  
8 adequate criminal experience, in my view, you've  
9 handled certificate of needs cases which huge dollars  
10 and great lawyers on both sides, and big issues,  
11 complicated. And you've handled a lot of cases for  
12 small business people in South Carolina, and  
13 individuals have issues with the department of revenue  
14 and other agencies, and you're called upon to decide  
15 that. And I'm not in that court. There are people in  
16 my office who are, and what I hear all the time is  
17 you're as fair as they come. And what I say, as a  
18 person who's probably known you longer than anybody,  
19 that if I had to go pick out of all judiciary, from  
20 ALJ, Supreme Court and magistrate's court, somebody to  
21 call balls and strikes. Somebody says, Pete, your job  
22 is to pick the guy behind the plate that's going to be  
23 the fairest. You'd be at the top of that list.

24 A. Thank you.

25 Q. And I sincerely mean that. And you've got seven years

1 left -- we're both 65, mandatory retirement at 72, and  
2 I would love to see you serve out the last seven years  
3 in our Supreme Court.

4 A. Thank you, sir.

5 Q. Thank you.

6 SENATOR RANKIN: Mr. Safran.

7 MS. SAFRAN: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY MR. SAFRAN:

10 Q. Judge, just to kind of take the next step from where  
11 Mr. Strom -- I mean, when you look at comments -- and  
12 you know, they -- the words are pretty powerful, one  
13 after another, bright, excellent, fabulous,  
14 outstanding, brilliant. I mean, I think you've proven  
15 to the Bar not only are you of a high intellect, but I  
16 don't think anybody, that I'm aware of, could ever  
17 hold a candle to your work ethic. I mean, I think  
18 that's been going on forever.

19 A. I got that from my dad.

20 Q. Well, and no doubt about it. And so I think, when  
21 we're looking at what are the qualities of an able  
22 judge, I mean, you start off with the ability to do  
23 the work and the willingness to then go forward with  
24 it. And I think you've exemplified as long as you've  
25 been around. You know, I think you talked about a



1 textualist. And my thing is to respond to those who  
2 have questioned, you know, the breadth of your  
3 particular experience. As I understand it, when a  
4 case gets to the Supreme Court, we're really there now  
5 on pretty much pure issues of law. And my guess is,  
6 is this. If you're a textualist in the law, and  
7 family court says X on a particular case, or the law  
8 in a tort case says Y in another one, that if you're  
9 looking to apply the law as written, the fact that you  
10 may not have done a lot of family court maybe in  
11 certain parts of it shouldn't matter if you're  
12 basically applying the law as it's written. I mean,  
13 does that make sense?

14 A. That would be my approach, unless there's ambiguity or  
15 absurdity in the -- in the statutory interpretation.

16 Q. Right. And I know you've talked some about that, and  
17 I've been fortunately, or maybe with the misfortune,  
18 of having to do a number of cases on the appellate  
19 level that talk about construction of statute.

20 A. Yes, sir.

21 Q. But I mean, isn't the prevailing authority that if  
22 there's any way that you can look at the plain  
23 language and come to a reasonable result, isn't that  
24 where you necessarily default?

25 A. If you don't default there, you're placing judges in

1 the ability of unfettered discretion. I mean, where  
2 do you go once you step out that. I mean, I know we  
3 have the responsibility at times to step -- or to go  
4 into the area outside the text. And as I've indicated  
5 earlier, that's just my fear. And when you talk about  
6 statute construction, I've got an outline on statutory  
7 construction. The higher court deals with that a lot,  
8 220 pages. So there's a lot to statutory  
9 construction. But the simplicity of the text narrows  
10 those considerations.

11 Q. Well, and I'm not as organized as you, by a longshot,  
12 and probably a lot of people, and all the people that  
13 come into my office know that. So they take a quick  
14 look and realize. But let me -- basically, there are  
15 just an abundance of cases that talk about when you  
16 hit those ambiguities --

17 A. Yes, sir.

18 Q. -- correct?

19 A. Yes, sir.

20 Q. And you've now outlines them and you see that they go  
21 volumes, essentially.

22 A. Yeah.

23 Q. But don't they all end up coming back to the same  
24 thing, that you're not trying to make law. You're  
25 trying to do the best you can using rules of

1 construction to effectuate the intent of the  
2 legislature as best you can discern. Isn't --

3 A. Yes, sir.

4 Q. -- that the bottom line?

5 A. Yes, sir. And seeing as any judge or justice believes  
6 that they're making the law, that's when they're  
7 stepping into the policy questions that I was asked  
8 about earlier, and that's when you're -- you should be  
9 telling yourself it's probably not -- I probably  
10 should not be doing this, unless, on the Supreme  
11 Court, that it is an area of policy that falls within  
12 the court's purview.

13 Q. And I guess, as maybe a corollary of that, what has  
14 troubled me -- and maybe I'm just getting too old.  
15 But what I seem to think, or maybe what I think I see  
16 too often now, are people who don't have the capacity  
17 to recognize that we have principles of law that are  
18 well established through the courts, and that the  
19 practice of law really boils down, and then,  
20 ultimately, sitting as a judge, necessarily involves  
21 taking those principles and applying them to a given  
22 fact pattern. I mean, isn't that really what it's all  
23 about?

24 A. Yeah. I think a judge should be able to discern --  
25 research the law, determine the precedence that

1 exists, the inferences that may be made from those  
2 precedents. But then it doesn't end there. The judge  
3 also has to be able to look at the facts and the  
4 inferences that are made from those facts to properly  
5 apply the facts to the law. And when I look at the  
6 judicial responsibility, we first interpret the  
7 meaning of the statute or a law, and then there's the  
8 principle of construction. Did you take that  
9 interpretation of the law and you apply it to the  
10 facts.

11 Q. So again, I guess, if we look at a few people here  
12 that talk about maybe they haven't liked your  
13 particular rulings in certain areas. At the end of  
14 the day, it boils down to application law to those  
15 facts, correct?

16 A. Yes, sir.

17 Q. And then if there's a problem with that, there's  
18 certainly an avenue of appeal to go to the next level  
19 to have something you may have done challenged. That  
20 does exist, doesn't it?

21 A. Yes, sir.

22 Q. And I mean, I'm not saying you've gone through  
23 unscathed, but I mean, you have a relatively good  
24 affirmance record, don't you?

25 A. Yes, sir, very good.

1 Q. And so, basically, if you were making really egregious  
2 mistakes, it'd be public record that that was  
3 happening --

4 A. Yes, sir.

5 Q. -- correct?

6 A. Yeah.

7 Q. Let me ask you just a couple of other things.

8 A. Can I stop you there?

9 Q. Sure.

10 A. Because when people say they may not be happy with a  
11 decision I've issued, there are times that I'm not  
12 happy with the decision I've issued. But if I -- I've  
13 got to follow the law. I don't have y'all -- I don't  
14 get to step in and say that I'm the great legislator  
15 and I'm the wise person that gets to overrule what the  
16 Legislature does. So there have been times that I  
17 honestly don't think I really agreed with what the law  
18 said, but I followed it. So --

19 Q. That being what the charge is, that's what --

20 A. Yes, sir.

21 Q. -- you're supposed to do.

22 A. So I'm saying those people that have complained about  
23 me, I might would agree with their complaint. I just  
24 think I did my job responsibly.

25 Q. Lastly, and I know there was some talk about kind of

1           how much the Supreme Court impacts on lawyers day-to-  
2           day life. And I think you've recognized it's  
3           significant, isn't it?

4   A.    Yes, sir.

5   Q.    And I know that you talked about various aspects of  
6           the Constitution that while both there, they seem at  
7           times maybe to be some tension between which one you  
8           defer to. I mean, and I think you pointed out it's a  
9           balancing, whether it be speedy trial, whether it be  
10          due process. But I guess, the thing is doesn't it  
11          ultimately boil down to being reasonable from a human  
12          and a common sense standpoint?

13   A.    I did some CLEs where I was explaining various aspect  
14          of law, for instance, substantial evidence, and people  
15          tend to treat that as something different than other  
16          standard of review. But if you back up and go -- and  
17          I could take you through, but I don't want to bore you  
18          -- but substantial evidence, it boils down to  
19          reasonable -- reasonableness. So does a review of  
20          jury verdict. So does a review of a lot of areas that  
21          we throw in a lot of language that sounds like it  
22          distinguishes various standards of review, but there  
23          is so much in law that just boils down to the  
24          reasonableness.

25   Q.    And I guess, when you're talking about the tension

1           that Representative Rutherford talked about about  
2           seemingly a different standard on a civil versus a  
3           criminal side, as far as how quick you're allowed --  
4           or quick you are pulled to trial and how much time  
5           you're allowed to basically prepare. I mean, you  
6           understand that part. But I guess, there's another  
7           part. I mean, and I ran into it recently and didn't  
8           even realize it till it happened. When you got  
9           people, whether it be on the civil side, or worse, on  
10          a criminal side, depending on the nature of the crime,  
11          there is a grieving process that doesn't stop.

12        A.    Uh-huh.

13        Q.    It'll never stop.

14        A.    Right.

15        Q.    But it's going to be continually acute as long as some  
16            element of closure doesn't occur. I mean, you  
17            recognize that part too.

18        A.    Yes, sir.

19        Q.    And so that's part of the balancing that, you know, as  
20            much as you want the defendant to have his day, you've  
21            also got people who are sitting there grieving and  
22            expecting their day of what they hope will be justice,  
23            correct?

24        A.    Correct.

25        Q.    So, you know, again, we can't necessarily overly shade





1 that even if a lawyer disagrees with my  
2 interpretation, that they will recognize that I have  
3 analyzed and made a sound analysis of that decision  
4 based upon the understanding of the law that I -- at  
5 least, as best I could to follow the law and the facts  
6 and the circumstances of that case. And thereby,  
7 creating respect for the judicial system. And I think  
8 that's something that's quite important with the  
9 Supreme Court.

10 **Q. The ballot box surveys that we use as -- again, we**  
11 **list in our evaluative criteria, you, historically,**  
12 **rate very highly with the reputation that you enjoy in**  
13 **terms of each of these that we ask our brothers and**  
14 **sisters of the Bar to participate in anonymously.**  
15 **Your view of our reliance upon that, the ballot box**  
16 **surveys -- and I've asked you this before, but any new**  
17 **twist for you in that belief or your sense of what**  
18 **weight we should give these?**

19 **A.** Well, they're anonymous. You just -- I think you have  
20 to balance them and recognize the anonymity, but then  
21 they may speak to the aspects of how we do our job.  
22 Also, if there's anything that's important about them  
23 is that us, as judges, listen to the comments. Some  
24 of the comments are maybe they're just trying to get  
25 back at the judge. But some of them may point out

1 things that we as judges ought to consider about  
2 ourselves. A reflection is not a bad thing for  
3 anyone, but especially, a judge that's called upon to  
4 affect people's lives.

5 **Q. Well, in your case -- and I think overall, anywhere**  
6 **from five hundred and some-odd -- or perhaps 400, but**  
7 **500-ish folks taking the time to comment or to respond**  
8 **in terms of their opinion, and you -- you do get a**  
9 **sense of an outlier with an odd comment.**

10 **A. Yeah.**

11 **Q. Or -- but if you are rated highly by the overwhelming**  
12 **majority of the hundreds of people that review these**  
13 **and comment about you, should we give that some**  
14 **credence too?**

15 **A. Absolutely.**

16 **Q. Okay.**

17 **A. I hereby request that the Judicial Merit Selection**  
18 **Committee rates that very highly.**

19 **Q. All right.**

20 SENATOR RANKIN: With that, unless there's anything  
21 else, I have no other questions. And at this  
22 time, if there are any other members that do, I  
23 encourage them. Otherwise, we will now close  
24 this portion of the interview. And you well  
25 remember, Judge, as you're -- having been here

1 before, that our Commission expects candidates to  
2 abide by both the letter and spirit of ethics  
3 laws. Any appearance of impropriety or outright  
4 violation would be considered by us. And so you  
5 do know that the record will remain open until  
6 the formal release of the report of  
7 qualifications. In the event of that, you know,  
8 we could call you back, correct?

9 JUDGE ANDERSON: Yes, sir.

10 SENATOR RANKIN: All right, Judge, thank you so much  
11 for being here and we will take a quick break if  
12 the court reporter needs it; otherwise, we will  
13 press on in five minutes. How about that? So  
14 five minutes good? Okay.

15 (OFF THE RECORD)

16 SENATOR RANKIN: All right. We are going to go back on  
17 the record. And Judge, you have before you the  
18 PDQ and Sworn Statement. Are those ready to be  
19 admitted into the record or do you need to amend  
20 them?

21 JUDGE JEFFERSON: No, sir, I believe they're ready.

22 (EXHIBIT NO. 7 MARKED FOR  
23 IDENTIFICATION PURPOSES (19 pages)  
24 PDQ - Deadra Jefferson)  
25 (EXHIBIT NO. 8 MARKED FOR

1 IDENTIFICATION PURPOSES (8 pages)  
2 Sworn Statement - Deadrea  
3 Jefferson)

4 SENATOR RANKIN: All right. We'll put then into the  
5 record without objection. And Judge, you have  
6 been through the judicial merit selection process  
7 before, but I -- for the record, you understand  
8 and know that we thoroughly investigate your  
9 candidacy and we focus on the nine evaluative  
10 criteria which includes a ballot box survey,  
11 thorough study of your application materials,  
12 verification of your compliance with state ethics  
13 laws, search of newspaper articles in which your  
14 name appears, a study of previous screenings, and  
15 checks for economic conflicts of interest. No  
16 affidavits have been filed in opposition to your  
17 candidacy, and no witnesses are present to  
18 testify. You have the opportunity for an ever so  
19 brief opening statement, if you'd like,  
20 otherwise, Ms. Ross will take it over with  
21 questions and then members of the Commission will  
22 join in as well.

23 JUDGE JEFFERSON: I have no opens statement except to  
24 say good morning, and thank you for your time and  
25 your service.

1 SENATOR RANKIN: Very good. All right. Ms. Ross.

2 EXAMINATION

3 BY MS. ROSS:

4 **Q. Good morning, Judge.**

5 A. Good morning.

6 **Q. Good morning.**

7 A. I note for the record that based on the testimony  
8 contained in the candidate's PDQ, which has been  
9 included in the record with the candidate's consent,  
10 Judge Jefferson meets the constitutional and/or  
11 statutory requirements for this position regarding  
12 age, residence and years of practice. Judge  
13 Jefferson, why do you now want to served as a judge on  
14 the Supreme Court.

15 A. I have devoted my life to public service, and I  
16 believe that serving on the Supreme Court is just  
17 another opportunity for me to grow as a jurist and to  
18 serve the citizens of this state.

19 **Q. Judge Jefferson, could you identify what you would**  
20 **consider your greatest accomplishment as a lawyer or a**  
21 **judge or outside of that arena, and please explain**  
22 **why?**

23 A. That's a hard one. I would like to think that one of  
24 my greatest accomplishments is striving just to be a  
25 good person. And then I would think, secondarily, my

1 service to the state, just collectively, I would  
2 consider one of my greatest achievements.

3 **Q. Is there any area of the law that you would bring to**  
4 **the Supreme Court bench that you believe would be an**  
5 **asset to the court?**

6 A. I think it would be my experience, my 28 years of  
7 experience, not only on the family court bench, but  
8 also the circuit court bench.

9 **Q. Judge Jefferson, how would you describe your general**  
10 **judicial philosophy?**

11 A. In general, I believe judges are not legislators, that  
12 we are interpreters of the law, that it is our job to  
13 interpret and enforce the law, not make law. And  
14 everyday, I endeavor to do that, to be fair and  
15 balanced in my interpretation of the law, as well as  
16 in the enforcement of what the Legislature has  
17 promulgated in terms of statutes and rules for us as  
18 jurists to follow.

19 **Q. And what is your vision for the future of our judicial**  
20 **system and what changes would you advocate for and**  
21 **why?**

22 A. I think that we're on a really great trajectory in the  
23 system. I think it is always a little dangerous when  
24 someone says -- or imprudent -- I think dangerous  
25 might be too heavy a word -- Imprudent when someone

1 comes in and says, These are all these changes I would  
2 make. I think it is very different when you're on the  
3 outside of an institution, without complete  
4 institutional knowledge, to come in and say, I would  
5 make all of these changes. I think that there is a  
6 time and place for implemental changes in any  
7 institution. I believe it was -- I don't want to say  
8 -- I believe it was Muhamad Ali -- I was about to say  
9 a great philosopher -- that said, If you don't grow  
10 over time, you've just wasted time. I'm paraphrasing  
11 it. I'm not saying exactly as he quoted it. But I  
12 think until you get into an institution and you learn  
13 what its institutional principles are, it's a little  
14 dangerous to come in and -- or imprudent, I think,  
15 again, is a better word -- to come in and say, I would  
16 make all these changes, until I would have the  
17 opportunity to serve and then see exactly what it is  
18 that may need incremental changes.

19 **Q. What steps, if any, do you think that should be taken**  
20 **to foster public trust in the judicial system?**

21 A. Often, people tell me I'm a stickler for the rules.  
22 But I believe the rules are the only way we're all  
23 treated fairly and impartially. And I -- I always  
24 tell jurors -- it's one of the most wonderful things I  
25 love doing -- I love engaging with jurors because it's

1 an opportunity for 14 -- usually, 14 people. You have  
2 12 and 2 alternates. Or sometimes, just the venire in  
3 general, the entire panel, to reinstill their faith in  
4 the system. And what I -- what I really emphasize is  
5 that our system is only as good as those who  
6 participate in it. And so I'm always very enthused  
7 when we have jurors, because it gives them the  
8 opportunity not to judge the system based on what they  
9 see on television, but actually their ability to give  
10 up their time and participate in it. So I think that  
11 that is a great part of it, because they get to see a  
12 judge acting fairly and impartially. They get to see  
13 a judge acting in an even manner with the public, as  
14 well as with criminal defendants or civil litigants.  
15 And I think, in that small measure, it reinstills the  
16 public's faith in our system. Because our system is  
17 only strong -- only as strong as the public's believe  
18 in it. So I hope I answered the question. I don't  
19 want to be too lengthy.

20 **Q. And this question, you touched on a moment ago in**  
21 **describing your judicial philosophy, but if you'd like**  
22 **to expand, to what extent do believe that a judge**  
23 **should or should not defer to the actions of the**  
24 **General Assembly?**

25 **A. The General Assembly makes the laws. It is our job to**



1 interpret them and enforce them. And statutory  
2 interpretation, of course, it is always presumptive  
3 that a statute is valid. And in interpreting it, it  
4 should be to that end. A judge should never expand a  
5 statute or diminish -- or, in other words, make its  
6 scope limited. And when the plain and ordinary  
7 meaning of the statute is obvious, it is unambiguous,  
8 there is no need for interpretation. It's the court's  
9 job to give those words their meaning, their ordinary  
10 meaning, and then to interpret and enforce it in that  
11 manner.

12 **Q. Judge, when do you believe that it is appropriate to**  
13 **write a concurring or a dissenting opinion?**

14 A. That's an interesting question and I, from afar,  
15 admire Alex Sanders, and he once gave a talk on  
16 collegiality on the appellate courts and I thought it  
17 was very interesting when he gave that talk, that it  
18 is so important that there be consensus on a court,  
19 and that you rarely write dissenting or concurring  
20 opinions, that the court should work in a manner where  
21 they are on one accord when it comes to decisions,  
22 especially, decisions of the magnitude that the  
23 Supreme Court makes. So I would think that would be a  
24 rare instance.

25 **Q. Yeah, and I think you kind of just addressed this.**

1 But as a follow up, do you think there are any dangers  
2 to writing a concurring or a dissenting opinion? Is  
3 that what you were just saying?

4 A. I think it just depends on the writer. I think there  
5 are oftentimes, you know, legal theories can differ in  
6 very minute details. And I think sometimes concurring  
7 opinions add to that -- the clarity of another  
8 person's opinion and can be helpful. Dissenting  
9 opinions, likewise, can be helpful as the law  
10 develops. I have often looked at the -- looked at  
11 concurring opinions sometimes for guidance when I see  
12 the law trending in a certain direction, and they can  
13 be helpful, especially, as the composition of the  
14 court changes.

15 Q. Thank you.

16 A. You're welcome.

17 Q. Judge Jefferson, the Commission received 734 ballot  
18 box surveys regarding you with 157 additional  
19 comments. The ballot box surveys, for example,  
20 contained the following positive comments: She's  
21 absolutely a force to be reckoned with and deserves a  
22 seat on the Supreme Court. Judge Jefferson is the  
23 perfect balance of firmness when needed and empathy  
24 when warranted. She should be your number one choice.  
25 Judge Jefferson exemplifies everything wanted in a

1 judge. She puts a lot of thought in her decisions,  
2 keeps a clean record, and is fair and just to all  
3 parties. Sixty-nine of the written comments  
4 expressed concerns. Some of the comments expressed  
5 concerns regarding your judicial temperament and  
6 demeanor. Would you like to offer a response to those  
7 concerns?

8 A. Sure. And I'll be brief. In life, I live by a simple  
9 rule, that's the Golden Rule. I treat people as I  
10 would want them to treat me. I treat those before  
11 with courtesy and respect. I am firm when it is  
12 necessary, but not offensive. The public expects and  
13 deserves that the dignity, solemnity and decorum of  
14 the proceedings be preserved and I endeavor to make  
15 sure that that takes place. But at the same time, I  
16 balance that to make sure that there's a collegial  
17 environment not only for the lawyers, but for the  
18 parties that are involved. Litigation is hard enough  
19 without there being -- it being more stressful. So I  
20 try to, you know, keep a really even balance and a  
21 good mood of collegiality in the courtroom as cases  
22 are tried.

23 Q. Thank you. Other comments question your impartiality  
24 in the courtroom, raising concern that you favor one  
25 side over the other based up on personal relationship.

1 **Would you like to offer a response to those comments?**

2 A. I would just state that I perceive that I am fair and  
3 impartial with everyone with whom I interact. As the  
4 familiar adage goes, I have no enemies to punish or  
5 friends to reward, and as I've already indicated to  
6 the Committee, I am a stickler for the rules. And I  
7 believe and I perceive that that is the only way to  
8 ensure that everyone is treated in a fair, even and  
9 balanced manner. And unfortunately, however, a person  
10 -- well, I don't know if unfortunate really should  
11 preface this statement. But perception is often a  
12 person's reality and I've learned through my service  
13 that, as a result, there are those who perceive that  
14 they are being treated fairly only when they're  
15 treated more fairly than others.

16 **Q. Judge, some comments question your intellectual**  
17 **ability in understanding of complex legal matters.**  
18 **Would you like to offer a response to these concerns?**

19 A. I would just say that I'm a student of the law. I'm  
20 always studying. Matter of fact, a habit I instill in  
21 my clerks is to read the rules, both the procedure and  
22 evidence, every other month. I know that they read  
23 the advance sheets. You know, it is called the  
24 practice of law for a reason. It's because it's never  
25 perfected. And I think that applies to judges, as

1 well as lawyers, to keep knowledge fresh, to never get  
2 so comfortable with what you do that you're acting on  
3 automatic pilot. So I'm always studying. Also, I  
4 don't delegate. I write my own orders, and there's a  
5 process I go through with my clerk and my -- we go  
6 back and forth. And I try to teach them to get a  
7 little bit of a spine sometimes to argue with me.  
8 That's hard. But I try not to make decisions in a  
9 vacuum. I really want someone to disagree with me.  
10 And so I also write -- so I write all of my own  
11 orders. I also do all of my own jury charges, because  
12 I feel that's the way the appellate court sorts of  
13 grades my paper. So I do my own jury charges as well.  
14 But even at the end of the process of writing an  
15 order, I have my secretary read it when I'm done,  
16 because I want it to be so understandable, not only to  
17 a lawyer, but also to a layperson that may be pulling  
18 that order up on court-plus, or whatever electronic  
19 means, so that they're able -- even absent the  
20 legalese, to get the -- understand what their case is  
21 about and what the ruling is about. I also am a  
22 stickler for details. And I don't think, when you  
23 read an order, that you should have to go back and  
24 pick up a file. I think you should be able to know  
25 exactly what is going on in that file when you read an

1 order. So I endeavor to make sure that that is clear  
2 as well. And will say to my Shonda -- my secretary  
3 Shonda -- I'll say, What did that mean to you? Like,  
4 Tell me how did you perceive what was said. And when  
5 she's able to tell me exactly what we're trying to  
6 convey, then I think we have a good finished product.  
7 Sometimes, I have attorneys submit proposed orders,  
8 but I do that more as a closing argument. I think it  
9 allows people to summarize their thoughts, their  
10 positions in a really succinct manner. Also, I would  
11 just point out -- which is already in my information -  
12 - that I have been a member of the Circuit Judges  
13 Advisory Committee since 2008. I've been chair of  
14 that committee since 2014 and I have been the  
15 moderator for New Judges Orientation School since that  
16 time. And one of the areas that I teach is order  
17 writing. And so I would just highlight that. And  
18 I've been teaching that since 2008. And also, I would  
19 just point out that in the last six months, I've had  
20 several lawyers in our circuit ask that their cases --  
21 at least, four at last count -- asked that their cases  
22 be designated complex and have requested that I handle  
23 those cases. And I've also had the privilege to serve  
24 as an acting justice on the Supreme Court and the  
25 Court of Appeals, so I would just -- I hope I've

1 answered that question.

2 **Q. Yes, Judge. Thank you. Finally, on this ballot box**  
3 **segment, Judge Jefferson, some of the comments raised**  
4 **concerns regarding your work ethic. Do you have a**  
5 **response to that?**

6 A. I would just say that since -- many of you on this  
7 committee knew my mentor, Richard E. Fields. He died  
8 at 103 last year. We had his funeral on Monday. I  
9 picked a jury on Tuesday and went into a multi-week  
10 tort case. And I have been in court every day since  
11 last March handling either complex civil cases, multi-  
12 week defamation cases, every topic you could think of  
13 in civil court, as well as general sessions, that  
14 being pleas, as well as trials. I've had probably a  
15 murder trial -- I think I've tried eight murder trials  
16 since December. I might be off a little bit. All-  
17 week-long murder trials. So the only time I've been  
18 out of court has been holidays. And you know, when we  
19 have chambers, we have conferences and vacation. So  
20 my clerk came to see me the other day, she was  
21 concerned. She said, I just don't think you can  
22 continue at this pace. And I told her, you know, I've  
23 just -- I'm an eldest child. That's one of those  
24 shortcomings we have, you know, where we work -- I  
25 just -- I was instilled by my parents with an

1           excellent ethic, and I feel like the State of South  
2           Carolina expects productivity, and I feel that that's  
3           the least I can do is to provide that. And so I work  
4           diligently.

5       **Q. Judge Jefferson, your SLED report indicated that there**  
6       **were two lawsuits filed against you since your last**  
7       **screening, both with the same plaintiff, the first**  
8       **Rose v State of South Carolina, et al, was filed in**  
9       **September of 2021 and closed in February of 2022. The**  
10       **second, Rose v Jefferson was filed in May of 2023 and**  
11       **closed in June of 2023. To the extent that you know,**  
12       **can you please explain the nature of these lawsuits?**

13       **A.** Mr. Rose, as I recall, was a defendant in a pre-  
14       detention in Berkeley, and he had filed a mirror of  
15       the same actions in the form of motions. And I think  
16       once I resolved them, he lost interest in effecting  
17       service in federal court. And I would assume, since I  
18       was never served, that they were dismissed without  
19       prejudice, because he didn't follow through. But  
20       basically, he wanted access to the law library, and I  
21       made sure he got a tablet and got access. He wanted  
22       to represent himself. I had a Faretta Hearing, so  
23       that he could represent himself. And I think there  
24       was one other issue he had, but we got it resolved  
25       through the -- hearing his motions at the circuit



1 court level.

2 Q. Thank you.

3 A. You're welcome.

4 Q. The Low Country Citizens Committee reported Judge  
5 Jefferson to the qualified in the evaluative criteria  
6 of constitutional qualifications, physical health and  
7 mental stability, and well qualified in the evaluative  
8 criteria of ethical fitness, professional and academic  
9 ability, character, reputation, experience and  
10 judicial temperament. The Committee commented in a  
11 lengthy comment. Please bear with me: Judge Jefferson  
12 is eminently qualified to serve as an associate  
13 justice on the Supreme Court. She has over 25 years  
14 of experience, first as a family court judge and now  
15 as a circuit judge. In her expansive experience, she  
16 has dealt with every conceivable issue in family,  
17 civil and criminal litigation and is acquainted with  
18 all areas of law. She has a keen intellect, being  
19 genuinely interested in the legal issues before her.  
20 She is a worker. She is not predetermined on the  
21 matters that come before her and fully studies novel  
22 or unusual issues before ruling on the. She is fair  
23 and does not play favorites. Judge Jefferson is  
24 innovative and takes initiative. To help alleviate  
25 the backlog of criminal cases caused by the pandemic,

1 she made arrangements with the sheriff for Charleston  
2 County for a temporary courtroom at the county jail to  
3 hear bond matters. With this system, the detained did  
4 not have to be transported to the county courthouse  
5 but could be processed quickly and effectively. She  
6 is well balanced and affable with a commensurate  
7 judicial temperament. She is well regarded and liked  
8 by jurors and attorneys. She respects her peers on  
9 the bench and has positive professional relationships  
10 with them. Her exceedingly strong qualifications are  
11 accompanied by her wonderful disposition. The  
12 opinions in her letters of recommendation are  
13 universally shared by the legal community and all that  
14 know her. For her entire career, she has generously  
15 and tirelessly given her time to improve the  
16 community, volunteering for various causes in her  
17 church and the committee unanimously and  
18 enthusiastically supports her candidacy. She has  
19 every quality, professional and personal, to be an  
20 excellent associate justice. The committee believes  
21 her experience and perspective to be invaluable in  
22 this position and the Committee has no doubt that she  
23 would serve in a manner that would bring even more  
24 public admiration and appreciation and trust to the  
25 court as a whole. Okay. A few housekeeping issues.

1 A. Uh-huh.

2 Q. Since submitting your Letter of Intent to run for this  
3 seat, have you contacted any members of the Commission  
4 about your candidacy?

5 A. No, I have not.

6 Q. Are you familiar with Section 2-19-70 including the  
7 limitations on contacting members of the General  
8 Assembly regarding your screening?

9 A. Yes, I am.

10 Q. Since your Letter of Intent, have you sought or  
11 received a pledge of any legislator either prior to  
12 this date or pending the outcome of your screening?

13 A. No, ma'am, I have not.

14 Q. Have you asked any third parties to contact members of  
15 the General Assembly on your behalf or are you aware  
16 of anyone attempting to intervene in this process on  
17 your behalf?

18 A. No, ma'am, I have not, and I'm not aware of anyone  
19 acting on my behalf.

20 MS. ROSS: I just note for the record that any  
21 concerns raised during the investigation  
22 regarding the candidate were incorporated into  
23 the questioning of the candidate today. I have  
24 no further questions.

25 SENATOR RANKIN: All right. Questions by members of

1 the Commission. Representative Rutherford.

2 EXAMINATION

3 BY REPRESENTATIVE RUTHERFORD:

4 Q. Good morning, Judge. How are you?

5 A. Good morning. I'm well. How are you?

6 Q. Good. And I apologize. I'm listening to the house  
7 chamber as I talk to you and it --

8 A. Multitasking.

9 Q. Yeah, it's kind of important, but I want to cut it  
10 off. Do you share my frustration -- and I realize it  
11 might be a loaded question -- with transcripts, with  
12 the fact that watching a trial and sitting through a  
13 trial and then reading the transcript of what the  
14 written words are is dramatically different than what  
15 you experienced. And then when it -- when you follow  
16 that case to the Court of Appeals, it matters, because  
17 what they're acting on and what they're reading ain't  
18 what happened. It's the words that are said. But  
19 just like my tone and my inflection now, I can start  
20 yelling, but that's not in the transcript, it's just  
21 words. And it has begun to matter more now because we  
22 have the ability to videotape, we have the ability to  
23 supplement transcripts. We have the ability to show  
24 where a lawyer is standing when he's asking this  
25 question, and what a witness might've said under their

1           breath, and how they may've reacted to coming off the  
2           witness stand and pointing at someone or -- how do you  
3           suggest that we adjust that? Because if you're  
4           successful in your campaign to go to the Supreme  
5           Court, you, I believe, would have a different  
6           perspective than judges that may have been removed  
7           from trial practice for years, or some that may've  
8           never been in trial practice and don't understand that  
9           a transcript is not what is actually going on. And  
10          this, I think everybody agrees, is one of the most  
11          important days in someone's life, and they then turn  
12          around and read the transcript and that's not what  
13          happened. How do you suggest that we deal with it?

14        A. It is such an interesting concept and I -- I will just  
15          say in -- to preface my response is, I always say to  
16          people -- and I just had a status conference with some  
17          lawyers earlier this morning, a case -- it just wasn't  
18          set for enough time. And I said, You know, you only  
19          get to try a case one time. And I just -- I just  
20          don't want us under this artificial pressure to finish  
21          this case in basically four days. And we're not going  
22          to finish it. And we don't have the ability to just  
23          float into, you know, with the court reporter  
24          shortage, it's like a domino that rolls through the  
25          state when something, you know, runs over. And I just

1 feel like you get to do it once. And when you do it  
2 once and you have enough time to do it once, you're  
3 still going, Oh, I should've asked that question. I  
4 should've made that objection. You know, you're  
5 already hindsight, you know, with the gift of it. You  
6 still, you know, beat yourself and question yourself.  
7 And I even, you know, will think, a week later, Wow, I  
8 should've -- you know, now that I've had the ability  
9 to really sort of process that a little bit more,  
10 maybe I would've made a different decision. I have  
11 often thought, when I read a transcript, Was I there?  
12 Did this -- you know, because you don't -- when the --  
13 you know, when the excerpts -- what is presented to  
14 the court is not always all of the facts. And I often  
15 think if they really knew, like, that this person did  
16 this, that and the other thing in the presence of the  
17 jury, or they did, that and the other thing in the  
18 presence of -- and this is what precipitated all the  
19 action that started the cause of action, how  
20 differently -- I had -- one of my very first cases --  
21 we were in Melbourne. I don't know if you ever had  
22 the privilege of being on Melbourne Avenue when the  
23 Charleston was consumed by Hugo and had to be rebuilt,  
24 because it had been under 20 feet of water. And we  
25 were at a temporary facility out in North Charleston

1 called Melbourne. And I had one of my first  
2 malpractice cases. It was a chiropractic case and the  
3 record could simply not reflect that the plaintiff --  
4 because there were these wooden pews. She would lay  
5 on the pew and whenever -- I mean, like lay, with  
6 high-heels on, like four inches, huge pocketbook and  
7 lay -- and when somebody testified to something she  
8 didn't like, she'd sit up, she'd rearrange her hair,  
9 and she'd go, That is not true, and then she'd lay  
10 back down on the -- you know, a record just doesn't  
11 translate that. And the effect that it has on a jury  
12 that is listening to a case and how a jury judge a  
13 person's credibility and believability when you're on  
14 the stand and you don't remember anything, but you're,  
15 you know, laying on this pew and every time something  
16 comes up that you don't agree with, you know, it  
17 really is comical, in hindsight, as I tell this  
18 anecdote. But things like this happen and they simply  
19 don't translate into a record. And with the advances  
20 in technology, I often wonder sometimes what it would  
21 be like if the appellate court had the ability just to  
22 watch the whole trial in real time and see it all. I  
23 mean, see what took -- I had an experience one time  
24 where I had the mic that I make sure all the court  
25 reporter -- in Charleston, we have a lot of

1 technology. We have mics on the bench and everything  
2 else where the court reporters can put on headphones  
3 and listen to the bench conferences. We have white  
4 noise over the jurors' heads so they can't hear what  
5 you're saying. Because our hallways are as long as  
6 the street. So a hallway is as long as Meeting  
7 Street, it's one big square. So when you send the  
8 jury back, I mean, you got to send them all the way  
9 back and you got to bring them all the way back, and  
10 then they get lost in between, because they got to go  
11 to the bathroom, they want to take a smoke break. Not  
12 that any of those things are wrong, but you know, it  
13 can really like slow down the progress. But  
14 sometimes, you will have court reporters that just  
15 won't transcribe bench conferences. They'll just say,  
16 Oh, I didn't know I had to do that. I'm like, No, no,  
17 that's why you -- that's why the mic -- that's why the  
18 bench is mic'd, so that everything is recorded and  
19 everything is seen. And I think -- you know, I don't  
20 know that it might not be a bad idea. I don't -- I  
21 don't know if we're headed in that direction just  
22 because of technology. Because I agree with you, you  
23 know, seeing the reactions, the -- a cold record does  
24 not translate somebody's inflection. It doesn't  
25 translate a person's body language, which is one of



1 the jurors to pay attention to, which is the demeanor,  
2 the behavior of a witness on the witness stand, all of  
3 those things. So I don't know if we're -- I can't --  
4 I can't, with certainty, say I don't think it's a good  
5 idea. I can't say that it wouldn't be helpful. Are  
6 we headed in that direction? I'm not sure. As  
7 technology develops, it might be the more efficient  
8 way to do it. I'm always open to new things. I think  
9 COVID has taught us a lot of things to use and I --  
10 you know, we had some bad experiences with COVID, but  
11 I think we learned a whole lot of things during COVID  
12 that are very helpful and that we should utilize. And  
13 that we shouldn't, you know, just sort of say, well,  
14 COVID's over so we're not going to do this anymore.

15 **Q. Speaking in terms of legislative intent that -- we'll**  
16 **say that a -- when I used to go in judiciary, we**  
17 **passed a law that said that we would no longer suspend**  
18 **driver's licenses for people that were convicted of**  
19 **marijuana charges or drug charges.**

20 **A. Uh-huh.**

21 **Q. And we put a date in for it to be effective and then**  
22 **the DMV told us what we meant by that. And they were**  
23 **completely wrong, but they read our legislative**  
24 **intent. Even though they were in the room, they heard**  
25 **us talking, and they had access to not only a video,**

1 but if they chose, they could've transcribed it. But  
2 they decide, just like I recognize courts decide what  
3 our legislative intent is based on just what they  
4 think it means. And legislative intent is decided not  
5 by the legislature, but by the courts, despite the  
6 fact that technology exists to actually garner  
7 legislative intent. I do a lot of Stand Your Ground  
8 stuff and it amazes me how much prosecutors and judges  
9 talk about what Stand Your Ground is and they sound  
10 like every Democrat, at the time, that was fighting  
11 Stand Your Ground and lost, and trying to convince a  
12 court and prosecutor what legislative intent is when  
13 we have video from back then, you have the press  
14 reporting on what was said back then, and yet, nobody,  
15 seemingly, wants to acknowledge that there's a way to  
16 get legislative intent without a judge making it up,  
17 because it fits what they want the law to be. I don't  
18 know what the fix is. And I don't know that I even  
19 had a question. But because you are on the circuit  
20 court bench closer to the people, closer to the  
21 lawyers, I think it's something that maybe the court  
22 should take a look at again, if you're successful.  
23 And again, I still have Jordan Pace in my ear, but --  
24 A. That's okay.  
25 Q. -- do you believe that someone has a right to a speedy

1 trial if they are not in jail? And if so, how could  
2 they ever exercise it in most courts throughout this  
3 state?

4 A. That's a real interesting question and it's -- and  
5 with our backlog, it's an interesting question,  
6 because we have to -- I, right now -- and you know,  
7 I'm chief judge in General Sessions in Charleston --  
8 and right now, we're dealing with a backlog that  
9 preexisted COVID, and I have some people that have  
10 been sitting in jail three-and-a-half, four years, and  
11 I -- you know, sometimes, I just have to say no. I'm  
12 like, this person has been sitting and we got to move  
13 this case. And I'm sorry that you -- you know, I'm  
14 very lenient with lawyers, because I feel like balance  
15 is so very important. I think people need to go on  
16 vacation. I think they need to go to their children's  
17 activities. I just think those things are important  
18 to us being balanced, productive lawyers. So I am  
19 very lenient about that. But at the same time, I'm  
20 finding that we're having to be just a little more  
21 strict about people being able to get into court and  
22 get their cases heard. I think it's an interesting  
23 question that I'd have to study about whether a person  
24 that is not -- oh, sorry, I didn't realize -- in pre-  
25 detention is entitled to a speedy trial. I think is -

1 - because all of the case law from the United States  
2 Supreme Court as well as our Supreme Court has only  
3 addressed those who are in pre-detention in a  
4 facility. I think it is a novel issue. I suspect it  
5 will come up soon. Because what happens,  
6 unfortunately, is when people are out on pre-  
7 detention, especially when they are out of a facility,  
8 they go on with their lives. And after about five  
9 years, they forget that they ever have a charge. So  
10 then when you have to bring them back into court to  
11 deal with it, it can really be a very difficult  
12 process, especially when witnesses -- you've had  
13 attrition of witnesses, you've had attrition,  
14 potentially, of evidence -- because you know, we deal  
15 with the fires that are closest to our feet. So as  
16 lawyers, we're going to investigate that thing that  
17 we're dealing with right now. So when they start  
18 investigating a case that's like five years old and  
19 they start going back through the file and they start  
20 looking for witnesses and all this, you know, people -  
21 - I had to recreate a PCR record recently. One of the  
22 -- had died. Thank goodness I had great notes. Thank  
23 goodness the lawyers had great notes. But what if we  
24 hadn't. What if I wasn't a packrat, much to the  
25 chagrin of my secretary, and did not have my notes. I

1 think it is a very -- it's a novel issue. And I  
2 suspect we're going to have to address it soon. But  
3 at this point, all we have to guide us is the United  
4 States Supreme Court precedent regarding pre-  
5 detention, you know, the intent of the prosecuting,  
6 whether they've acted in bad faith or otherwise; you  
7 know, all of those other circumstances that the court  
8 is required to consider. But I think it's a novel and  
9 interesting issue, and I think it is one the court  
10 probably may well -- I would think, in the next few  
11 months to a year probably will have to address.  
12 Because people are getting frustrated and they want  
13 their cases tried. And unfortunately, we just -- I  
14 mean, I literally have had criminal court every single  
15 week since January, except, you know, holidays. It's  
16 just if you worked 24 hours a day, seven days a week,  
17 I don't know that we would be able to make the kind of  
18 exponential dent that we need to make to really make  
19 people feel like my case -- you know, that we've dug  
20 in and really moved these cases. There's so many of  
21 them. And unless -- sometimes, in Charleston, I wish  
22 we could bring in, like, four judges and have four  
23 courtrooms and have four juries. But it just -- as a  
24 practical matter and a resource matter, it's not, you  
25 know -- I keep hope alive that, hopefully, you know,

1 one day, we'll be able to do it. But it -- I don't --  
2 I don't know exactly what the solution is, except for,  
3 as I see, my colleagues and I just keeping our, you  
4 know, nose to the plow and trying to move these cases.  
5 I hope I answered your question.

6 **Q. You did. Thank you.**

7 SENATOR RANKIN: All right. Other members of the  
8 Commission, questions? All right.

9 EXAMINATION

10 BY SENATOR RANKIN:

11 **Q. Judge, let me, one, thank you for being here and --**

12 A. Thank you.

13 **Q. -- offering. And you -- I well remember Judge Fields.**  
14 **Was he first a family court judge?**

15 A. He was a -- he was the first municipal judge of color  
16 in the City of Charleston. He then moved on to the  
17 family court and then he went on to the circuit court  
18 where I had the privilege of being his law clerk.

19 **Q. Well, a class act, and the brightest smile I've seen -**  
20 **-**

21 A. Ever.

22 **Q. -- to this day.**

23 A. I miss him every day.

24 **Q. Yeah.**

25 A. Yeah.

1 Q. So you had a good role model, you had a good mentor,  
2 in addition to other folks in your life. And your  
3 continuing to want to do this for the last -- you were  
4 elected in 2001 to the circuit court bench.

5 A. Yes, sir.

6 Q. So it is a testament to your persistence that you want  
7 to do this. And the most challenging thing that you  
8 have perhaps -- you have talked about a number of  
9 constraints on your time when you mentioned the  
10 backlog from COVID and the three-and-a-half-year wait  
11 that may involve some of these folks that are waiting  
12 for their day in court. Have you been the  
13 administrative law judge of the Charleston area for  
14 the criminal or general session side for more than --

15 A. I was chief judge for the criminal side for 18 months  
16 coming out of COVID. And then Judge Price took over  
17 for a year, and then I took over again in January.

18 Q. Has the chief justice assigned, during any of that  
19 time, others to come in and help clear that docket?

20 A. You know, they're trying a new pattern scheduling and  
21 we're seeing how that's going to work out where we  
22 have criminal court every -- pretty much every week.  
23 We used to have a system where we had criminal court  
24 where we had two judges, like not every week but every  
25 other week. We're -- I'm still in the assessment

1 process of how pattern scheduling is working. I think  
2 I won't have a real insight into how many cases we've  
3 moved probably until maybe around June. I have a  
4 meeting every quarter -- probably every three months,  
5 with everybody, with the solicitors, the public  
6 defenders, the detention staff, my -- I'm leaving  
7 somebody out -- probation, clerk staff, and I  
8 literally -- we all sit in a room and have a morning  
9 meeting and I say, Y'all, what's working, what's not  
10 working? You know, Do we need to make any tweaks? Is  
11 there anything we need to change? And through that  
12 process, I think we've made some-- you know, some  
13 positive impacts, one of which was going out to the  
14 jail, which I -- and I think a lot of what will move  
15 cases is sometimes people want trials till they  
16 actually have one, and then they really reassess the  
17 evidence, they reassess the offer. And not just the  
18 defendants, but it often makes the state reassess  
19 their evidence and reassess the offer. And so lots of  
20 times, things that went from active time will be time  
21 served, just in light of the fact that the person has  
22 been sitting two years during COVID. So I think some  
23 of that has made some positive movement. The chief  
24 has been very receptive to send me people if they  
25 have them. But I think everybody has the same



1 challenge, everybody's trying to catch up. So --

2 **Q. Have you been in Charleston since COVID or have you**  
3 **been elsewhere?**

4 A. I've been in Charleston. I had the privilege of going  
5 to St. Matthews, which was lovely. Trying to think  
6 where else I went. I had PCRs in Columbia, which also  
7 was lovely. I like every place in the state. I think  
8 I've been everywhere but two counties, maybe. Yeah,  
9 everywhere but two counties.

10 **Q. And this is perhaps anecdotal, but there is also some**  
11 **tension that we have felt and hear and know that**  
12 **exists between both the prosecutors in getting cases**  
13 **moved, who runs the docket, who's in charge, who's the**  
14 **Big Sam or the Big Samantha. In your area, how do you**  
15 **hold the solicitor accountable for a three-and-a-half-**  
16 **year-old not prosecuted case with a defendant afforded**  
17 **the right to a speedy trial?**

18 A. Well, you start setting deadlines. You start, you  
19 know, having -- well, we used to have status  
20 conferences, which I thought were very effective.  
21 With the new case management order, though, I have --  
22 you know, my main involvement now is with second  
23 appearances. So once I get a docket from the  
24 solicitor's office, I start managing that docket, I  
25 start having status -- you know, I can, with my

1 experience, I kind of know when a case may have  
2 issues. I kind of know, you know, when I may need to  
3 intervene like with a status conference and get some  
4 momentum going with that case. And so I try very hard  
5 to be very proactive in that way. But at this time,  
6 you know, the solicitor's office now basically runs  
7 the docket. And so I do my best to do my part. And I  
8 -- in managing it in collaboration with them, and I do  
9 the best that I can to make -- well, encourage, not  
10 make, that's too strong a word --

11 **Q. Well, I --**

12 A. -- to encourage them to communicate with one another  
13 so that they can have workable dockets that won't end  
14 in a continuance request or lost court time. And I  
15 think that -- I think the meetings that we're having  
16 have been very effective from a -- because I look at  
17 it like we're a team, and we all have a part in the  
18 process in terms of being productive. So I don't kind  
19 of -- I don't really look at myself as -- I don't --  
20 I think it's very dangerous to make decisions with  
21 blinders and look -- and, you know, sort of -- I don't  
22 like unilateral decisions. I get everybody's input  
23 and balance it all before I make -- well, I don't  
24 really get to make many decisions about it anymore. I  
25 mean, we're supposed to now, based on what we've been

1 told, to follow the docket exactly as it has been  
2 published.

3 **Q. Who tells you that?**

4 A. We got a memo recently that the case management order  
5 dictates that we do that.

6 **Q. Do you know whether your -- Charleston County --**  
7 **whether its backlog is any greater on civil and/or**  
8 **General Sessions cases than any other big county in**  
9 **the state?**

10 A. I think we're probably comparable to Greenville,  
11 Richland, because -- just because of the amount of  
12 people, the size of the counties. I think we're  
13 probably comparable, if we had to compare, to those  
14 two other counties. I have not had a chance to look  
15 at the civil docket of late in terms of the numbers,  
16 because I'm not chief judge, but I know that more  
17 people are trying civil cases. More civil cases are  
18 definitely being tried. Not many of -- you know,  
19 normally, you would have -- on a Monday morning, if  
20 you had a docket of 25 civil cases, or 20, you know,  
21 probably five would want a scheduling order, five  
22 would take a 40J, a good portion of the rest of them  
23 would settle, and then you might try a case. But now,  
24 very complex things are being tried more frequently.  
25 And I think because of the COVID delay, people are

1 really anxious to get into court. They want to get  
2 their cases tried, and they're being tried.

3 Q. And that is another kind of perhaps anecdotal tension  
4 that I hear -- and not directed to you, necessarily --

5 A. Uh-huh.

6 Q. -- but the Charleston Bar says it takes forever to get  
7 a trial up in Charleston.

8 A. Wow, that hasn't --

9 Q. And I don't hear that as frequently as I do from the  
10 folks in Charleston.

11 A. Uh-huh.

12 Q. And so I would urge -- and again, we can pull this  
13 from the court administration, I guess --

14 A. Uh-huh.

15 Q. But so again, that's not your total responsibility  
16 but --

17 A. Uh-huh. Well, I am of the mind that if a case is on  
18 the docket, it needs to be tried. And I'm not going  
19 to dodge it because it's hard. I'm going to try it.  
20 It's funny, a lawyer told me, in confidence, he said -  
21 - you know, because everybody has these list serves,  
22 and they were on a list serve and somebody had a case  
23 coming up, and they were -- he said, I'm going to tell  
24 you what they said, you can't repeat -- well, I'm  
25 repeating it now, so -- he said, If you're on her

1 docket, be ready to try your case. She is going to  
2 try the case. And that -- and I felt that was a  
3 great compliment, because that is how I feel. I feel  
4 like we're there every day to try cases, not to find  
5 reasons not to try them. It is important that  
6 litigation be ended. You know, for us -- and I tell  
7 juries this all the time when I'm excusing them, I  
8 say, You know, we do this every day, probably 48  
9 weeks, this is like a regular schedule for us. But it  
10 is not for you, and I hope it has been a positive  
11 experience this week. But it also is not the same  
12 for those litigants. It has consumed their life for  
13 however long it's been going on. And I think we have  
14 to maintain a sensitivity to that, because we do it --  
15 and I tell my clerks this all the time -- no case can  
16 you do it on automatic pilot, even if it's a simple  
17 motor vehicle accident, there is going to be some  
18 issue that comes up that is really unusual, and you  
19 have to be attuned to what's going on in the  
20 courtroom. You have to listen, because every case is  
21 different. And the other things is -- and very  
22 important to me -- is we're a great face of the  
23 community. And I never want people to feel like  
24 they're on like a mill, you know, like I'm just coming  
25 through like this -- on this treadmill, and, you know,

1 my case is going to be disposed of like everybody  
2 else's. I really want them to feel like we're  
3 present in the moment, that their needs are being met,  
4 and they're trying their cases, and it's an even  
5 playing field. So I believe if you have court, you  
6 need to try cases. And things come up, you know, life  
7 happens, people have surgery. You know, you have a  
8 case -- I had a two-week -- I had asked court  
9 administration for a two-week term to try a criminal  
10 case and I was doing, again, a status conference with  
11 the attorneys. And I said, Why did this case go  
12 forward? You know, I went to court administration  
13 with my hat in my hand begging for this two weeks, and  
14 it didn't go forward. And they said, Well, the lawyer  
15 had to have surgery. Life happens. You know, you  
16 can't be so inflexible. But things do come up. But  
17 you know, within the ability for us to be the  
18 incentive and the impetus for things to get moving, I  
19 think it is important, and I think it is our  
20 responsibility.

21 **Q. Let me check back, and I'm going to wind this up in**  
22 **the next hour and a half, I promise, God. The --**  
23 **there was a Post and Courier article apparently that I**  
24 **know you've spoken with Ms. Ross about coming out of**  
25 **Charleston about the lack of communication between**

1           **yourself, your court, the solicitor and/or the public**  
2           **defender. Give us some --**

3   A.    I think we --

4   **Q.    -- definition about what that was about.**

5   A.    I think we've resolved that. I think it was the  
6           pressure of everybody coming out of COVID and  
7           addressing it and people feeling -- you know, I'm just  
8           not a finger pointer. I feel like --

9   **Q.    For the record, help us understand what that story was**  
10       **about.**

11   A.    Well --

12   **Q.    And who was the one broaching the topic publicly that**  
13       **it made the newspaper?**

14   A.    Well, I don't know who was the source of the article  
15           being written, so I wouldn't be able to speak  
16           intelligently about that. I know that the solicitor  
17           may've been quoted. And I have to be honest, it was -  
18           - I forget how long ago that article was, but I  
19           really --

20   **Q.    2022?**

21   A.    Yeah, I really -- I have a vague recollection of it.  
22           But I -- what happened -- and I guess it's a  
23           difference in communication styles. I don't  
24           communicate by email. I feel the best form of  
25           communication is face to face. I don't have to

1 interpret your words. I don't have to interpret your  
2 inflection from an email. I feel the best way to  
3 communicate is to talk face to face. And so I had  
4 just taken over as chief judge. I think there had  
5 been some discontent before I took over, which spilled  
6 over into when I took over, and I was trying to get a  
7 handle on everything that was going on. And then I  
8 had a meeting and it has been quelled. We don't -- I  
9 think if you would speak to the person quoted in that  
10 article, she would agree that that is no longer an  
11 issue --

12 **Q. Who was quoted?**

13 A. -- at least, in her perception.

14 **Q. Was that the solicitor who was quoted?**

15 A. Yes. Because I've always had a good relationship with  
16 her, as well as the public defender's office. And as  
17 I said, ever since I took over, I've instituted court  
18 -- well, we meet about every three months, if not at  
19 the end of each term. And so I make sure that  
20 everybody involved in the process has a say, from the  
21 folk in the basement who do detention all -- because  
22 the other part of it that we rarely talk about is --  
23 for example, we had 14 detention officers. People  
24 chose different life paths at -- during COVID. We're  
25 down to four. We had like 14 probation officers. I



1 think we might be back up to six. But I don't want to  
2 be mis- -- I'm going from memory on those numbers.  
3 But I think that we've resolved any perceptions of  
4 communication issues. I think people have different  
5 communication styles. I don't communicate by email.  
6 I find you end up sending ten emails to each other,  
7 nobody knows what you meant, people -- I mean, on  
8 simple matters, you can communicate by email. But  
9 when you're talking about complex issues, I think it  
10 is best to communicate face to face. Because I would  
11 never want anything that I said in an email to be  
12 misinterpreted.

13 **Q. Let me tack, now, to your management of nonjury.**

14 A. Yes, sir.

15 **Q. You are known to, effectively, not face to face. You**  
16 **take matters on briefs.**

17 A. Some, yeah.

18 **Q. How do you have the time to read and respond in an**  
19 **efficient manner to page upon page upon page of**  
20 **submissions of nonjury matters?**

21 A. Believe it or not, I read them all. Sometimes it  
22 takes me a little longer than others. I read on  
23 weekends. I read on Fridays. I read at lunch  
24 sometimes. I'll start by saying this. We have a  
25 court reporter shortage and we have now moved to all

1 virtual Webex hearings, so there are no in-person  
2 nonjury hearings. I do not find it productive to have  
3 somebody come to a courthouse and sit in front of a  
4 computer monitor --

5 **Q. Well, and I'm --**

6 A. -- to have a hearing.

7 **Q. -- a Webex person --**

8 A. So even -- yeah. So when we do them, I allow people  
9 to stay in their offices and do them, and they are  
10 very appreciative of that. I don't think somebody  
11 should have to drive from Greenville to argue a motion  
12 when it's going to be on Webex, anyway, and they need  
13 to -- I just don't think it -- with traffic, it just  
14 doesn't make sense. Or if somebody has, you know, a  
15 survival or wrongful death approval, it doesn't make  
16 sense from somebody fly from Chicago or New York --

17 **Q. No, no, and I understand that. Modern technology and**  
18 **the ability to get face to face by way of Webex.**

19 A. Uh-huh.

20 **Q. I don't mean to drag them from far corners of the**  
21 **world --**

22 A. And I hope I didn't want you to think I misinterpreted  
23 your question. But what I -- we again, as I  
24 indicated, we've learned some very good practices,  
25 lessons well learned from COVID. And so what -- we

1 have an administrative order in place and I still  
2 utilize it. A lot of my coll- -- I'd say most of my  
3 colleagues still utilize it. And what I do is I  
4 engage in a balancing process in terms of -- for  
5 example, if somebody has a motion to compel and a  
6 person says, I haven't gotten my discovery, and the  
7 other person says, No, I haven't sent it, we don't  
8 need to have a hearing. I just need to issue an order  
9 compelling them to get the discovery. Some other  
10 cases, I do hear on submissions. I have gotten -- and  
11 part of it is the administrative side of my brain,  
12 because if I have hearings on everything, I can hear  
13 about eight hearings a day. If I do it in the hybrid  
14 way that I am now doing it, I can do 30 to 35 cases a  
15 day. So with the backlog that we have of nonjury, I -  
16 - I have not gotten good feedback from -- well,  
17 they're usually all set at one time. And they're  
18 sitting there going, My colleague is talking for two  
19 hours, and I've been sitting here and it's lunchtime,  
20 and I could've been using my time more productively.  
21 So what I am hearing from the lawyers and what has  
22 really driven my approach in terms of doing it that  
23 way, is they have told me that they're appreciative of  
24 the approach. They don't find any productivity in  
25 coming to court and reading a memo to me and reading

1 the affidavits. They feel that I am more than capable  
2 of doing that. Now, having said that, when  
3 something's really complicated and I don't understand  
4 it, I will have a hearing. So I -- because I'm not  
5 bound by having it that week. I can have it during my  
6 chambers week. I can have it during an admin week.  
7 Or sometimes, I'll just do it at 9:00 o'clock in the  
8 morning before I start my regular docket. And I may  
9 have two hearings, not just one. Because if I'm -- if  
10 we have a hearing and I go back and read it and study  
11 it again and I'm still not clear, I may have another  
12 hearing on it. So it's -- it's a hybrid that I've  
13 developed. I find I've gotten very positive feedback  
14 on it. But I'm -- after having had that feedback, I'm  
15 going to -- I'm going to look at it and reevaluate it  
16 and see. And if we have to go to having a hearing on  
17 everything, then productivity will just be reduced and  
18 -- when I look at a docket and I think -- Because one  
19 of the major things, in civil practice, especially, is  
20 that your case gets stymied if you have motions  
21 pending and they're just sitting on a docket for six  
22 months and they haven't been heard. I will quote my  
23 mentor, he said, Dear, it is your job to make  
24 decisions. You can't make them in fear that you may  
25 be wrong. That's why they have appellate courts. And

1 I think when you -- when someone has a motion pending  
2 that may hinge on them getting a case settled, getting  
3 into ADR, or getting to the trial roster, I just think  
4 it is very important -- Walter Bristow -- some of you  
5 may not remember Walter Bristow. I admired him from  
6 afar. When he had motions hearings, I had got every  
7 motion I had scheduled. And the reason I did that is  
8 because I knew he was going to make a decision.

9 Whether he was for me or against me, I knew where I  
10 was going to be going with my case from there. And I  
11 wasn't going to be sitting months waiting to see what  
12 that decision was going to be. So in my -- in my  
13 assessment, I've weighed all of that to see what is  
14 most productive to get people's cases moving, as well  
15 as letting them have momentum, which is one of the  
16 other things lawyers really complained about is that,  
17 My case, I just can't get from A to B, and I need to  
18 get from that place so I can get on a trial roster.  
19 But I'm going to reevaluate it based on the feedback.  
20 I think there's always room for improvement. I'm not  
21 stuck in one particular way of doing things.

22 **Q. And realize you are not running for reelection to**  
23 **circuit court. You're running for the --**

24 **A. Yes, sir.**

25 **Q. -- Supreme Court.**

1 A. Yes, sir.

2 Q. And I -- unless my questions take you back to --

3 A. That's okay.

4 Q. But these are right questions that --

5 A. That's okay.

6 Q. -- that really kind of -- again, we heard it earlier,  
7 justice --

8 A. Uh-huh.

9 Q. -- delayed is justice denied. And so whether it's the  
10 solicitor complaining or someone whispering a  
11 complaint in terms of that court that you're in, you  
12 know, that, I think, is relevant to us. I want to now  
13 tack to the -- and finally, hopefully, the ballot box  
14 survey and the nine evaluative criteria. Do you  
15 believe that we should give any credence to the  
16 commenters -- not comments, but the regard that they  
17 hold a candidate in what they -- and how they reply to  
18 these nine evaluative criteria?

19 A. I think it's a very interesting inquiry, because  
20 anything good can also be -- I don't want to use the  
21 word perverted, because that really isn't the word I  
22 want to use. Anything can be used -- you intend for  
23 something to be good. You intend for it to be honest.  
24 You expect for it to be useful. But everybody does  
25 not have good motives. And I think sometimes,

1 unfortunately, you're always going to have people who  
2 love you, you're always going to have people who don't  
3 like you. I usually pay attention to that middle  
4 section of folk and really -- because when anything  
5 comes up -- and my secretary and those around me, my  
6 law clerk, will tell you, I look at me first and I  
7 think what is it about this that I've played a part in  
8 and how can I correct it, and is there -- do I need to  
9 correct it. So I always look at me first. So when I  
10 look at that middle group of people, I think let me  
11 see if I need to tweak this, if I need to change that  
12 again. I'm never stuck in a particular way of doing  
13 something. I always think there's room for  
14 improvement. But I think that there are those who  
15 have used the survey for nefarious motives, and  
16 without the best of intentions, and I just think that  
17 had to be weighed in the entire process. Because  
18 you'd almost have to be two different personalities in  
19 some ways when you -- when you look at some of these.  
20 And for people that I've known personally, that I  
21 have, you know, close relationships with, it's like is  
22 this the person that I have known for, you know, 15  
23 years. It's just very hard sometimes to reconcile.  
24 Because they'd have to be a totally different person  
25 than the person that I have interacted with, you know,

1 outside of the public eye. It's sort of a hard thing  
2 to reconcile sometimes. So I hope that I've -- that  
3 I've answered that as directly as --

4 **Q. Well, I think you're assuming the negative.**

5 A. No, I said there's a positive, there are people that  
6 love you.

7 **Q. But in terms of -- not all of them comment. I mean,**  
8 **we've --**

9 A. Uh-huh.

10 **Q. -- gotten a range of numbers of respondents, 440-ish**  
11 **in one --**

12 A. Uh-huh.

13 **Q. -- and 900-and-some-odd on the other. You've got a**  
14 **high number of folks who've taken the time not to make**  
15 **comments, necessarily but to assess and rate, however**  
16 **fairly or unfairly without comments. Again it you got**  
17 **734 respondents, 157 took the time to make comments.**  
18 **And as you were asked, I think by Ms. Ross, 69, I**  
19 **think, were maybe negative -- or maybe I didn't hear**  
20 **that number, but for some less than we love you, Judge**  
21 **Jefferson. So the overwhelming folk don't make**  
22 **comments. My question to you, though, should we**  
23 **consider if it's good but don't consider if it's not**  
24 **so good? Not in terms of comments, but in terms of**  
25 **the -- kind of the metrics of how we assess one**





1           And that can happen.

2       A.    It can.

3       Q.    No question.

4       A.    Yes, sir.

5       Q.    And I think, at least what I'm understood from folks  
6            who I've been so privileged to serve with here that  
7            they all take that into consideration.

8       A.    Yes, sir.

9       Q.    You can certainly, in normal and, hopefully, a good  
10            world, basically disagree with somebody's ruling  
11            without necessarily throwing them under the bus as  
12            being the worst person that ever sat on the bench.  I  
13            mean --

14      A.    Yes, sir.

15      Q.    -- one bad ruling -- or in your perception, one bad  
16            ruling doesn't --

17      A.    Yes, sir.

18      Q.    -- necessarily mean they're a bad judge.

19      A.    Yes, sir.

20      Q.    But by the same token, as much as it has the  
21            potentially to kind of be skewed if somebody really  
22            was designing to do so, you have to agree with me that  
23            it's rare that a practicing attorney is going to  
24            basically step up here and come in and complain.  
25            Because what do they say?  You want to kill the king,

1           you got to kill them. Okay. And ain't many of them  
2           going to do that. So I think from a standpoint of  
3           fairness and digestion of information, what do you  
4           propose that we do when we see these things? I mean,  
5           certainly, grain of salt is automatic but do we just  
6           ignore them or -- I mean, what's the litmus test?

7        A. I think you have to look at the breadth of a person's  
8           career and their experience and their participate --  
9           well, participation isn't the correct word I'm really  
10          looking for -- how they have operated within the  
11          system. And I think there's some objective criteria  
12          that surfaces as a result of that. Again, perception  
13          is reality. So I never fault people for their  
14          perception, because it is their perception; it is real  
15          to them. And you know, even in some things, I've  
16          learned -- for example, in PCRs, I read all of my  
17          PCRs. As a matter of fact, I require them to send  
18          them to me a month ahead of time so I can read  
19          everything. If it's a transcript, I need to read  
20          every page of it. I can't rely on what's in the memo.  
21          I need to have read it for myself. I make notations  
22          and other things, even pleas and other things. And  
23          for a long time, because I wanted to be efficient and  
24          I felt like a person's case needed to be disposed of,  
25          I would rule right after that PCR hearing. And I

1 learned that the perception was, Well, she really  
2 didn't think about that. She couldn't have thought  
3 about it. She couldn't have read all this stuff. She  
4 couldn't have digested all of this, when I really had.  
5 It wasn't a knee-jerk reaction. It was that I had  
6 read it a month ahead. I had refreshed my memory on  
7 my notes a week before the hearing. So I've learned  
8 that to temper that, I now wait. I take them under  
9 advisement. Sometimes I take something under  
10 advisement, too, because I've heard something  
11 different in the testimony that I really, you know,  
12 need to reflect on. But I've learned that you have to  
13 temper perceptions, because sometimes people will  
14 really think, You just didn't -- You couldn't have  
15 thought about that. And whether that was real or not,  
16 it was perceived, and I had to address it. But I do  
17 think that, again, perception is often reality. And  
18 the unfortunate thing is, no matter how smart you are,  
19 no matter how efficient you are, it's not going to  
20 change some people's perception. And I've learned  
21 that I have no control over that. The best I can do  
22 is be fair and impartial and thoughtful about -- and  
23 oftentimes, tell folk when I think I've -- I mean,  
24 I've told lawyers -- I've called them back in like  
25 overnight, we've had an issue in court, and I've made

1 a ruling and I've thought about it overnight, I've  
2 done some more research, and I will call them and say,  
3 Listen guys, I was wrong. I did some more research  
4 last night and I think I made the wrong decision, and  
5 I think we need to correct it. You know, but I don't  
6 -- again, I think you all, as you've already very  
7 appropriately stated, had the ability to sift through,  
8 you know -- I think you all have the wisdom and the  
9 experience to be able to assess the evaluations, and  
10 also, to take into account any candidate's response  
11 such -- even if things need to be -- again, I don't  
12 pretend to be infallible. I'm not, I'm a human being.  
13 And you always -- every day, I look at myself and  
14 think, What can I do differently? How can I do this  
15 differently? How can I make things better? Not just  
16 for me, but for the lawyers. And how -- and for the  
17 litigants. And if I need to correct things, I do.  
18 I'm probably harder on myself than any -- you know,  
19 than anyone else.

20 **Q. And many are. And I guess, the thing is, is I tell**  
21 **people all the time when they come and have moments**  
22 **where they want to complain that nobody is promised an**  
23 **infallible judge.**

24 **A. Uh-huh.**

25 **Q. That's why you recognize errors are made, that's why**

1           you have an appellate situation.

2    A.    Uh-huh.

3    Q.    But people do make mistakes.

4    A.    Absolutely, yes, sir.

5    Q.    But let me switch gears with you real quickly.

6    A.    Yes, sir.

7    Q.    And I am one that, just by nature, doesn't agree with  
8           where the system has gone in terms of the video.

9    A.    Uh-huh.

10   Q.    And I understand that, basically, if you've got a  
11          discovery motion or things that are something that,  
12          you know, are usually going to be pretty quickly  
13          decided without a heck of a lot of breadth to them  
14          than most of them would be, then that's fine. You  
15          don't want to have somebody have to come halfway  
16          across the state just for a ten-minute hearing. I get  
17          that.

18   A.    Uh-huh.

19   Q.    But you know, the idea on nonjury, some of those  
20          things -- you know, you're hearing merits cases on  
21          nonjury, I guess, to some extent, people still file  
22          those things. And I mean, if you got one that's a  
23          nonjury trial, are you still hearing those?

24   A.    Oh, absolutely. I hear those in person.

25   Q.    All right. So those --

1 A. Yes, sir.

2 Q. -- are going to change.

3 A. I'm sorry, say that again.

4 Q. But that hasn't changed. You still --

5 A. No.

6 Q. -- do it the old --

7 A. I hear those in person. Absolutely.

8 Q. So really, you just limit it pretty much in a motion  
9 practice?

10 A. Well, and we do nonjury -- we do nonjury trials as  
11 backup to jury trials, so I have a physical court  
12 reporter. But I've done nonjury trials by Webex.

13 Q. Okay.

14 A. I've done -- you absolutely have to have a damages  
15 hearing. You cannot do that on -- even though the  
16 Master does that and did it when I was in practice, I  
17 don't think that's a good way to do it. Even if  
18 somebody's in default, they have the write to notice,  
19 they have the right to be heard. If it's not  
20 liquidated, they still have to prove their case by a  
21 preponderance of the evidence -- of the damages -- I'm  
22 sorry. So I have -- I don't want there to be a  
23 misimpression that I don't have hearings. I have  
24 hearings all week long. There are just some things I  
25 don't have hearings on. But that doesn't mean that

1 they're precluded from having a hearing, because later  
2 on, I may still have a hearing on it.

3 Q. Okay. Well, I guess my question along those lines is,  
4 is that I'm aware that there are plenty of times where  
5 you may not necessarily be guaranteed a hearing on a  
6 certain issue that you file a motion for. You know,  
7 there's another part of me that seems to say that if  
8 you took the trouble to do it and you've asked to be  
9 heard there's a sense that you want to be heard.

10 A. Absolutely.

11 Q. Maybe because you might not be able to convey -- not  
12 everybody's a great liar -- you know, what you're  
13 really seeking in terms of a brief. Or maybe that  
14 brief is something that you feel like you've got to  
15 reinforce with a little bit more. So I mean, I guess  
16 -- again, it's been brought up earlier the Supreme  
17 Court sets the policy on these things and I guess I --  
18 I seem to think, personally, we're still living in a  
19 COVID cave and I don't think people have completely  
20 come out of it yet.

21 A. Uh-huh.

22 Q. And would you be someone that would at least consider  
23 trying to restore some of the way we used to do  
24 things, which I think was relatively effective, you  
25 know, more live as opposed to remotely given kind of



1           the climate has changed? I don't think COVID's gone  
2           away, but I don't think we're --

3       A.    Uh-huh. When you say remotely, tell me what you mean.

4       **Q.    I just, you know, maybe get away from some of the**  
5           **video.**

6       A.    I don't see nonjury ever going back to in-person with  
7           a court reporter. We don't have --

8       **Q.    You don't have a court reporter.**

9       A.    Well, we don't have the court reporters. And the  
10          court administration has already made the decision  
11          that those will all be by Webex. So unless I fit some  
12          motions in on the tail end of where I have a live --  
13          and even now, we're having the digital court  
14          reporters. So unless I have, you know, less -- and I  
15          do this sometimes. At a lunch break, I will hear  
16          things. You know, I'll stop at 12:30, hear something,  
17          go to lunch and then resume my trial. We -- you know,  
18          because then I can have the use of that court  
19          reporter. I will do that often. And just for  
20          clarity, if someone wants a hearing and they request  
21          one, I give them one.

22       **Q.    Okay.**

23       A.    Yeah, I don't unilaterally make that decision. The  
24          people that I usually do by briefs, they're  
25          appreciative, they want it done that way, they --

1 because we're catching up with COVID. The part that  
2 people, I don't think, always process, is that lawyers  
3 now have to be five different places in the morning.  
4 Like when a docket is done, nobody looks at  
5 coordinating their schedule. So I may have a lawyer  
6 that has a motion set, but they have a plea for a  
7 client that's been in jail for six months, and they  
8 would much rather be doing that plea than reading a  
9 memo and nonjury. And they don't want to lost their  
10 spot in line, because if it gets continued, it might  
11 be six more months before it gets on another docket  
12 because we only have -- for example, in Charleston,  
13 when I was chief judge and we would split up the  
14 nonjury terms between Charleston and Berkeley, and  
15 just -- as an anecdote, Berkeley has grown  
16 exponentially. They need almost as much time now a  
17 Charleston. So where we used to be able to have nine  
18 terms of nonjury and give Berkeley three and keep six  
19 for Charleston, Berkeley is saying, No, no, no. No,  
20 we want half and half, or We want at least four of  
21 those terms. And so now, that puts a little more --  
22 you know, like if you have a motion in October, it  
23 might not get rescheduled till six months later. I --  
24 you know, so I allow them -- if someone says, you  
25 know, I really would -- then I make the time to do it.

1 And so I -- but I do have hearings during nonjury  
2 week. I have hearings every day during nonjury week.

3 Q. And finally, as somebody who, like you, had multiple  
4 appearances before Judge Bristow --

5 A. I loved him.

6 Q. Well, I tell you this, if it goes back -- but even  
7 though he could be a little sharp --

8 A. He was direct.

9 Q. -- yeah, very direct.

10 A. I appreciated it. Uh-huh.

11 Q. But I think, from my standpoint as a lawyer, those  
12 situations, to me, in person, are really kind of far  
13 more advantageous because you read the room, you get a  
14 sense of the moment.

15 A. Uh-huh.

16 Q. Some of that stuff doesn't translate over the video.  
17 It just -- in my estimation, it doesn't.

18 A. Uh-huh.

19 Q. And as much as he's chewed me out before, you know, I  
20 still felt like there was some educational benefit to  
21 being there --

22 A. A teachable moment, yes.

23 Q. -- going through that process and acting like, Hey,  
24 I'm having my day. Like it or not, I had my day.

25 A. Uh-huh.

1 Q. I don't necessarily come away with that same  
2 impression through the video screen. So again, it's  
3 just --

4 A. And unfortunately, because -- you know, it really  
5 started -- and you know, just a little institutional  
6 history. When we had the court reporter school of  
7 Midland Tech, we never had a court reporter shortage.  
8 I don't know what happened with that program, but it  
9 shut down. And that's when the dominos started.

10 Q. Oh, listen, it's statewide at every level, and I get  
11 that.

12 A. And so court admin -- like I said, they've made the  
13 Dec- -- and then when you have -- I have to -- you  
14 know, some counties provide laptops, and we  
15 accommodate those for pro se litigants, people who  
16 don't have computers. But I'm going to tell you, pro  
17 se litigants love Webex. They can take up their lunch  
18 break and do it on their telephone. You know, they  
19 can -- you know, it doesn't required them to take a  
20 day off from work and come to the courthouse. And  
21 they're still -- they -- you know, we live in this  
22 environment where everything is on their telephone and  
23 on their TV screen. For them, this generation, they -  
24 - and I'm not -- I'm kind of eliminating myself, I've  
25 gotten older -- but I would say probably from 40 to

1 about -- well, no, I'd say about 50 to 25, they  
2 appreciate it. I mean, they're so thankful they  
3 didn't have to take a day off from work, in this  
4 economy. And like I say, I have a lot of lawyers that  
5 say, Thank you so much for not making me drive to  
6 Charleston. Because I don't know if you've  
7 experienced the traffic in Charleston lately --

8 **Q. I have. I still drive down for depositions where the**  
9 **other side might appear otherwise because --**

10 A. So then you --

11 **Q. -- they don't want to be there.**

12 A. Then you know how the interstate is from Jedburg --

13 **Q. I exactly know. I know.**

14 A. Yeah. And so -- and then also, the other part of that  
15 equation for a lot of litigants is paying \$20, \$30 to  
16 park, if you can find a park. Because you know,  
17 Charleston is tourist central. So people are just  
18 very, very appreciative of it. But as I've said, but  
19 if we do it live, like you're suggesting, they're  
20 going to have to come and sit in front of a computer  
21 screen and do it, because Webex is the only way we do  
22 nonjury now, and they have transcriptionists. If you  
23 need a transcript, you write court administration and  
24 they have someone type that transcribe from the Webex  
25 recording.

1 Q. Thank you very much.

2 A. Thank you. I appreciate your feedback.

3 SENATOR RANKIN: Hope.

4 MS. BLACKLEY: I just have some comments. I don't have  
5 any questions. I know that you -- when we were  
6 both appointed by --

7 JUDGE JEFFERSON: Access to Justice.

8 MS. BLACKLEY: -- Access to Justice --

9 JUDGE JEFFERSON: And on the Rules Committee.

10 MS. BLACKLEY: -- and on the Rules Committee.

11 JUDGE JEFFERSON: And the Langford Committee.

12 MS. BLACKLEY: And multiple committees where you were  
13 dedicated and we were focusing on how to schedule  
14 cases properly. So I wanted to comment that you  
15 did a wonderful job and I learned a lot from you,  
16 with your dedication to wanting to move cases and  
17 as a non-attorney I watched that in you and I  
18 just wanted to say thank you for doing that  
19 because I've seen you in action and wanting to  
20 give back and make sure we move cases properly  
21 for the State of South Carolina. And I just  
22 wanted to say thank you for running.

23 JUDGE JEFFERSON: Thank you very much. And Ms.

24 Blackley and I were on the Rules Committee when  
25 we developed the backup system for nonjury for

1 trial dockets --

2 SENATOR RANKIN: All right. Representative Rutherford.

3 JUDGE JEFFERSON: -- which has been very productive.

4 REPRESENTATIVE RUTHERFORD: I just wanted to

5 apologize. Our vice chairman is not here. He

6 was on the house floor while you were talking.

7 And he must've used three boxes of tin foil to

8 make a tin foil hat that he had on his head. And

9 I apologize because people were getting immense

10 humor out of that. And so he couldn't be here.

11 But I do apologize. It was obviously kind of ...

12 JUDGE JEFFERSON: That's okay. No need. No worries.

13 SENATOR RANKIN: Real quick, Judge.

14 JUDGE JEFFERSON: Yes, sir.

15 SENATOR RANKIN: We've got two law clerks, Mya and

16 Sanders, and they -- this is their first time

17 participating in JMSC.

18 JUDGE JEFFERSON: Wonderful.

19 SENATOR RANKIN: They work with the Judiciary

20 Committee. I want you to take a minute --

21 JUDGE JEFFERSON: Oh, wow.

22 SENATOR RANKIN: -- please no more than. They have not

23 seen a circuit court judge who is now running for

24 Supreme Court. Give them a minute of the benefit

25 of your view in life and what they might do as --

1 JUDGE JEFFERSON: Oh, wow.

2 SENATOR RANKIN: -- they become lawyers.

3 JUDGE JEFFERSON: I will tell you --

4 REPRESENTATIVE RUTHERFORD: If I could --

5 SENATOR RANKIN: Without interruption from  
6 Representative Rutherford.

7 REPRESENTATIVE RUTHERFORD: No, Rachel Johnson, who's  
8 Judge Johnson's daughter is out there. She has  
9 been with me this week. So if you'll include her  
10 --

11 JUDGE JEFFERSON: Absolutely.

12 REPRESENTATIVE RUTHERFORD: -- in your ranging  
13 confessions of life.

14 JUDGE JEFFERSON: Well, she has such -- she has such a  
15 great mentor in her father and her grandfather --

16 REPRESENTATIVE RUTHERFORD: Absolutely.

17 JUDGE JEFFERSON:-- I would feel --

18 REPRESENTATIVE RUTHERFORD: And her mother, yes.

19 JUDGE JEFFERSON: Yes, absolutely. And coming behind  
20 them. She's all grown up. I'm used to her being  
21 like a little baby --

22 SENATOR RANKIN: And the young lady in the blue and  
23 white dress, I don't know who you are, but are  
24 you a law clerk of any in the house. All right.  
25 Judge, please, you got three people, now, with



1 the addition of Representative Rutherford.

2 JUDGE JEFFERSON: He's given me a really hard task, but  
3 I would just --

4 SENATOR RANKIN: Do talk in the mic a little so that we  
5 can hear it.

6 JUDGE JEFFERSON: Okay, so we can get on the record. I  
7 just recently spoke to a class at the Charleston  
8 School of Law and was asked a very similar  
9 question. And I shared with them three things.  
10 One is relationships. I told some anecdotes and  
11 through -- the thread through all that was the  
12 relationships that I have developed throughout my  
13 career, even the ones that you think are  
14 insignificant, how they later -- you know, you  
15 get the friend -- the friendships and the  
16 relationships that you build, and relationships  
17 are so very important. The next thing I shared  
18 with them is the importance of having a mentor.  
19 Everybody needs somebody to shepherd them through  
20 their career. It is so very important. Eleanor  
21 Roosevelt said learn from the mistakes of others,  
22 because you can never learn long enough -- live  
23 long enough to make them all yourself. And I was  
24 so very blessed to have Richard E. Fields as a  
25 mentor, who, when I graduated from law school at

1 24 and became his law clerk, he saw something in  
2 me I never saw in myself. And so it is very  
3 important to have someone like that in your life,  
4 not only to tell you the wonderful things, but to  
5 tell you, as the old folk at church would say,  
6 when your slip is hanging and when you need to,  
7 you know, tighten things up and when -- and  
8 somebody you can tell everything to, who's not  
9 going to criticize you and not tell you it's the  
10 end of the world, you know. One of my most --  
11 another anecdote I share with students is, when I  
12 was on the family court, I still get up early and  
13 he -- but he gets up even earlier than I -- I'm  
14 up at 7:00, but he gets up and he's already had  
15 breakfast. You know, he's a big breakfast  
16 person. So he'd have two eggs over light, toast,  
17 tea, everything in the morning. And you would  
18 know that from seeing him eat at Waynes's when we  
19 were in Conway. But he called me. No hello, no  
20 how you doing? He was laughing uproariously, and  
21 I said -- you know, when I got a word in, I was  
22 like, Is -- he said, Dear, you're a real judge,  
23 now, girl. They done wrote about you in the  
24 Wednesday editorial. Have a good day, and he  
25 hung up the telephone. Didn't get the -- I

1 didn't get the chance to say, Good morning, how  
2 are you? Am I eating breakfast with you this  
3 morning? What did you cook? You know, nothing.  
4 But it -- I had not had a chance to read the  
5 paper yet. So him telling me that, you know, I  
6 would've had a hair-on-fire moment. I would have  
7 thought, you know, I have done it now. And for  
8 him to be able to call me, someone of that  
9 stature and say, Dear, it's not the end of the  
10 world. Don't take it that hard, you know, Life  
11 goes on. You need somebody in your life who will  
12 be that barometer for you, that will tell you --  
13 you know, that you can tell everything to. You  
14 don't have to have a filter. And in life, we go  
15 through lots of relationships where we have  
16 filters, you know, Can I tell you this? Can I  
17 not tell you that? You need a mentor that you  
18 can tell everything. And the other thing that I  
19 shared is work ethic. There is no substitute for  
20 it. Most people only do enough to only get by.  
21 You can outwork anyone. So always go above and  
22 beyond, which, in this generation, unfortunately,  
23 above and beyond really isn't necessarily above  
24 and beyond. As lawyers and for those -- y'all  
25 are in law school, right? -- learn to anticipate

1 needs. That will take you so far in life, which  
2 means -- and that's a part of working hard and  
3 not waiting to be -- to anticipate things, not  
4 waiting to see when -- you know, waiting for it  
5 to happen, but anticipating it, and working hard,  
6 there's just no substitute for those three  
7 things. So that's what I would share with you  
8 all, and I hope it was helpful.

9 SENATOR RANKIN: And that was one minute. So very  
10 good.

11 JUDGE JEFFERSON: Well, you know, as my daddy -- well,  
12 I went to a funeral --

13 SENATOR RANKIN: No. No, please. Please --

14 JUDGE JEFFERSON: I'm sorry.

15 SENATOR RANKIN: All right, Judge. We are going to  
16 take this opportunity to tell you thank you so  
17 much, but no more. But if you'd like to sit  
18 around and talk to all these folks afterwards,  
19 you're more than welcome to.

20 JUDGE JEFFERSON: I'm sure y'all got more things to do  
21 today.

22 SENATOR RANKIN: Thank you for being here, and thank  
23 you for --

24 JUDGE JEFFERSON: Thank y'all.

25 SENATOR RANKIN: -- the thorough responses you've

1 given.

2 JUDGE JEFFERSON: Thank you.

3 SENATOR RANKIN: As you know, we take both the letter  
4 and the spirit of the ethics law very, very  
5 seriously. And any violation or the appearance  
6 of impropriety or violation would be deemed very  
7 serious by us, and warranting us calling you back  
8 for further questions. You understand that,  
9 correct?

10 JUDGE JEFFERSON: Yes, sir, absolutely.

11 SENATOR RANKIN: You also know that the record will  
12 remain open until the formal release of the  
13 Report of Qualifications. And again, in the  
14 event of anything in this nature, we would have  
15 the right to call you back, correct?

16 JUDGE JEFFERSON: Yes, sir.

17 SENATOR RANKIN: All right. The traffic, I'm told, is  
18 light. Enjoy your ride home. Thank you so much.

19 JUDGE JEFFERSON: Thank you.

20 SENATOR RANKIN: We stand adjourned till tomorrow  
21 morning.

22 (There being no further questions, the hearings  
23 concluded at 12:40 p.m.)

24

25

## 1 CERTIFICATE OF REPORTER

2  
3 I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC  
4 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
5 CERTIFY THAT I REPORTED THE HEARINGS ON WEDNESDAY, THE 8TH  
6 DAY OF MAY 2024, THAT THE WITNESS WAS FIRST DULY SWORN BY  
7 ME AND THAT THE FOREGOING 148 PAGES CONSTITUTE A TRUE AND  
8 CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID  
9 DEPOSITION.

10 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR  
11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE  
12 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY  
13 INTERESTED IN SAID CAUSE.

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24 KATHRYN B. BOSTROM, COURT REPORTER

25 MY COMMISSION EXPIRES AUGUST 23, 2032

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