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**HEARING PROCEEDINGS**

*November 18, 2024*

**2024 SC Judicial Merit Selection Commission**

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF RICHLAND )

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: SENATOR LUKE A. RANKIN, CHAIRMAN

9

MICAJAH PICKETT "MICAH" CASKEY, VICE CHAIRMAN

10

SENATOR RONNIE A. SABB

11

SENATOR BILLY GARRETT

12

REPRESENTATIVE J. TODD RUTHERFORD

13

MS. HOPE BLACKLEY

14

MS. LUCY GREY MCIVER

15

MR. ANDREW N. SAFRAN

16

REPRESENTATIVE WALLACE H. "JAY" JORDAN

17

MS. ERIN CRAWFORD, CHIEF COUNSEL

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\* \* \* \* \*

19

DATE: November 18, 2024

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TIME: 9:00 a.m.

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LOCATION: Gressette Building

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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1 CHAIRMAN RANKIN: All right, ladies and gentlemen, we  
2 are on the record now for the first of a few  
3 days, few hours and few candidates examination of  
4 our JMSC slate of candidates. I am Luke Rankin,  
5 for those two of you out side watching, Dennis is  
6 one of them. I want to introduce our newest  
7 member and that is Senator Billy Garrett.

8 Welcome, Senator Garrett, as our new appointee.

9 SENATOR GARRETT: Thank you, Mr. Chairman, it's an  
10 honor to serve.

11 CHAIRMAN RANKIN: Very good. And we are going to,  
12 first, with the ever dutiful tutelage of my  
13 sidekick chief counsel here. We're going to  
14 entertain now a motion to vote on chair and vice  
15 chair of this current JMSC session. Okay, so  
16 would there be a motion for chair?

17 VICE CHAIRMAN CASKEY: Senator, if I could, I'd like  
18 to nominate -- I should say, colleagues, it is my  
19 privilege to nominate Senator Luke Rankin as  
20 chair of the Judicial Merit Selection Commission.  
21 With his deep knowledge of the law, years of  
22 legislative leadership, and commitment to a fair  
23 and effective judiciary, Senator Rankin is  
24 uniquely qualified to guide this Commission's  
25 critical work. His experience and steady hand



1 CHAIRMAN RANKIN: And I will second that whole  
2 heartedly. Any further nominations? There being  
3 none, all in favor of Representative Micah Caskey  
4 as vice chair say aye.

5 (Ayes are heard.)

6 CHAIRMAN RANKIN: There being no opposition,  
7 congratulations, sir. We now will do a little  
8 bit of preamble here before we get into the meat  
9 of this slate of candidates. And you all know,  
10 and the folks out in the universe are aware that  
11 we are called pursuant to Chapter 19, Title 2 of  
12 the South Carolina Code of Laws requiring the  
13 review of candidates for judicial office. The  
14 function of this Commission is not to choose  
15 between candidates but rather to declare whether  
16 the candidates who offer for positions on the  
17 bench, in our collective judgment, are qualified  
18 to fulfill the positions they seek. The inquiry  
19 we undertake is a thorough one. It is centered  
20 around the Commission's nine evaluative criteria.  
21 It involves a complete personal and professional  
22 background check on each candidate. These public  
23 hearings are convened for the purposes of  
24 screening candidates. We will screen in this  
25 slate one open seat two seats for re-election on

1 the Court of Appeals. Six open seats and six  
2 seats for re-election on the Circuit Court. Five  
3 open seats and 29 seats for re-election on the  
4 Family Court, one open seat and one seat for re-  
5 election on the Administrative Law Court. Four  
6 open seats and five seats for re-appointment for  
7 Master-in-Equity. Three retired judges. In the  
8 vein of my comment about this being a thorough  
9 process, the camera doesn't show you the number  
10 of folks that are sitting in this room who each  
11 have the assignment of a particular candidate.  
12 All attorneys through both Senate and the House,  
13 with each one. And staff as well here, Erin  
14 Crawford, chairing that roll of this thorough  
15 investigation that we do into each candidate.  
16 And so, ladies and gentlemen that are doing the  
17 true work here, thank you for your diligence in  
18 doing this as we, you know, try to do this in a  
19 healthy, fair way. At this point, we are going  
20 to turn it over to Erin and she's going to  
21 introduce these folks who I have called attention  
22 to individually. You might want to hide from the  
23 camera. I don't know if you can shine the camera  
24 on these folks or not. How about let's do that.  
25 All right, everybody put a little bit of make-up

1           on now. All right, Erin, please.

2 MS. CRAWFORD: Thank you, Mr. Chairman. Mr. Chairman,  
3           for the screening attorneys and staff, they do an  
4           enormous job and we really appreciate it. The  
5           Senate screening attorneys include Paula Benson  
6           -- if y'all would stand. We have a few new ones,  
7           new attorneys as well, so. Paula Benson, Maura  
8           Baker, Madison Faulk, Sharon Wilkinson, Breeden  
9           John, J.J. Gentry, Brian Cohl and Amanda Adler.  
10          The House screening attorneys include Kate  
11          Crater, Jimmy Hinson, Julia Foster, Emma Hall,  
12          Macey Webb, Lauren Trask, Erica Starnes, Dustin  
13          Stimson, Bryan Triplett, Trey Walpole and Maggie  
14          Chappell. I think I have everybody. And then  
15          Senate Staff that's assisting us, Maxine Henry is  
16          our proofer and she's behind the door. Susan  
17          Gibson, Gigi Bennett, Marie Waller and, of  
18          course, Lindi Putnam. Mr. Chairman, at this  
19          time, I would like to request a vote on the cover  
20          page for the draft report. It shows that the  
21          report will be delivered on Thursday, January  
22          16th, 2025. The 48-hour period ends at noon on  
23          Tuesday, January 21st, 2025. And the election is  
24          currently scheduled for noon, Wednesday, February  
25          5th, 2025, pending a passage of a concurrent

1 resolution, setting that date.

2 CHAIRMAN RANKIN: And at this point I also want  
3 invite, as I introduced Senator Garrett, let me  
4 just go around the horn and - starting with our  
5 court reporter. Again, lights, camera. If you  
6 could direct the camera to everyone on the --

7 COURT REPORTER: I think I'm behind the pole, hello.

8 CHAIRMAN RANKIN: What's your name for the record,  
9 ma'am?

10 COURT REPORTER: Jennifer Nottle. It's nice to see  
11 you all again.

12 MS. McIVER: I'm Lucy Grey McIver and glad to be here.

13 MR. SAFRAN: Andy Safran.

14 CHAIRMAN RANKIN: Are you glad to be here?

15 MS. McIVER: Andy is glad to be here also.

16 MR. STROM: Pete Strom.

17 REPRESENTATIVE JORDAN: Jay Jordan.

18 VICE CHAIRMAN CASKEY: Micah Caskey.

19 CHAIRMAN RANKIN: And can you introduce the fellow  
20 who's just walked in?

21 REPRESENTATIVE RUTHERFORD: Todd Rutherford.

22 CHAIRMAN RANKIN: Is it, he's back? And, again,  
23 Ronnie Sabb is en route. Senator Sabb is en  
24 route. And Hope, as well, is en route. And with  
25 that we will now entertain a motion to go into

1 executive session here. In fact, actually as --  
2 the cover page, any objection to that being  
3 adopted? If not, all in favor say aye.

4 (Ayes are heard.)

5 MS. CRAWFORD: And, Mr. Chairman, at this time I'll  
6 ask Lindi to distribute the signature page to the  
7 Commission members for the draft report.

8 CHAIRMAN RANKIN: And she is dutifully doing that.

9 MS. CRAWFORD: And at this point I would like to  
10 suggest we go into executive session to discuss  
11 matters related to legal advice.

12 CHAIRMAN RANKIN: All right, any objection to that,  
13 all in favor say aye.

14 (Ayes are heard.)

15 CHAIRMAN RANKIN: All right, we are now in executive  
16 session.

17 EXECUTIVE SESSION

18 CHAIRMAN RANKIN: All right, we are back on the record  
19 and for the record, no actions taken, no votes  
20 taken during executive session. We are now  
21 going to call our first -- we're about to call  
22 our first candidate, but beforehand we got a  
23 little bit of housekeeping to do. Ms. Crawford.

24 MS. CRAWFORD: Mr. Chairman, I would like to offer and  
25 have made exhibits to the record, the following.

1           The Fall 2024 Citizens Committee reports from the  
2           Low Country, the Midlands, Pee Dee, Piedmont, and  
3           Upstate, as well as the Fall 2024 South Carolina  
4           Bar Judicial Qualifications Committee reports.

5           CHAIRMAN RANKIN: And that will be made a part of the  
6           record as well. All right, Ms. Putnam.

7           (Exhibit Number 1 was marked for identification  
8           purposes - (86 pages) Citizens Committee Report.)

9           (Exhibit Number 2 was marked for identification  
10          purposes - (84 pages) SC Bar Reports.)

11          CHAIRMAN RANKIN: Judge Curtis, please. Welcome, we  
12          are -- good morning.

13          JUDGE CURTIS: Good morning.

14          CHAIRMAN RANKIN: We are as close to 10:00 o'clock as  
15          we've ever been. And we appreciate your being  
16          here.

17          THE HONORABLE KRISTI F. CURTIS, being duly sworn,  
18          testifies as follows:

19          CHAIRMAN RANKIN: And tell us your name for the  
20          record.

21          JUDGE CURTIS: I'm Kristi Curtis.

22          CHAIRMAN RANKIN: Very good. You have, before you,  
23          just handed what you've submitted as your PDQ and  
24          sworn statement. Do you have any objections to  
25          those coming into the record? Do you need any



1 modifications or edits for those?

2 JUDGE CURTIS: I do not.

3 CHAIRMAN RANKIN: All right. If you'll hand those to  
4 Ms. Putnam. They'll be placed in the record.  
5 And you know the process by which we vet all  
6 candidates. We have thoroughly investigated your  
7 qualifications. And as you know, our inquiry  
8 focuses on the nine evaluative criteria, which  
9 includes a ballot box survey, thorough study of  
10 your application materials, verification of your  
11 compliance with the state ethics laws, search of  
12 newspaper articles in which your name appears,  
13 study of previous screenings, and check for  
14 economic conflicts of interest. We have received  
15 no timely affidavits or complaints filed in  
16 opposition to your election. I notice you  
17 brought a number of people with you. I'd welcome  
18 you to introduce those folks at this time if  
19 you'd like.

20 (Exhibit Number 3 was marked for identification  
21 purposes - (19 pages) Personal Data Questionnaire for  
22 The Honorable Kristi F. Curtis.)

23 (Exhibit Number 2 was marked for identification  
24 purposes - (7 pages) Sworn Statement of The Honorable  
25 Kristi F. Curtis.)

1 JUDGE CURTIS: Sure. I'm delighted to have with me my  
2 husband, Warren Curtis, of almost 30 years. My  
3 daughter, Chandler, who is a medical student at  
4 MUSC. My son, Connor, who is a trip director for  
5 a company called Travel for Teens.

6 CHAIRMAN RANKIN: Very good. Anyone with teens in the  
7 room? Perhaps we'd like a card for later. For  
8 parents whose teens are traveling. All right.  
9 You are welcome at this point if you'd like to  
10 make a brief opening statement. Otherwise, we'll  
11 turn it over to staff council for questions and  
12 then questions of members of the commission as  
13 well. So you're welcome to give us a few words  
14 or jump right into the questions.

15 JUDGE CURTIS: I just want to thank you for the  
16 opportunity to be here. It's an honor. And  
17 also, thank you to the staff for all the hard  
18 work that they do.

19 CHAIRMAN RANKIN: You're welcome.

20 JUDGE CURTIS - EXAMINATION BY MS. CRAWFORD:

21 MS. CRAWFORD: Thank you, Mr. Chairman. I'd note for  
22 the record that based on the testimony contained  
23 in the candidate's PDQ that has been included in  
24 the record, Judge Curtis meets the constitutional  
25 requirements for this position regarding age,

1 residence, and years of practice.

2 **Q. Judge Curtis, you've been a Circuit Court judge**  
3 **for several years. Why do you want to serve on**  
4 **the Court of Appeals?**

5 A. I have loved every minute of being on the Circuit  
6 Court bench. I still love it. Even the  
7 difficult moments are really a privilege to just  
8 be a part of the process. But my first job right  
9 out of law school was at the Court of Appeals as  
10 a staff attorney and then as a law clerk. To say  
11 that it made a big impression on me is really an  
12 understatement. Just to be a small part of that  
13 process was really an honor; and I enjoyed every  
14 bit of it. I've always been drawn to the  
15 research and the legal writing. I think it's a  
16 strength of mine. As a Circuit Court judge, we  
17 have to make very quick rulings. And the nature  
18 of that job is that we don't get the opportunity  
19 to do a deep dive into every issue that comes in  
20 front of us. So I really would love the  
21 opportunity to be part of the process of  
22 clarifying the law and getting to use my skills  
23 in legal research and writing.

24 **Q. And you just touched on this, how your legal and**  
25 **professional experience will assist you to become**

1           **an effective judge on the Court of Appeals. Is**  
2           **there anything else you want to add to that based**  
3           **on your history and your experience?**

4       A.    Sure. I've been a judge now for about 13 years  
5           between magistrate's court and being on the  
6           Circuit Court bench. So I've tried a number of  
7           cases in every conceivable realm, I feel like at  
8           this point. From speeding tickets to murder  
9           trials, civil trials in almost every context,  
10          wrongful death, landlord-tenants, everything in  
11          between. So I feel that I do have a lot of boots  
12          on the ground trial experience at this point. In  
13          my private practice, I did trial work. I did a  
14          good bit of appellate practice, a pretty robust  
15          appellate practice as well. So I think that I  
16          have a good breadth of experience both the  
17          academic side of that and then the practical,  
18          again, boots on the ground experience to be an  
19          asset on the Court of Appeals.

20       **Q.    Thank you, Judge. How would you describe your**  
21       **general judicial philosophy?**

22       A.    Well, for the Court of Appeals, I think  
23           specifically, I believe in judicial restraint.  
24           The Court of Appeals is an error-correcting  
25           court. It is not a precedent-setting court. We

1 are bound by the Supreme Court precedents. So I  
2 think that any changes in the law should be  
3 incremental. I think they should be predictable.  
4 I think that when a ruling is dependent on  
5 statutory construction, we should look to the  
6 language of the statute. We should look to the  
7 legislative intent. And again, we're not a  
8 policy-making body when you're sitting on an  
9 intermediate court. You are there to construe  
10 the law and to clarify those areas that need  
11 clarification.

12 **Q. Thank you, Judge. Do you have a vision for the**  
13 **future of the judicial system? And what changes**  
14 **would you advocate for that system, broadly and**  
15 **then for the Court of Appeals?**

16 **A.** Well, having been a Circuit Court judge now for  
17 six years, there are a number of areas that I  
18 think we can improve upon that affect more the  
19 Circuit Court. So I do think that we need more  
20 drug treatment. We need more mental health  
21 treatment. And we have a big problem with both  
22 gun violence and domestic violence. Those are  
23 the main issues that I see day in and day out in  
24 the Circuit Court. That if we could deal with  
25 just mental health issues and addiction issues,

1           that's 90 percent of what we're seeing. So I  
2           think we always need to be looking for new ways  
3           to address those same issues and not just keep  
4           doing more of the same. The issues that I see  
5           with both the Circuit Court and the appellate  
6           court is the backlog. We're all dealing with a  
7           backlog. I think every court is dealing with  
8           this. So when you have litigants who are waiting  
9           on decisions and they have to wait for years and  
10          years before they get a ruling, and sometimes at  
11          the appellate court, then going back to square  
12          one and having a remand, a delay can really be a  
13          denial of justice. So I think we have to be  
14          looking at ways to cut down on that backlog and  
15          be willing to try new things and, again, not just  
16          do the same thing that we've been doing along and  
17          along. I do think WebEx, one of the good things  
18          to come out of COVID, is that we've got more  
19          transparency. So anybody with an internet  
20          connection can now see what is happening in real  
21          time in the trial court level and at the  
22          appellate court level. So I think that is a big  
23          improvement.

24       **Q. Thank you, Judge. And what -- to what extent do**  
25       **you believe that a judge should or should not**

1           **defer to the actions of the General Assembly?**

2    A.   Well, again, I think that we're not a  
3       policy-making body.  So the General Assembly is  
4       the policy-making body.  If I wanted to make  
5       policy, I think that I need to run for office and  
6       then you can make all the policy that you want to  
7       make.  As an appellate court judge, I think the  
8       first and foremost thing is what does the text of  
9       the law say?  Can we discern what the legislative  
10      intent was?  And not to put my own values on any  
11      particular case.  Of course, always keeping in  
12      mind that we're dealing with real live litigants.  
13      So I do think that even though we're in this very  
14      academic setting and we're looking at all the  
15      complexities and the nuances of the law, we  
16      always have to keep in mind that there are real  
17      live litigants who are being affected by our  
18      decisions.

19    Q.   **Thank you.  Judge Curtis, the Commission received**  
20       **507 ballot box surveys regarding you with 109**  
21       **additional comments.  The comments in the ballot**  
22       **box survey were overwhelmingly positive.  For**  
23       **example, I'll summarize a few of the positive**  
24       **comments.  Great judge, would be an asset to the**  
25       **Court of Appeals.  Several comments noted that**

1           you are a student of the law and have strong  
2           intellect. Numerous comments noted that you have  
3           an outstanding temperament. While several  
4           commented that you are fair, deliberate, and  
5           intentional with your rulings, there were a  
6           couple that noted that you are not well-versed in  
7           the law and that you're slow in issuing orders.  
8           How would you respond to that?

9       A.   Well, we -- I try very hard to be diligent. You  
10       know, we -- our schedule is such that we are  
11       moving from week to week to different courts.  
12       So, you know, I do think time management is an  
13       issue that we really have to stay on top of. I  
14       think that by and large, my orders are very  
15       timely. Occasionally, we have an issue that  
16       needs more attention. It needs a deeper dive.  
17       So, you know, I may take longer to look at those  
18       issues. I do think that I try to go by what the  
19       law says. Many times I wish that, you know, I  
20       could just make Kristi Curtis law and I could  
21       make a ruling that is what I think is best. But  
22       I do think that a judge is obligated, the rule of  
23       law, we have got to follow what the law says. I  
24       try to follow the law in all my rulings.

25       Q.   Thank you, Judge. You have indicated in your PDQ



1           that since your last screening, a lawsuit was  
2           filed against you in 2020. I guess that was the  
3           screening before. In the commonplace court by,  
4           and I'm going to butcher his name, Gersh  
5           Zavodnik?

6       A.    Yes, ma'am.

7       Q.    Can you explain the nature and/or disposition of  
8           this lawsuit?

9       A.    I believe it's now been dismissed in its  
10           entirety. Mr. Zavodnik was a litigant in a case  
11           that was filed in Sumter County. I had a motion  
12           of his in front of me. I ruled against him on an  
13           issue pertaining to service of process. He then  
14           sued me. He has sued, I think, anyone who was  
15           involved in that lawsuit in any way, shape, or  
16           form. So he sued me. He sued the Clerk of  
17           Court. I believe he sued the employee of the  
18           Clerk of Court's office. The -- maybe the  
19           attorney who was representing the defendant. I  
20           think the paralegal who signed the paperwork.  
21           And I think that it's fair to say that his issues  
22           with me were pertaining to my ruling. I didn't  
23           know him. I've never had any dealings with him  
24           other than I ruled on his case that was in front  
25           of me.

1 **Q. Thank you.**

2 MS. CRAWFORD: And the SLED report did not indicate  
3 there were additional matters. I would note for  
4 the record that the Pee Dee Citizens Committee  
5 reported that Judge Curtis is qualified in the  
6 evaluative criteria of constitutional  
7 qualifications, physical health, and mental  
8 stability, and well qualified in the remaining  
9 evaluative criteria of ethical fitness,  
10 professional and academic ability, character,  
11 reputation, experience, and judicial temperament.  
12 The committee had no related or summary comments.  
13 Just a few housekeeping matters. Since  
14 submitting your letter of intent to run for the  
15 seat, have you contacted any members of the  
16 commission about your candidacy?

17 A. No. I did send a letter to Senator Garrett  
18 before he was appointed to the committee. Of  
19 just introduction with a copy of my resume.

20 **Q. And are you familiar with section 2-19-70,**  
21 **including the limitations on contacting members**  
22 **of the General Assembly regarding your screening?**

23 A. I am.

24 **Q. Since submitting your letter of intent, have you**  
25 **sought or received the pledge of any legislator**

1 prior to this date or pending the outcome of this  
2 hearing?

3 A. I have not.

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

6 A. I have not.

7 Q. Are you aware of anybody doing so?

8 A. I'm not.

9 Q. Mr. Chairman, members of the commission, I would  
10 note for the record that any concerns raised  
11 during the investigation regarding Judge Curtis  
12 were incorporated into the questioning of the  
13 candidate today. And I have no further  
14 questions.

15 CHAIRMAN RANKIN: Okay, thank you. Members of the  
16 Commission, questions you all may have. I want  
17 to just open up very briefly.

18 JUDGE CURTIS - EXAMINATION BY CHAIRMAN RANKIN:

19 Q. I'm curious, are you still teaching Sunday  
20 school?

21 A. I'm not. I have not taught Sunday school since  
22 COVID. But I taught the same kids from ninth  
23 grade all the way through their 12th grade year.  
24 And then, you know, we had a little bit of a  
25 break with COVID. I have not been back. But

1           that was an education.

2    **Q.**    Your start in this legal career, you were a law  
3           clerk at the -- a staff attorney, then a law  
4           clerk at the Court of Appeals.

5    **A.**    That's right.

6    **Q.**    You know your way around that, not just building,  
7           but the process well.  Some ask, and I don't  
8           recall looking at the transcript, but Circuit  
9           Court first -- Magistrate, then Circuit, and now  
10          to the Court of Appeals, your, your goal.  Some  
11          describe the Court of Appeals and or an appellate  
12          role, Supreme Court of Appeals as a very  
13          impersonal, institutional academic-like  
14          environment.  Some excel in that.  Obviously, you  
15          have been there, done that, as at least knowing  
16          what they do.  Do you see your personal bent  
17          being fed by more of a -- we'll call it again,  
18          those adjectives may not be accurate, but does  
19          that, that look like something you really want to  
20          do to get away from perhaps the -- the ebb and  
21          flow of humanity on a day-in, day-out basis?

22   **A.**    Well, I -- I love the Circuit Court bench.  I  
23          love the trial, you know, being part of the  
24          trial.  I mean, that's where the excitement is  
25          for sure.  I did not find the Court of Appeals to

1 be a silo. I mean, it was quiet for sure  
2 compared to the Circuit Court bench. But there  
3 was a lot of collegiality. I think there needs  
4 to be a lot of collegiality. I think there's a  
5 real danger to be -- to have your judges be  
6 completely isolated and not part of the community  
7 is not good. I think that we need to be part of  
8 the community. I think it would help the overall  
9 reputation of the judiciary to have judges  
10 teaching Sunday school and being part of your  
11 Rotary Club and, and really part of the  
12 community. I think at the appellate level, you  
13 probably have to work a little bit harder to have  
14 that collegiality because you're from around the  
15 state and you don't have the constant interaction  
16 with attorneys and litigants. I do love the  
17 academic part of it. And I enjoy the research.  
18 I enjoy the writing. And I enjoy talking with my  
19 fellow judges about, you know, the nuances of the  
20 law. So I would not want to, um, you know, just  
21 hole up in an office and not have any interaction  
22 with my fellow judges and lawyers. But I don't  
23 think that that's the case at the Court of  
24 Appeals.

25 **Q. Very good. Your track record as a Circuit Court**

1 judge with decisions of appeal from your rulings,  
2 and how have you done there?

3 A. So I have one published reversal. I have a lot  
4 of, affirmed decisions, but it seemed they didn't  
5 make it to, you know, why they want to publish  
6 the one where they reversed me. They did adopt  
7 my order in its entirety. I was assigned a case  
8 that the Supreme Court had taken up in its  
9 original jurisdiction. They assigned it to me as  
10 the finder of fact to have a hearing and then to  
11 make recommendations. And they did adopt my  
12 recommendations as the Supreme Court order. That  
13 was a published opinion. It was on the  
14 unauthorized practice of law. So I have been  
15 affirmed in other unpublished decisions quite a  
16 few times. I have one reversal, and that one  
17 just happened to be published.

18 Q. Well, and to the point of the negative versus the  
19 positive, I want to go back to your replying only  
20 to the negative comment about timeliness of your  
21 orders. I just want you to take a moment. You  
22 don't have to say anything, but to be affirmed in  
23 the reputation that you have in all the metrics  
24 that we look for. Temperament, on and on and on  
25 in terms of your professionalism, what you

1 brought to the court thus far. Don't ignore the  
2 positive and just focus on the negative. You can  
3 say something to that or not. So I invite you to  
4 shake or not.

5 A. Well, I think that's what the attorneys that I  
6 see that are the great attorneys. And I'll just  
7 give you an example. I had a case one time  
8 against Buck James when we were younger attorneys  
9 and we were practicing, that I just happened to  
10 be successful in that case. And he's going to  
11 hate it that I'm telling this story. Yes, yes.  
12 So, and that was to jury trial and we got a  
13 favorable verdict for my client. And then every  
14 time I saw him for years, he would bring that  
15 case up. You know, he just could not let it go.  
16 Because that's the one you really focus on. You  
17 always want to do better. So I don't want to  
18 have anyone dissatisfied with me ever. And I  
19 think that that drive makes us better lawyers and  
20 judges.

21 CHAIRMAN RANKIN: Very good. All right. Questions.

22 Ms. McIver.

23 MS. McIVER: Thank you, Senator Rankin. I wanted to  
24 follow up with what you were just speaking with  
25 Judge Curtis about, which is all of the positive

1 comments that were in the ballot box. Some of  
2 the ones that just kept coming up excellent trial  
3 judge, wonderful temperament, intelligent,  
4 humble, exudes professionalism, fair, respectful,  
5 well-reasoned. And one that came up that, that I  
6 have known Judge Curtis to excel in is her  
7 mentorship of young lawyers as well as young high  
8 school students in the community. I know I'm  
9 from Sumter and I'm familiar with the work that  
10 Judge Curtis has done, not only with her law  
11 clerks, but also with other young folks who are  
12 trying to pursue a career in law. And so being  
13 from Sumter, I certainly appreciate that.  
14 Another thing is I have known Judge Curtis, not  
15 only as being a practicing attorney in Sumter,  
16 but on both sides of the V. I had a stint on one  
17 side of the V recently and knew Judge Curtis and  
18 was exposed to Judge Curtis as a trial court  
19 judge, as well as being on the other side of the  
20 V for most of my career. And so the feedback  
21 that I hear from my colleagues, whether they're  
22 from Sumter or other parts of the state is, we  
23 hope we draw Judge Curtis. She is fair. She is  
24 well-reasoned. I was surprised to see that the  
25 timeliness, because what I've heard is she's very



1           timely in getting her orders done. And she is  
2           really a star for the Sumter community. One of  
3           the comments that I wanted to point out that was  
4           negative in the ballot boxes is actually one that  
5           I share, and that is she is an excellent trial  
6           judge, and we don't want to lose her on that  
7           bench to go up to the Court of Appeals. So that  
8           is certainly my negative comment about this whole  
9           situation, which is obviously not that negative.  
10          But I thank you for the job that you've done and  
11          for being willing to continue to serve and for  
12          all you've done, not only for Sumter County and  
13          Sumter community, but also the legal community in  
14          South Carolina.

15          JUDGE CURTIS: Well, I thank you for the very kind  
16          comments.

17          CHAIRMAN RANKIN: Representative Rutherford.

18          JUDGE CURTIS - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

19          **Q. Good morning, Judge.**

20          A. Good morning.

21          **Q. So I just want to reiterate what has already been**  
22          **said, but just say in a different way, the number**  
23          **of lawyers that took time to write almost**  
24          **paragraphs for you, you have to keep scrolling**  
25          **through all the stuff to get down, to just get to**

1 the end because everybody wanted to say  
2 something. And that echoes my time in front of  
3 you, my time sitting in your courtroom was just  
4 there this week -- or last week. And even one of  
5 the negative comments, not well versed in the  
6 law, they followed up by saying, outstanding  
7 temperament, very easy to work with, and treats  
8 litigants and lawyers good. I mean, so again, I  
9 think you have just enjoyed an outstanding  
10 reputation on the bench. My question is  
11 something that you brought up that I was going to  
12 get into, but since you breached the door, one of  
13 the cases that I'm involved with at the federal  
14 level. Sentenced in August of '23, case  
15 overturned last week, so a little over a year,  
16 and the arguments at the appellate level were  
17 almost at the year mark. What do we do about  
18 appellate courts in South Carolina that are not  
19 even getting cases until three years, four years  
20 later? A pathway to the Supreme Court, maybe  
21 seven, eight years. And then as you stated, if  
22 that results in a new trial, you're going back  
23 trying to find witnesses and facts from seven,  
24 eight years ago. Like how does that equal  
25 justice? Given where we differ at the Circuit

1 Court level, one of the issues that we run into,  
2 the voluminous amounts of discovery now. And I'm  
3 sure you started when a file was two or three  
4 pieces of paper, and you just moved, and now it's  
5 in a federal case, 30,000 pieces of paper that  
6 you're expected to be ready to go on and videos.  
7 But the court wants that done in a year, but  
8 they're not getting it until eight years later.  
9 What do you do? And I'm not asking you to have  
10 an answer, but you did mention it, and it's a  
11 problem.

12 A. I've talked with Chief Judge Williams about the  
13 backlog. I was very encouraged that, you know,  
14 he's up to -- he's done some hiring so he's able  
15 to get fully staffed on the staff attorney side.  
16 I think they've had a lot of turnover, and then  
17 they were not able to hire as many attorneys as  
18 they really needed. So I think they've resolved  
19 a lot of the staffing issues. I think that they  
20 are willing to try different things. I know that  
21 he has had a committee working on this. They've  
22 come up with some ideas. Judge Hewitt, I think,  
23 was in charge of that committee, and for example,  
24 they said that in areas where you have appeals,  
25 that the law is very well settled. They're going

1 to streamline the process. So you can kind of  
2 triage those cases and get the ones that are,  
3 again, the law is very well settled, put them on  
4 a quicker path, and instead of having them in the  
5 same slot as the cases that need a further, you  
6 know, a deeper dive. So I was encouraged. It  
7 looks to me like they are willing to do things  
8 differently than they've done in the past. To  
9 try new things and see how that works, and to  
10 make a concerted effort to get through the  
11 backlog. I do think that it takes all hands on  
12 deck. So you've got to have the clerk staff  
13 being willing to do things differently and to  
14 work not just harder, but smarter. Sometimes  
15 it's an impediment to get all the people on  
16 board. But it looks to me like they've got staff  
17 attorneys willing to do things differently and  
18 work in a different way. They've got all the  
19 judges who really want to get through the  
20 backlog. They've got the clerk's office willing  
21 to do new things. And it takes all those moving  
22 pieces, I think, to get it moving. I don't know  
23 all the answers since I haven't worked there  
24 since 1995. But again, I was encouraged that  
25 they're looking at different ways of doing it.

1 Q. Thank you, and again, as someone that's been in  
2 front of you on a lot of occasions, I'm happy to  
3 see you here. I'm sure Sumter's definitely going  
4 to miss you.

5 A. Thank you.

6 CHAIRMAN RANKIN: All right. Anyone else?

7 REPRESENTATIVE JORDAN: Mr. Chairman.

8 CHAIRMAN RANKIN: Representative Jordan.

9 JUDGE CURTIS - EXAMINATION BY REPRESENTATIVE JORDAN:

10 Q. Thank you, Mr. Chairman. Judge, good morning.

11 A. Good morning.

12 Q. Thank you for your current service and your  
13 willingness to serve and put yourself forward in  
14 this new capacity. Representative Rutherford  
15 really stole my question. So I'll kind of turn  
16 it into a little bit of a comment, really, and  
17 you did a great job answering the question. But  
18 it would seem to me, based on your background,  
19 you're a perfect person to help in this  
20 situation. I think all the lawyers look at it  
21 and say, it should move a little faster. Can it  
22 move a little faster? I look back at your  
23 experience, and you've worked with groups of  
24 people, whether it was managing as the chief  
25 magistrate, a semi-large staff, and then your

1 experience being the chief administrative judge  
2 in both common pleas and general sessions. One  
3 of the concerns I get sometimes with the Circuit  
4 Court is, you can kind of get on an island, and  
5 you can go -- you can be sent to different parts  
6 of your circuit or the state, and you and your  
7 clerk move around the state, and you pull your  
8 wagon, so to speak. But I've got to think that  
9 your extensive experience working with groups of  
10 people would help you in that management process  
11 of moving large amounts of cases. As the Court  
12 of Appeals is sort of that only guaranteed stop  
13 of appellate work. Is that something that you  
14 think will be as helpful in your work, if you are  
15 successful here?

16 A. When I started at the magistrate's court in  
17 Sumter, we had, I think, a four to four and a  
18 half year backlog for DUI trials. And, of  
19 course, nobody was happy with that. And the  
20 judges that I worked with, they wanted the  
21 backlog gone. The private bar thought this was a  
22 bad thing to have this terrible backlog. The  
23 sheriff's department thought it was a terrible  
24 thing to have a backlog. So we started doing  
25 things differently. And, I mean, we whittled it

1 down to less than a year in pretty short order.  
2 Part of that was having the right people in the  
3 right places, people who had really  
4 administrative strengths. So I had to make some  
5 difficult decisions with staffing, put the right  
6 people in the right place. But a lot of that was  
7 also because all of the key players were willing.  
8 They were all dissatisfied with the current state  
9 of affairs. They were willing to try new things.  
10 All of the judges were on board. And they were  
11 so cooperative with doing different things to get  
12 that backlog taken care of. So you really -- I  
13 feel like you have to build a consensus and, you  
14 know, not have finger pointing and blaming and  
15 people that are so set in their role that they're  
16 not willing to try new things.

17 **Q. Thank you.**

18 CHAIRMAN RANKIN: All right. No others? All right.

19 Judge, thank you very much. And unless there are  
20 other questions or any further comments you'd  
21 like to make.

22 JUDGE CURTIS: I just thank you so much for the  
23 opportunity.

24 CHAIRMAN RANKIN: Very well. This will conclude this  
25 portion of our screening process. And again,

1           you're familiar with this. And I want to remind  
2           you of our evaluative criteria and pursuant to  
3           that, that we expect you as a candidate to follow  
4           the spirit as well as the letter of ethics law.  
5           Any violation or appearance of inappropriate on  
6           your part would be deemed very serious and  
7           potentially warranting us calling you back for  
8           further questions. You know that though,  
9           correct?

10          JUDGE CURTIS: Yes, sir.

11          CHAIRMAN RANKIN: Very well. And at this time, again,  
12                thank you very much for your willingness to serve  
13                in a different capacity as well as your continued  
14                service on the bench.

15          JUDGE CURTIS: Thank you very much.

16          CHAIRMAN RANKIN: Thank you very much.

17                               (OFF THE RECORD)

18          CHAIRMAN RANKIN: All right, Mr. Jason Luther, is that  
19                correct? Yes, sir. If you will, raise your  
20                right hand.

21                JASON P. LUTHER, being duly sworn, testifies as  
22 follows:

23                CHAIRMAN RANKIN: Very well. State your name for the  
24                record.

25                MR. LUTHER: Jason Philip Luther.



1 CHAIRMAN RANKIN: Very well. Now, you have submitted  
2 to us a PDQ, personal data questionnaire, and  
3 sworn statement. Are those ready to be  
4 introduced into the record this time?

5 MR. LUTHER: Yes.

6 CHAIRMAN RANKIN: All right. No objection by you,  
7 correct?

8 MR. LUTHER: Correct.

9 (Exhibit Number 5 was marked for identification  
10 purposes - (18 pages) Personal Data Questionnaire for  
11 Jason P. Luther.)

12 (Exhibit Number 6 was marked for identification  
13 purposes - (7 pages) Sworn Statement of Jason P.  
14 Luther.)

15 CHAIRMAN RANKIN: Very well. Thank you. You are  
16 aware of our job here, the role that we play in  
17 the Judicial Merit Selection Commission to  
18 investigate your qualifications. Correct?

19 MR. LUTHER: Correct.

20 CHAIRMAN RANKIN: We focus on the nine evaluative  
21 criteria, which includes the ballot box survey,  
22 thorough study of your application materials and  
23 verifications, your compliance with the state  
24 ethics laws, search of newspaper articles in  
25 which your name appears, study of previous

1 screenings and check for economic conflicts of  
2 interest. No affidavits or complaints have been  
3 filed in opposition to your election. And you  
4 have the opportunity, if you'd like, to make an  
5 ever so brief open statement. And I offer that  
6 to you at this point.

7 MR. LUTHER: For the sake of brevity, I will not make  
8 any statements other than, if I could, just thank  
9 the Commission for the opportunity to be here and  
10 to thank the staff in particular. They are a  
11 real pleasure to work with and they make this  
12 process very easy.

13 CHAIRMAN RANKIN: Very well.

14 MR. LUTHER: Or at least as easy as it can be.

15 CHAIRMAN RANKIN: Well, so far so good at least. So  
16 with that, we'll turn it over to Ms. Crater for  
17 questions and then members of the Commission.  
18 They may have questions, too. Thank you.

19 MR. LUTHER: Thank you.

20 MR. LUTHER - EXAMINATION BY MS. CRATER:

21 MS. CRATER: I note for the record that based on the  
22 testimony contained in the candidate's PDQ, which  
23 has been included in the record with the  
24 candidate's consent, Mr. Jason Luther meets the  
25 constitutional and statutory requirements for

1           this position regarding age, residence and years  
2           of practice.

3 CHAIRMAN RANKIN: Real quick, did you bring someone  
4           with you today?

5 MR. LUTHER: I did. My wife, Emily Luther, is here.

6 CHAIRMAN RANKIN: Ms. Luther, come on up a little  
7           closer here. It took me a second, but perhaps we  
8           can swear you for statements later, if you'd  
9           like. Come on, have a seat though. I'm cutting  
10          up about speaking. You're welcome. Well. I  
11          will call you Mrs. Homer Simpson, the way you  
12          have backed further and further away. Farther  
13          and farther away. All right, back on, Mr.  
14          Luther. Thank you and welcome.

15 **Q. Mr. Luther, why do you now want to serve as a**  
16 **judge on the Court of Appeals?**

17 A. This is something that I have felt led to do for  
18 a long time. I had a number of experiences as a  
19 teenager that led me to pursue a career in the  
20 law, but primarily in the context of public  
21 service. In fact, as I was waiting upstairs,  
22 there's a number of YMCA students that are here  
23 this week for some sort of public, and it took me  
24 back 30 years to being in the Blatt building,  
25 doing the same thing. That's what got me on this

1 path. But I thought about the practice of law  
2 always in the context of public service, and very  
3 early on, I developed a real respect for the  
4 judiciary and the role it plays in our system. I  
5 think it's the defining feature of our  
6 constitutional system. Judges play a key role as  
7 gatekeepers for the rule of law, and so I had  
8 hoped that one day maybe my career could take me  
9 there. I gravitated towards appellate practice  
10 very early. I find it to be incredibly  
11 rewarding. I think that my skills and talents  
12 and temperament are well suited for that. And so  
13 for me, the opportunity to serve on the Court of  
14 Appeals is a chance to take what I love doing,  
15 appellate work, marry it to a greater public  
16 service, by helping the institution of the court  
17 succeed in its mission. Which ultimately is a  
18 service to the state of South Carolina and its  
19 residents.

20 **Q. Mr. Luther, how do you feel your legal and**  
21 **professional experience thus far will assist you**  
22 **to be an effective judge on the Court of Appeals?**

23 **A.** Hopefully my application has laid out a lot of  
24 the things that I find important, why I think  
25 that I've developed a skill set that will suit me

1 well as a judge. Obviously, my appellate  
2 practice experience, that's a unique skill set.  
3 Two years clerking for Judge Shedd on the Court  
4 of Appeals, seeing how a judge in an appellate  
5 position approaches a case, prepares for a case,  
6 digests the materials, and then rules. But there  
7 are two things that I thought about this morning,  
8 particular to my role at the Department of  
9 Revenue that I think will actually help me. We  
10 hear probably a hundred or more administrative  
11 appeals every year. My section manages the  
12 appellate section. And some of those make it to  
13 the Administrative Law Court, but a lot of those  
14 don't. Every one of those cases, I tell our  
15 appeals analysts and our lawyers, we're not just  
16 trying to get an answer, we're trying to get the  
17 right answer. And we're doing that by taking the  
18 law the General Assembly has enacted, trying to  
19 apply it to the facts of this case in a way  
20 that's fair and consistent, against a backdrop of  
21 precedent administrative practice. And  
22 regardless of how big or small that case is, we  
23 have cases that are a hundred dollars. We have  
24 cases that are a hundred million dollars. What  
25 we want is for the taxpayer to have an

1 opportunity to be heard, to feel like they have  
2 been able to say their view, they've been treated  
3 with respect and courtesy, that we promptly rule  
4 on their appeal whichever way it is, and that at  
5 the end of that process, even if we don't  
6 ultimately agree with them, they leave feeling  
7 like their case was the most important case for  
8 us, because for them it was. And so I think that  
9 is what the judge at any level, but particularly  
10 on the Court of Appeals, needs to do. That's how  
11 you approach your job. So I would hope that  
12 would make me a more effective judge. One other  
13 thing briefly is, before law school I had a short  
14 stint as a small business owner. We started a  
15 roofing company, a buddy of mine and I did. So  
16 I've got a bit of a blue-collar streak, which I  
17 think would be helpful to the court. But I also  
18 appreciate that government works best for its  
19 stakeholders and constituents if it is quick,  
20 responsive, timely, thorough, professional, and  
21 even-handed. And so I bring that a lot to my job  
22 now, and I would bring that to the bench as well.

23 **Q. Mr. Luther, how would you describe your general**  
24 **judicial philosophy?**

25 **A.** Three or four words probably. So restraint.

1 It's been said that judges are like umpires.  
2 They don't make the rules, they just apply them.  
3 So I think a judge is an adjudicator, not a  
4 legislator. I'm a textualist, in that I think  
5 the text is the law, because it expresses the  
6 intent of the lawmakers. So the text rules, and  
7 you interpret that text based on its plain and  
8 ordinary understanding as was understood by those  
9 who enacted it. And then something I learned  
10 from Judge Shedd during my clerkship is, I tend  
11 to be a minimalist. So your job as a judge is to  
12 resolve the case in front of you, and you reach  
13 only those issues that are necessary to resolve  
14 it.

15 **Q. Mr. Luther, what is your vision for the future of**  
16 **our judicial system, and what changes would you**  
17 **advocate for and why?**

18 **A.** I think I mentioned earlier that I look at the  
19 judicial system as an institution, and I want to  
20 preserve and improve upon that. And so I think  
21 you start with the core values of the  
22 institution. The rule of law, equal access to  
23 justice, transparency, accountability, excellence  
24 in all that we do, judicial independence, and  
25 service. I think if you focus on those core

1 values and improve on those, you're going a long  
2 way towards a vision that I would have for a  
3 judicial system that is well-respected around the  
4 country. And I think that if you do that, if you  
5 have an accessible, timely, efficient court  
6 system, then you will ultimately earn the respect  
7 and the confidence and the trust of our citizens.

8 **Q. Mr. Luther, to what extent do you believe that a**  
9 **judge should or should not defer to the actions**  
10 **of the General Assembly?**

11 A. So we have -- the beauty of our system is we have  
12 a written constitution that sets forth both  
13 separation of powers on the one hand and checks  
14 and balances on the other. Article 1, Section 1  
15 of our constitution says political power is  
16 vested in and derived from the citizens. So  
17 their representatives are the ones that make the  
18 law. And as I said earlier, the judge is simply  
19 applying that law. We do serve, judges do serve,  
20 in a checking capacity to review statutes to  
21 ensure that they are constitutional. But as we  
22 know, all presumptions are that they are  
23 constitutional and every doubt should be resolved  
24 in favor of constitutionality.

25 **Q. Mr. Luther, the Commission received 217 ballot**



1 box surveys regarding you with 51 additional  
2 comments. The ballot box survey, for example,  
3 contained the following positive comments. Smart  
4 and fair, he has the right temperament and  
5 intelligence to be a great appellate judge. And  
6 thoughtful, fair, and an extraordinary academic  
7 who tackles some of the most difficult and  
8 complicated legal issues with tact and eloquent  
9 reasoning. Only six of the written comments  
10 expressed concerns. The majority related to a  
11 lack of experience. What would you offer as a  
12 response to these concerns?

- 13 A. Well, I certainly have not been a judge before,  
14 so I understand that I lack that experience.  
15 Hopefully, as I've tried to express, I think the  
16 skill set and what a judge does, as some of these  
17 comments reflected, is what I would bring. I do  
18 have experience. I obviously tried a number of  
19 cases in private practice before I went to the  
20 government. We continue to practice at the  
21 administrative court. Everything or most things  
22 that we have that are not at the ALC in terms of  
23 common pleas are things that I handle. So I  
24 continue to make frequent appearances in common  
25 pleas. After this process last year, some

1 helpful feedback I got was wanting to increase my  
2 knowledge of the criminal side of things. We  
3 have a criminal prosecutor that works in our  
4 office, and I've spent a lot of time with her  
5 over the last year just trying to dive in and  
6 learn even more about criminal practice so that I  
7 can get experience in that as well.

8 **Q. Thank you, Mr. Luther.**

9 MS. CRATER: I would note that the Midland Citizens  
10 Committee reported Mr. Luther to be qualified in  
11 the evaluative criteria of constitutional  
12 qualifications, physical health, and mental  
13 stability, and well qualified in the evaluative  
14 criteria of ethical fitness, professional and  
15 academic ability, character, reputation,  
16 experience, and judicial temperament. The  
17 Midlands Citizens Committee commented, actual  
18 court experience handling appeals, well  
19 qualified.

20 **Q. I just have a few final housekeeping issues. Mr.**  
21 **Luther, since submitting your letter of intent to**  
22 **run for this seat, have you contacted any members**  
23 **of the commission about your candidacy?**

24 A. No.

25 **Q. Are you familiar with Section 2-19-70, including**

1 the limitations on contacting members of the  
2 General Assembly regarding your screening?

3 A. Yes.

4 Q. Since submitting your letter of intent, have you  
5 sought or received the pledge of any legislator  
6 either prior to this date or pending the outcome  
7 of your screening?

8 A. No.

9 Q. Have you asked any third parties to contact  
10 members of the General Assembly on your behalf,  
11 or are you aware of anyone attempting to  
12 intervene in this process on your behalf?

13 A. No.

14 Q. I would just note for the record that any  
15 concerns raised during the investigation  
16 regarding the candidate were incorporated into  
17 the questioning of the candidate today. Mr.  
18 Chairman, I have no further questions.

19 CHAIRMAN RANKIN: All right. Members of the  
20 Commission, Mr. Safran.

21 MR. LUTHER - EXAMINATION BY MR. SAFRAN:

22 Q. Thank you, Mr. Chairman. I remember you from  
23 last year, and I appreciate the fact that you  
24 have made an effort to try to go and maybe get a  
25 little more depth in some areas that you didn't

1 have some experience in. Looking at the  
2 comments, hearing you, I mean, I'm not in any way  
3 concerned that you check off pretty much all the  
4 boxes. You sound like, you know, you're  
5 respected. People believe that you know what  
6 you're doing. You're a nice person, at least  
7 from everything I'm seeing, and all those things  
8 matter. One thing that I'm just asking, and I  
9 know it's hard these days to get this level of  
10 experience. But going back, something that  
11 really impressed me last year with Judge Turner,  
12 who ultimately rose to the Court of Appeals, was  
13 that he was able to kind of obtain a very broad  
14 spectrum of experience in having done a little  
15 bit of everything. As I said, I know that's hard  
16 to do these days. General practice is basically  
17 about going out the window. Even things, you  
18 know, that I feel like maybe I'd like to do or  
19 could do, it just doesn't always lend itself to  
20 being available to you, and I get that. But  
21 where do you see yourself in terms of maybe not  
22 having family court background and not basically  
23 being maybe in some areas of litigation that  
24 necessarily is going to come your way? I mean,  
25 how do you kind of address that because of the

1           **fact that, you know, not because of any fault,**  
2           **but just you haven't had the opportunity?**

3       A.    Sure.  You know, it's a good question.  The  
4           practice of law is more and more specialized, and  
5           the age of generalization is kind of coming and  
6           going.  I have tried to do as much as I could.  I  
7           mean, you know, starting out, what I wanted to  
8           get most of all was trial experience.  So I went  
9           to a place where I knew I was going to get that,  
10          just getting familiar in the courtroom.  I took  
11          the role at the Department of Revenue because it  
12          gave me a chance to get even more experience.  I  
13          enjoy the complexity of what we have.  I also  
14          enjoy the opportunity to have a hopefully  
15          positive impact on an agency, which is not one  
16          that most people want to deal with.  And in that  
17          role, you know, I get exposure to -- in ways that  
18          I would not have had in private practice, to how  
19          our government works.  To the different agencies  
20          that we have, things like FOIA and procurement  
21          and bankruptcy and foreclosure, on top of the  
22          regulatory work that we do.  So I have a lot of  
23          experience and breadth in that regard.  Don't  
24          have it in family.  I get that.  But I hope --  
25          what I've tried to do is to build a skill set

1 through all of that that is able to learn things  
2 that I may not know well. As I've done with  
3 taxation, I had no knowledge about tax when I  
4 went to the Department of Revenue. And hopefully  
5 it's the skill set that you can plug in the  
6 subject matter and learn it.

7 **Q. All right. Thank you.**

8 A. If I may add, I read a book one time about  
9 Justice Rehnquist, and he commented on this, that  
10 how difficult it is for judges to know all of the  
11 subject matter that they're expected to know.  
12 And he said the mark of a judge is humility  
13 knowing what you don't know, because that  
14 motivates you to put in the work to know it so  
15 that you can make the right decision when you  
16 have to.

17 **Q. Well, I appreciate the comment.**

18 A. Thank you.

19 CHAIRMAN RANKIN: All right. Any other questions?

20 Mr. Strom.

21 MR. STROM: Thank you, Mr. Chairman. Mr. Luther, I  
22 don't think I've met you, but a number of people  
23 in my firm practice with DOR. And they describe  
24 you as extremely fair, extremely thoughtful. You  
25 know, I think when you think about a government

1 lawyer, a lot of times, a lot of us start in the  
2 solicitor's office, and we want to hit every shot  
3 with the driver. You've obviously matured beyond  
4 that. You have to make some tough decisions.  
5 You have a lot of small mom-and-pop businesses  
6 that get an alcohol issue here and there. And if  
7 you shut them down, how it affects the family and  
8 a lot of people who they employ. And I'm told  
9 that you have the judgment to handle those things  
10 fairly, and you do that. And the Bar is really  
11 impressed with your leadership and your  
12 management and your judgment.

13 MR. LUTHER: Thank you.

14 CHAIRMAN RANKIN: Representative Caskey.

15 MR. CASKEY: Thank you, Mr. Chairman. Mr. Luther, I  
16 just want to take an opportunity to share with  
17 you some of the comments -- oops, if I don't  
18 close this thing out. Some of the very many  
19 positive things that your peers have said about  
20 you. Obviously, we can't share everything for  
21 self-evident reasons, but when I come across  
22 comments like, Jason is the wisest person I know.  
23 He is thoughtful, kind, respectful, professional,  
24 and promotes equality in the workplace. He is  
25 measured in his actions and handles stressful

1 situations with grace. He takes time to mentor  
2 his team, both professionally and personally,  
3 yada, yada, yada. I think that's a lot to be  
4 proud of. And as we try and assess candidates  
5 across the evaluative criteria, I think you  
6 should be really proud of the reputation you've  
7 earned. And I'll share one more with you because  
8 I know you don't get to see all of these. This  
9 says Jason is one of the smartest, most collegial  
10 and talented lawyers I've ever had the pleasure  
11 of knowing, professionally and personally. He is  
12 an asset to our state, and I can simply think of  
13 no one more capable to serve on the bench with  
14 him. So I don't have any other questions that  
15 haven't been asked already, but wanted you to  
16 know that, and thank you for offering for  
17 service.

18 MR. LUTHER: Thank you.

19 CHAIRMAN RANKIN: All right, any other comments? I  
20 want to make one. And I just love the way he  
21 writes this, and it's perhaps your former boss,  
22 Hartley Powell.

23 MR. LUTHER: Current boss, as far as I know. Unless  
24 something's changed over the weekend.

25 CHAIRMAN RANKIN: An odd thing happened on the way to



1 the confirmation hearing. It didn't happen as  
2 far as we know, ma'am. Rest easy. But I love  
3 this line that you are always seeking to do the  
4 right thing in the right way for the right  
5 reasons. And so your passion, your -- to me,  
6 being sincere, as exhibited last year as well.  
7 Despite not having served in a judicial position  
8 before, the world believes that you are ready for  
9 that, irrespective. And so Mr. Powell's comments  
10 specifically, I think that is just a great  
11 testament to your candidacy.

12 MR. LUTHER: He will be happy to know you used that  
13 phrase because he uses that phrase all the time  
14 at the office.

15 CHAIRMAN RANKIN: And it is a great mantra.

16 MR. LUTHER: It's his catch phrase.

17 CHAIRMAN RANKIN: Great mantra. So, all right, anyone  
18 else, any other comments or questions? And,  
19 again, sir, you have the opportunity, if you'd  
20 like to make a closing statement in your own  
21 right. But, again, we can rest on what you have  
22 testified to thus far. I'll give you the  
23 opportunity.

24 MR. LUTHER: I would just say thank you again for the  
25 opportunity, and I appreciate being able to be



1 THE HONORABLE COURTNEY POPE, having been duly  
2 sworn, testifies as follows:

3 CHAIRMAN RANKIN: Very well. You have the PDQ and  
4 sworn statement. Are those ready to be  
5 introduced into the record without objection?

6 JUDGE POPE: Yes, sir, without objection.

7 CHAIRMAN RANKIN: Very well, if you'll hand those to  
8 Lindi, she's going to grab them and we'll put  
9 them in. Judge, you know how this works.  
10 Welcome back. And for the record, we have  
11 thoroughly investigated your candidacy and  
12 qualifications for the role you're seeking. You  
13 know that we focus on the nine evaluative  
14 criteria. Which includes the ballot box survey,  
15 thorough study of your application materials,  
16 verification of compliance with the state ethics  
17 laws, search for newspaper articles in which your  
18 name appears, study of previous screenings and a  
19 check for economic conflicts of interest. No  
20 affidavits or complaints have been filed in  
21 opposition to your election. And I don't believe  
22 you walked in with anybody, did you?

23 (Exhibit Number 7 was marked for identification  
24 purposes - (14 pages) Personal Data Questionnaire for  
25 The Honorable Courtney Pope.)

1 (Exhibit number 8 was marked for identification  
2 purposes - (2 pages) Amendment to Personal Data  
3 Questionnaire.)

4 (Exhibit Number 9 was marked for identification  
5 purposes - (6 pages) Sworn Statement of The Honorable  
6 Courtney Pope.)

7 JUDGE POPE: No, sir. My husband had a training he  
8 could not miss. And my best girlfriends are  
9 actually running for judge.

10 CHAIRMAN RANKIN: Very good.

11 JUDGE POPE: And so I'm here by myself today.

12 CHAIRMAN RANKIN: Very good. All right. And so,  
13 Judge Pope, you have the opportunity, as you  
14 know, to make up ever so brief statement, if  
15 you'd like.

16 JUDGE POPE: Yes, sir. Well, thank you all for your  
17 time and for your dedication, for what you do  
18 here. And I think that I am the only one holding  
19 you from lunch. And so I will not be -- I will I  
20 will not be long. Thank you.

21 CHAIRMAN RANKIN: And for the record, we are as close  
22 to on time with you as we've been in years.

23 JUDGE POPE: Very good.

24 CHAIRMAN RANKIN: Thank you for that. Ms. Baker.

25 JUDGE POPE - EXAMINATION BY MS. BAKER:

1 MS. BAKER: Thank you, Mr. Chairman. A note for the  
2 record that based on the testimony contained in  
3 the candidate's PDQ, which has been included in  
4 the record with the candidate's consent. The  
5 Honorable Courtney L. Clyburn Pope meets the  
6 constitutional and statutory requirements for  
7 this position regarding age, residence and years  
8 of practice.

9 **Q. Judge Pope, why do you now want to serve as a**  
10 **judge on the Court of Appeals?**

11 A. Thank you. I will say that I love, I absolutely  
12 love being a Circuit Court judge. I'm very  
13 honored and very blessed to have the legislature  
14 entrust me with that position. In terms of the  
15 Court of Appeals I believe that that opportunity,  
16 if elected, will give me the chance to be a  
17 little bit more academic. To do a lot more  
18 extensive legal research and to draft orders. We  
19 do that now, but it will give me a more -- a  
20 greater ability, more time to do -- to really dig  
21 into that part of the law that I love doing. In  
22 addition to that, I do think that my trial  
23 experience, I would be super excited to share  
24 that experience with the current judges on the  
25 Court of Appeals.

1 Q. And Judge Pope, how do you feel your legal and  
2 professional experience thus far will assist you  
3 to be an effective judge on the Court of Appeals?

4 A. Yes, ma'am. Well, you know, I think that I do  
5 have a vast variety of legal experience. It's  
6 not all documented on paper, but before I was a  
7 judge, I served as an attorney at a local firm in  
8 Columbia doing workers' comp defense. And when I  
9 left to go home, moved to Aiken, a very small  
10 county at that time, I did everything. Small  
11 county, you sort of have to do everything. And  
12 so I ran the gamut of family law, workers' comp  
13 on the plaintiff's side. I also did an extensive  
14 amount of criminal law, civil law. We -- I  
15 handled some admin law. And so I do think that I  
16 have a ton of experience that many people may not  
17 realize that I have. I also think that I served  
18 I served as city attorney and during that time I  
19 actually prosecuted. So I've done both sides.  
20 And did some governmental work for the city of  
21 Aiken as well. After I became a judge, because I  
22 am the only judge in second -- or I was the only  
23 judge in the Second Circuit. We just got a new  
24 judge in August. I've served as the chief admin,  
25 chief administrative judge for both common pleas

1 as well as general sessions. I've done that for  
2 the tenure of my judgeship. And so I've seen  
3 many, many things. Handled many, many things. I  
4 sit on the business court handling complex  
5 business litigation. And I also serve on the  
6 Education Committee, the Judicial Education  
7 Committee. And Chief Justice Kittredge has just  
8 appointed me to the Judicial Advisory Committee.  
9 And so I will actually become a member of the  
10 faculty who teaches the new judges how to do what  
11 we're doing now. And so I think that that  
12 experience I can -- I can bring with me to the  
13 Court of Appeals in order to to help our  
14 judiciary.

15 **Q. Judge Pope, how would you describe your general**  
16 **judicial philosophy?**

17 A. Well, I'll tell you that I very strongly believe  
18 in respect in the courtroom. Everyone who walks  
19 in my courtroom is treated the same. They're  
20 treated with respect. That is the attorneys, the  
21 litigants, the court staff. I believe in that.  
22 I believe that attorneys and litigants should  
23 have their day in court. Some of these  
24 individuals have prepared for months and  
25 sometimes years in order to have their argument

1 held. And so I do believe that attorneys should  
2 argue to completion and be able to present their  
3 case to the judge. I feel very strongly in  
4 upholding the integrity, and the honor of being a  
5 judge and being tasked by the legislature to  
6 uphold those laws. I take that very seriously.  
7 And so I think that that would encompass my  
8 judicial philosophy.

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

12 A. Certainly, I think that if I were elected to the  
13 Court of Appeals, I think that Chief Bruce  
14 Williams is doing a wonderful job at trying to  
15 streamline the docket on the Court of Appeals. I  
16 know that that is a real concern, particularly  
17 after Covid, that the Court of Appeals process  
18 runs smoothly and a lot more timely. I think  
19 he's doing a wonderful job at that. And I would  
20 really love to help assist him in doing that.  
21 Another thing that I personally think is  
22 important is the reputation of the judiciary.  
23 And so I would love through -- and I do this now  
24 through seminars or speaking at different  
25 churches or schools. Would love to help really



1 go out there in the community and help the image  
2 or the trust and restore some of the confidence  
3 in the judiciary. I think a lot of people  
4 perhaps don't understand some of the functions or  
5 some of the processes that we have. And I would  
6 love to have more time to do that for the  
7 community.

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

11 A. I think a judge always defers to the actions of  
12 the General Assembly. The General Assembly is  
13 there to enact the laws and I'm there to  
14 interpret the laws. And so if a law is plain on  
15 its face, that's -- that's less complicated. But  
16 if it's somewhat ambiguous or if there are two  
17 arguments, then it's my it's my job to then  
18 interpret the legislative intent. And so that's  
19 that's what I try to do. That's that's how I see  
20 the judiciary handling that.

21 **Q. Judge Pope, the Commission received 343 ballot**  
22 **box surveys regarding you with 59 additional**  
23 **comments. The positive comments included Judge**  
24 **Pope is a gifted jurist. She is well versed on**  
25 **the law, the rules and also the implementation of**

1 both to the matters before her. Judge Clyburn  
2 Pope is the epitome of excellence, poise and  
3 fairness. Her legal acumen and ethics are beyond  
4 her beyond reproach. Nine of the written  
5 comments express concerns with your experience,  
6 particularly in the appellate courts, and that  
7 you may need more time on the Circuit Court bench  
8 before moving to the Court of Appeals. How would  
9 you like to -- what would you like to offer a  
10 response to those comments?

11 A. Certainly. You know, it is -- it is not lost on  
12 me that I have not argued in front of the Court  
13 of Appeals. That is just something where my  
14 career prior to being a judge did not lead me to.  
15 But I will say that I do not think that that  
16 hinders me in any way. In my six years of being  
17 a judge, I think that I have a comprehensive  
18 knowledge and understanding of the law. I try my  
19 very best to make thoughtful decisions. I have  
20 not been reversed by the Court of Appeals in the  
21 six years that I've been a judge. And again, as  
22 I mentioned before, Chief Justice Kittredge has  
23 entrusted me to handle complex business  
24 litigation. And so, you know, just serving as  
25 chief admin for both criminal and civil has

1 allowed me the opportunity to to hear and to see  
2 vast, vast amount of cases. I've got family law  
3 experience. I've got admin law experience. And  
4 so I think that -- that me not arguing in front  
5 of the Court of Appeals does not does not hinder  
6 me in any way. I think my experience just boosts  
7 my capability. Chief Justice Kittredge has also  
8 put me on that judicial advisory committee. And  
9 so I do -- I do feel confident. I'm a quick  
10 learner. I always have been. And if given that  
11 opportunity, I think that I could prove that I'd  
12 make a good Court of Appeals judge.

13 **Q. Thank you, Judge Pope.**

14 MS. BAKER: I would note that the Midland Citizens  
15 Committee reported that Judge Pope is qualified  
16 in the evaluative criteria of constitutional  
17 qualifications, physical health, mental stability  
18 and experience. And well qualified in the  
19 evaluative criteria of ethical fitness,  
20 professional and academic ability, character,  
21 reputation and judicial temperament. The  
22 committee further commented well qualified in all  
23 areas. Big improvements since last time before  
24 the Committee.

25 **Q. Judge, I have a few housekeeping questions.**

1 A. Certainly.

2 Q. Since submitting your letter of intent to run for  
3 the seat, have you contacted any members of the  
4 commission about your candidacy?

5 A. No, ma'am.

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

9 A. Yes, ma'am.

10 Q. Since submitting since submitting your letter of  
11 intent, have you sought or received the pledge of  
12 any legislator either prior to this date or  
13 pending the outcome of your screening?

14 A. No, ma'am.

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

19 A. No, ma'am.

20 Q. I would 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. Mr.  
24 Chairman, I have no further questions.

25 CHAIRMAN RANKIN: All right. Thank you, Ms. Baker.

1 Questions from members of the Commission?

2 Representative Rutherford.

3 JUDGE POPE - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

4 Q. Good morning, Judge.

5 A. Good morning.

6 Q. And first of all, just looking at your surveys  
7 and responses. And I'm one of those that  
8 remembers when you were trying to get on the  
9 bench. And oh, what a difference a day makes in  
10 terms of people seeing your ability, how you  
11 handle the courtroom. And I can tell you that  
12 lawyers' opinions of you, that they don't share  
13 with you but they do share with other lawyers are  
14 very high. In Aiken and the surrounding areas.

15 A. Thank you.

16 Q. People respect you, and they are happy to have  
17 you in that area, and they are going to sorely  
18 miss you if you are successful in this endeavor.

19 A. Thank you.

20 Q. Tell me, how do we, as a profession, deal with  
21 what on the Circuit Court level is just  
22 voluminous amounts of information and discovery  
23 and videos and things that slow the process down.  
24 But once you get past the Circuit Court level of  
25 General Sessions and go to the appellate court

1 level, you're at three years, four years down the  
2 road, seven or eight years to the Supreme Court.  
3 And if something is reversed and remanded, you're  
4 looking at a situation where trying to recreate  
5 something that happened probably 10 years prior  
6 to that, 11 years prior to that, is difficult if  
7 not impossible. How do you suggest that we deal  
8 with the delays that are occurring on the  
9 appellate level that are impacting victims,  
10 businesses, those looking for closure, simply  
11 creating none? If you've got a defendant and you  
12 sentence him to less than four years or five  
13 years, he doesn't have time for an appeal anyway.  
14 How do you suggest that we deal with the delays  
15 that are occurring at the appellate level?

16 A. Yes, sir. You know -- and I don't pretend to  
17 have all of the answers on that level. But what  
18 I will say from the outside looking in is that  
19 there is -- there should be no time constraint on  
20 the Court of Appeals. They've got research that  
21 needs to be done. And so if there is a way to  
22 implement -- well, I will leave it to the  
23 legislature to determine whether another panel is  
24 necessary. I think that that may be very, very  
25 helpful to have another panel. Certainly

1 recruiting well-qualified staff and making --

2 Q. You're giving the political answer, which I get,  
3 and I get it.

4 A. Well, making it -- making the salaries desirable  
5 for the cream of the crop to come in and help the  
6 appellate judges, I think that would be very  
7 helpful as well.

8 Q. And I thank you for that. And it's one of those  
9 things where I look at it the very same way. I  
10 don't like appellate judges telling us what to do  
11 at the trial court level without an understanding  
12 of what it is that we're dealing with. That one  
13 single video can require five witnesses to tell  
14 us what we can see with our own eyes, and that's  
15 just the reality of the world that we live in.  
16 And as it moves forward, I believe things are  
17 only going to get worse in terms of the delay.  
18 If we ever go to video court reporting, you can't  
19 -- I can read through a transcript very quickly.  
20 You can't watch a video quickly. You have to  
21 watch it in the time that it's in, and it's one  
22 of those things that I don't think people  
23 realize. I do appreciate your answer, and I  
24 don't have the answer either, and don't know that  
25 there is one. But just recognizing that there

1 is, in fact, a problem.

2 A. Certainly.

3 Q. But again, thank you for endeavoring to serve  
4 throughout all of the arrows that were shot at  
5 you initially. You have done well.

6 A. Thank you.

7 Q. And the responses on your ballot box show that.

8 A. I appreciate that.

9 Q. I had to search and find somebody that was saying  
10 something negative about you because it was  
11 overwhelmingly positive.

12 A. I appreciate that, thank you.

13 Q. Congratulations.

14 A. Thank you, thank you.

15 CHAIRMAN RANKIN: Mr. Strom.

16 MR. STROM: Thank you, Mr. Chairman. Judge, I'm going  
17 to follow up on what Mr. Rutherford said a minute  
18 ago. I remember the first time you ran. I was  
19 sitting up here next to Senator Young, and my  
20 concern was this young lawyer is going to take  
21 over a courthouse that's been run by Rodney  
22 Peebles, Judge Peebles, for 40 years. Senator  
23 Garrett, Mr. Saffron, a lot of us know that that  
24 was a heavy hand. I'm looking at your comments.  
25 Has an excellent temperament. I doubt anybody



1 ever said that about Judge Peeples. Kind to all  
2 the litigants. But my point is, you went into a  
3 pretty tough environment. As a young lawyer and  
4 a young judge, and to a culture that they had  
5 been treated very aggressively, and I didn't know  
6 how that was going to work out for you. But all  
7 I can say is, wow. Because all these comments, I  
8 mean every one of them, is just talks about your  
9 temperament, how smart you are. Best judge I've  
10 been before in my 36 years of practice. Epitome  
11 of excellence, poise, and fairness. Dynamic,  
12 kind, compassionate, intelligent. You know, it  
13 just goes on and on. And so I have to say  
14 congratulations. You're one of these special  
15 people that have the ability to put people in  
16 jail, rule against them, and they still like you.  
17 And the other person that I know like that on the  
18 bench just went on our Supreme Court. You have  
19 the same kind of reviews that she does. And  
20 congratulations on that, and you've got a really  
21 bright future.

22 JUDGE POPE: Thank you. I sincerely -- I very much  
23 appreciate that. Thank you. And Justice Verdin  
24 is one of my mentors, but also I think is an  
25 inspiration to all jurists, and certainly to me.

1           And so that is just very meaningful that you  
2           would even compare me to her. So thank you.

3 MR. STROM: Thank you, Chairman.

4 CHAIRMAN RANKIN: All right. Anything else? Mr.  
5           Safran.

6 MR. SAFRAN: Just briefly, yeah. I think maybe we got  
7           out of the chronology. I think you actually  
8           succeeded Judge Early, didn't you?

9 JUDGE POPE: I did, yes, sir.

10 MR. SAFRAN: I mean, we all have experience with both,  
11           and I knew them both well. I can say you  
12           probably gravitated more to the Early side than  
13           to the other. But, you know, everything in its  
14           time. I think you are more a model of what we  
15           have now. That courtesy, diplomacy, kindness is  
16           really what seems to be a far better bag of  
17           qualities. And I see that here. And I agree.  
18           You know, you stepped into this job with a lot to  
19           have to prove. I mean, I think you saw that  
20           yourself.

21 JUDGE POPE: Yes, sir.

22 MR. SAFRAN: And it does say something, because this  
23           is a number of years some of us have sat here.  
24           And we see these opportunities that people have  
25           to throw some pot shots. And they're not in any

1 way reluctant to do it. The fact that there  
2 aren't any basically speaks very highly of you.

3 JUDGE POPE: I appreciate that.

4 MR. SAFRAN: You ought to be proud of yourself for it.

5 JUDGE POPE: Thank you.

6 MR. SAFRAN: I've known your dad a long time, and I  
7 know, you know, you certainly come by it  
8 honestly.

9 JUDGE POPE: Thank you.

10 MR. SAFRAN: Because I don't think too many people  
11 have a cross word to say about him. So I just  
12 understand that, you know, this is something  
13 that's a big leap for you. I mean, I ask myself,  
14 so I ask you. I mean, are you truly, really  
15 wanting to leave an environment that you've kind  
16 of acclimated yourself so well to to kind of take  
17 on something where you're not going to be having  
18 that contact with people?

19 JUDGE POPE: Yes, sir.

20 MR. SAFRAN: I mean, years ago, I worked for Judge  
21 Ness, and one thing he told me is, you know, when  
22 I was on the circuit bench, everybody wanted to  
23 come talk to me. Now, when I'm on the Supreme  
24 Court, nobody cares about me. I'm out of sight.

25 JUDGE POPE: Yes, sir.

1 MR. SAFRAN: So, I mean, you understand it's a big  
2 change.

3 JUDGE POPE: Certainly. Certainly. And I will tell  
4 you that I did not seek the initial job -- the  
5 Circuit Court job, because I, you know, wanted to  
6 be friends. I actually don't think I'm making  
7 any new friends on the bench, but I did not seek  
8 this job for that reason. I do -- I do know that  
9 the Court of Appeals will be vastly different. I  
10 know that there will be a transition, that there  
11 will be a learning curve. But I will tell you  
12 that I have never once been intimidated or backed  
13 down from any challenge. My -- both of my  
14 parents have always taught me that I'm not ever  
15 to rest in a state of comfortableness. And so  
16 being uncomfortable is okay, because that's how  
17 great things happen. And I'm okay with being a  
18 little bit uncomfortable learning and  
19 transitioning, if that is for the greater good of  
20 the judiciary and for the Court of Appeals.

21 MR. SAFRAN: Thank you.

22 JUDGE POPE: Thank you for your kind words.

23 CHAIRMAN RANKIN: Anything else? If not, I'll --  
24 excuse me, Hope.

25 MS. BLACKLEY: I just want to thank you for coming

1 back and wanted to compliment you on your fine  
2 reference letters, especially from Rhonda.  
3 Please tell her I said hello.

4 JUDGE POPE: I certainly will. Thank you.

5 MS. BLACKLEY: We worked very closely together when I  
6 was clerk in Spartanburg, and she wrote you. You  
7 have great, glowing reference letters. But  
8 particularly pay more attention to that, because  
9 I don't think too many people get letters from  
10 Rhonda, so that speaks highly of you.

11 JUDGE POPE: I appreciate that.

12 MS. BLACKLEY: And if you have Justice Burnett as a  
13 mentor, you're on the right track.

14 JUDGE POPE: Thank you.

15 MS. BLACKLEY: I wish you all the best.

16 JUDGE POPE: Thank you, thank you.

17 CHAIRMAN RANKIN: All right. I just want a couple of  
18 quick remarks as well.

19 JUDGE POPE: Yes, sir.

20 CHAIRMAN RANKIN: I do recall the context and the  
21 environment that you were offering to come after  
22 Judge Early. And fast forward again as  
23 volunteered by Representative Rutherford. The  
24 acclaim that you enjoy, overwhelming acclaim, and  
25 all the marks that we were able to see, judge,

1           feel, hear, and read. And just kudos to you on  
2           not surprisingly carrying forward the same  
3           temperament and mastery, subtle mastery of the  
4           law that your father had with me --

5 JUDGE POPE: Thank you.

6 CHAIRMAN RANKIN: -- as a young, wet behind the ears  
7           comp lawyer in the day. And that sense of light  
8           touch, wearing the robe lightly, just is so  
9           sincere with your DNA. And you are regarded by  
10          your peers by doing a wonderful job.

11 JUDGE POPE: I appreciate that. Thank you.

12 CHAIRMAN RANKIN: All right. If there's nothing else,  
13          we will now conclude this portion. But I do want  
14          to offer you, if you'd like, any final remarks.

15 JUDGE POPE: Well, I would like to thank you all for  
16          your kind words. I truly -- Mr. Strom tried to  
17          make me cry a few minutes ago, but I toughed it  
18          out.

19 CHAIRMAN RANKIN: He makes all of us cry. We don't  
20          always yield.

21 JUDGE POPE: Well, I certainly appreciate your  
22          comments, and I certainly appreciate the work  
23          that you're doing here. I know that it's long.  
24          I know it's the first day. But we truly  
25          appreciate everything that you're doing for our

1 state. And thank you for the opportunity to  
2 appear before you today.

3 CHAIRMAN RANKIN: Very well. All right, Judge, again.  
4 Thank you for your offering for this position,  
5 and, again, to remind you of our diligence and  
6 adherence to both evaluative criteria and the  
7 spirit and letter of the ethics laws. Any  
8 violation or the appearance of impropriety on  
9 your part, you know, would be deemed very serious  
10 and possibly warranting us calling you back for  
11 further questions; is that correct?

12 JUDGE POPE: Yes, sir. Yes, sir.

13 CHAIRMAN RANKIN: Because, as you know, the record  
14 does remain open until the formal release of the  
15 Report of Qualifications.

16 JUDGE POPE: Yes, sir.

17 CHAIRMAN RANKIN: Again, you know that, and I do not  
18 expect that we will see you until this is over  
19 and the report has been released.

20 JUDGE POPE: Thank you. Thank you, sir.

21 CHAIRMAN RANKIN: Very well. Thank you so much. And  
22 we will now close this, and blessings to you,  
23 Judge. And I will entertain a motion to go into  
24 executive session at this time. Seconded. All  
25 in favor say aye. Thank you so much. We are now

1 off the record.

2 (EXECUTIVE SESSION)

3 CHAIRMAN RANKIN: All right, we are now back on the  
4 record. Briefly went into executive session thinking  
5 that we were not ready for the next candidate. We  
6 are. And so, for the record, during executive  
7 session, no votes were taken, no decisions were made.  
8 We are now back on the record. And the Honorable John  
9 D. Geathers, Court of Appeals

10 THE HONORABLE JOHN D. GEATHERS, being duly sworn,  
11 testifies as follows:

12 JUDGE GEATHERS: I do.

13 CHAIRMAN RANKIN: You have finished for us, and make  
14 sure your mic is on.

15 JUDGE GEATHERS: It is showing green, I assume it is.

16 CHAIRMAN RANKIN: Very good. Perfect, yes.

17 JUDGE GEATHERS: Okay.

18 CHAIRMAN RANKIN: You've got the PDQ and the sworn  
19 statement ready to hand into the record; is that  
20 right?

21 JUDGE GEATHERS: Yes.

22 CHAIRMAN RANKIN: All right.

23 JUDGE GEATHERS: Exhibits 10 and 11.

24 CHAIRMAN RANKIN: Very well. If you will -- you don't  
25 object to those coming into the record, do you?



1 JUDGE GEATHERS: No, sir.

2 CHAIRMAN RANKIN: All right, sir. And, again, you're  
3 very familiar with this process. Appreciate your  
4 being here right on time, a good hour and ten  
5 minutes early. So happy to report that for the  
6 three people who will read this report. We are  
7 early.

8 (Exhibit Number 10 was marked for identification  
9 purposes - (14 pages) Personal Data Questionnaire for  
10 The Honorable John D. Geathers.)

11 (Exhibit Number 11 was marked for identification  
12 purposes - (5 pages) Sworn Statement of The Honorable  
13 John D. Geathers.)

14 JUDGE GEATHERS: Thank you.

15 CHAIRMAN RANKIN: So, Judge, as you know, in our  
16 efforts to thoroughly investigate your  
17 qualifications for re-election to the Court of  
18 Appeals, seat three, we focus on the  
19 non-evaluative criteria, which includes a ballot  
20 box survey, thorough study of your application  
21 materials, verification of your compliance with  
22 the state ethics law, search of newspaper  
23 articles in which your name appears, study of  
24 previous screenings, and a check for economic  
25 conflicts of interest. No affidavits or

1 complaints have been timely filed in opposition  
2 to your re-election, and no witnesses I don't  
3 believe you brought with you are here.

4 JUDGE GEATHERS: No, I did not bring anyone.

5 CHAIRMAN RANKIN: No one here to testify in opposition  
6 to you. You have the opportunity, as you know,  
7 for an ever so brief statement. But in the  
8 interest of time, brevity perhaps would be best  
9 if you don't want to wait until the end. If you  
10 would wait until the end.

11 JUDGE GEATHERS: You would rather me wait until the  
12 end?

13 CHAIRMAN RANKIN: You can do it either way.

14 JUDGE GEATHERS: Okay. I'm trying to heed the  
15 Chairman's desire.

16 CHAIRMAN RANKIN: No tears yet in this room from this,  
17 but you can make a brief statement.

18 JUDGE GEATHERS: Okay, thank you. Thank you. Mr.  
19 Chairman, members of the Commission, staff, good  
20 morning. Thank you for the opportunity to  
21 briefly address you. I was first elected to this  
22 position in 2008. I initially sought this  
23 judgeship because I believed serving on the Court  
24 of Appeals would be a wonderful challenge and  
25 intellectually stimulating experience. It has

1 and continues to be, and therefore I am seeking  
2 re-election. The renowned jurist Learned Hand  
3 once stated, the choice of a job should not stem  
4 from yearnings for renown or riches or even the  
5 desire to serve mankind. His repudiation of this  
6 public service ideal shocked his audience.  
7 Rather, he urged, work because one likes it and  
8 for no other end. For doing it with an acute  
9 sense of craftsmanship, best assured personal  
10 satisfaction and creativity. I do embrace the  
11 value of the public service aspect of my  
12 judgeship, and I have approached it with an acute  
13 sense of craftsmanship and scholarship. I do, in  
14 fact, like serving on the court and greatly value  
15 the bonds of friendship that I've cultivated with  
16 many law clerks that I've had the pleasure of  
17 working with. I also have enjoyed the rapport  
18 I've built with my colleagues on the court and  
19 our collaborative efforts to discern the right  
20 outcome. I look forward, if re-elected, to  
21 continuing to dutifully serve the citizens of  
22 South Carolina. Thank you, Mr. Chairman.

23 CHAIRMAN RANKIN: Very well. Thank you so much. All  
24 right, Ms. Webb.

25 JUDGE GEATHERS - EXAMINATION BY MS. WEBB:

1 MS. WEBB: Good afternoon, Judge Geathers. Thank you  
2 for, as the chairman said, being early today for  
3 us. We appreciate that. Judge Geathers, the  
4 commission received 427 ballot box surveys  
5 regarding you with 27 additional comments. The  
6 ballot box survey, for example, contained the  
7 following positive comments. Excellent judge.  
8 Brilliant jurist. Finest appellate judge we have  
9 in this state. One of the most intelligent,  
10 fair, and honorable judges on the bench. And,  
11 finally, he always wants to do what is right and  
12 what is just. Tremendous comments said about  
13 you, everyone highly praises you for your service  
14 on the Court of Appeals. And, Judge Geathers, I  
15 would note that the Midland Citizens Committees  
16 reported that you are well qualified as to the  
17 evaluative criteria of ethical fitness,  
18 professional and academic ability, character,  
19 reputation, experience, and judicial temperament.  
20 And qualified in the evaluative criteria of  
21 constitutional qualifications, physical health,  
22 and mental stability. The Committee noted he is  
23 an asset to the judiciary.

24 **Q. And now just a few housekeeping issues for you.**  
25 **Since submitting your letter of intent to run for**

1           this seat, have you contacted any members of the  
2           commission about your candidacy?

3       A.     I have not.

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

8       A.     Yes, I am.

9       Q.     And since submitting your letter of intent, have  
10          you sought or received the pledge of any  
11          legislator either prior to this date or pending  
12          the outcome of your screening?

13      A.     No, I have not.

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

19      A.     I have not.  And I have no knowledge of anyone  
20          contacting any member on my behalf.

21      Q.     Thank you, Judge Geathers.

22      MS. WEBB:  I would just note for the record that any  
23          concerns raised during the investigation  
24          regarding the candidate were incorporated into  
25          the questioning of the candidate today.  Mr.

1 Chairman, I have no further questions.

2 CHAIRMAN RANKIN: All right. Questions to all of the  
3 commission members. Representative Rutherford.

4 REPRESENTATIVE RUTHERFORD: You don't have to. No.  
5 You can always call on me.

6 CHAIRMAN RANKIN: When that hand's up, no.

7 JUDGE GEATHERS - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

8 Q. Yes, sir. Thank you, Mr. Chairman. Justice  
9 Geathers, again, thank you so much for continuing  
10 to serve. Questions that I've posed to other  
11 judges, and because you're already on the Court  
12 of Appeals, not to slow this down. Your opinion  
13 on what we can do to speed up the appellate  
14 process? Not to be repetitive, but a case I'm  
15 working on on the federal level. He was  
16 sentenced in August of 23. His case has just  
17 been overturned by the Fourth Circuit and  
18 remanded for a new trial. And so justice at  
19 about the one-year and a couple of months mark.  
20 As opposed to in our state system where we'd be  
21 three, four years out before we reach the Court  
22 of Appeals. How do we deal with that delay for  
23 the victims, for businesses that are wanting  
24 their day in court? And if you all reversed and  
25 remanded, it's hard to even recreate. And I

1 think I've seen some of you all's rulings where  
2 you recognize that. But what do we do? How do  
3 we speed up the process? And I don't expect you  
4 to have an answer, but just to be clear. The  
5 chairman's put me on a time limit. You only have  
6 20 seconds to respond.

7 A. Well, Chief Justice Kittredge is well aware of  
8 the situation, and certainly we are willing to  
9 follow his lead at the Court of Appeals. And AS  
10 the commission is very well aware The Court of  
11 Appeals is operated without a full complement of  
12 judges for three years running. And I've been on  
13 the court for going on 17 years, and at least  
14 five or six times we've had situations where  
15 we've gone a year without a full complement of  
16 judges because someone ascended to another  
17 position or someone retired, and especially given  
18 the fact now that you only have elections once a  
19 year. And so that's contributed to the process.  
20 But I will say that at the Court of Appeals we  
21 are attempting to expedite cases that can be  
22 expedited, to short-circuit cases that can be  
23 short-circuited while giving them the full review  
24 that is warranted. And also, most of our docket  
25 now is 2023, dated 2023. So we are moving along

1 as expeditiously as we can.

2 Q. Well, good. I mean, that's good to hear. And,  
3 again, I think the rulings and everything I hear,  
4 the rulings are great. It's just what can we do  
5 to make it a little bit faster. But if y'all are  
6 on 2023 now, that's cooking with grease. So  
7 thank you.

8 A. Yes, sir.

9 CHAIRMAN RANKIN: Very quickly, but not to preempt  
10 anybody else, I want to compliment you as well in  
11 terms of your service. And ballot box surveys  
12 just replete with compliments to you in terms of  
13 your light touch. And just to quote, that even  
14 when he rules against me is so smart, I always  
15 get the reassuring sense that he wants to do what  
16 is right and just. The epitome of what an  
17 appellate judge should be, highly intelligent,  
18 fair, courteous to all parties, and thoughtful in  
19 questions during oral argument. Again, those are  
20 anonymous, but the mark that you held up is what  
21 you're aspiring to achieve from a highly  
22 respected jurist. To this anonymous observer,  
23 you are making the mark and hitting it perfectly.

24 JUDGE GEATHERS: Thank you, Mr. Chairman. Thank you,  
25 members of the Commission.



1 CHAIRMAN RANKIN: All right. Unless there are any  
2 other questions, Judge, I appreciate your being  
3 here early. And remind you again, as part of our  
4 process here, that both the spirit and the letter  
5 of the ethics law, we adhere to strictly trust  
6 that you know that the appearance of any  
7 impropriety or violation, we would take that  
8 seriously on our part. We would have the  
9 opportunity to call you back because the record  
10 does remain open until the formal release of the  
11 Report of Qualifications. You're aware of that,  
12 correct?

13 JUDGE GEATHERS: Yes, sir.

14 CHAIRMAN RANKIN: Very well. I don't expect we'll see  
15 you except in an advance sheet. But I appreciate  
16 your presence and continuing willingness to serve  
17 this state.

18 JUDGE GEATHERS: Thank you, sir. Thank you all.

19 CHAIRMAN RANKIN: Very well. Thank you. We are going  
20 to -- I believe Judge Thomas is here. We're  
21 going to go to her.

22 (OFF THE RECORD)

23 CHAIRMAN RANKIN: Welcome, Judge. I appreciate your  
24 being well ahead of schedule.

25 JUDGE THOMAS: I'm happy to be here.

1 CHAIRMAN RANKIN: And available. If you will, raise  
2 your right hand.

3 HONORABLE PAULA H. THOMAS, being duly sworn,  
4 testifies as follows:

5 CHAIRMAN RANKIN: You have prepared for us and are  
6 ready for us to receive, I trust, the PDQ and the  
7 sworn statement. Is that correct?

8 JUDGE THOMAS: That's correct.

9 CHAIRMAN RANKIN: No objection by you?

10 JUDGE THOMAS: No.

11 (Exhibit Number 12 was marked for identification  
12 purposes - (9 pages) Personal Data Questionnaire for  
13 The Honorable Paula H. Thomas.)

14 (Exhibit Number 13 was marked for identification  
15 purposes - (4 pages) Sworn Statement of The Honorable  
16 Paula H. Thomas.)

17 CHAIRMAN RANKIN: All right, Judge, you are well  
18 familiar with this process, and I appreciate your  
19 willingness to continue serving and offering  
20 today. As you know, in our vetting of  
21 candidates, we focus on the nine evaluative  
22 criteria which includes a ballot box survey, a  
23 thorough study of your application materials, a  
24 verification of your compliance with the state  
25 ethics laws, a search of newspaper articles in

1           which your name appears, a study of previous  
2           screenings, and a check for conflicts of economic  
3           interest, of which we have found none. No  
4           affidavits have been timely filed in opposition  
5           to your election, and I don't believe you brought  
6           anybody with you. So I will offer to you the  
7           floor to make a brief opening statement, if you'd  
8           like, before handing it over to Ms. Hall.

9           JUDGE THOMAS: Just very briefly, let me let you know  
10          how much I appreciate the job that each of you  
11          are doing. I have been on a version of this  
12          committee way back many moons ago. That was the  
13          Joint Legislative Screening Committee. And I  
14          know the time and the effort that it takes, so I  
15          thank each one of you for the job that you're  
16          doing.

17          CHAIRMAN RANKIN: Very well. All right, Ms. Hall.

18          JUDGE THOMAS - EXAMINATION BY MS. HALL:

19          **Q. Good to see you again, Judge.**

20          A. Good to see you, too.

21          **Q. Judge Thomas, why do you want to continue serving**  
22          **as a judge on the Court of Appeals?**

23          A. Well, it has been the honor of my lifetime to be  
24          a judge in the Circuit Court and on the Court of  
25          Appeals. I have been a judge since 1996. 10

1 years on the Circuit Court and 10 years on the --  
2 well, over 10 years, 18 plus on the Court of  
3 Appeals. I really did contemplate retiring at  
4 one time and decided that it just wasn't time for  
5 me yet. And we have a lot of movement in the  
6 Court of Appeals, and there's a lot of work left  
7 in me, and I want to continue. Thank you, Judge.

8 **Q. Judge Thomas, the Commission received 539 ballot**  
9 **box surveys regarding you with 34 additional**  
10 **comments. The following positive comments were**  
11 **submitted. Judge Thomas has an extraordinary**  
12 **intellect, is fair to everyone, and possesses**  
13 **unparalleled ethics. And Judge Thomas is a**  
14 **credit to the quality of our state's judiciary.**  
15 **None of your comments were negative.**

16 MS. HALL: I would note that the Pee Dee Citizens  
17 Committee reported that Judge Thomas is qualified  
18 in the criteria of constitutional qualifications,  
19 physical health, and mental stability, and well  
20 qualified in the criteria of ethical fitness,  
21 professional and academic ability, character,  
22 reputation, experience, and judicial temperament.  
23 There were no additional comments by the  
24 Committee.

25 **Q. Lastly, we just have some housekeeping issues.**

1           Since submitting your letter of intent to run for  
2           this seat, have you contacted any members of the  
3           commission about your candidacy?

4       A.    I have not.

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

8       A.    Yes, I am.

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

13      A.    I have not.

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

18      A.    No, I have not.

19      Q.    I would note for the record, that any concerns  
20          raised during this investigation regarding the  
21          candidate were incorporated into the questioning  
22          of the candidate today. Mr. Chairman, I have no  
23          further questions.

24      CHAIRMAN RANKIN: Okay, questions by members of the  
25          Commission. Quick, on my behalf, Judge

1 Representative Thomas and Judge Thomas. I have  
2 appreciated your continuing to serve. You were a  
3 House member way back in the day. Elected in  
4 what year?

5 JUDGE THOMAS: Way back in the day, in 1993.

6 CHAIRMAN RANKIN: Yeah.

7 JUDGE THOMAS: '92.

8 CHAIRMAN RANKIN: Yeah. We were freshmen on different  
9 sides of the hallway in my land, what your career  
10 has taken you to.

11 JUDGE THOMAS: Yours as well, Senator.

12 CHAIRMAN RANKIN: Not so sure what -- well yeah, yeah.  
13 Moving right along. I want to compliment you,  
14 and again, our universes intersect in your  
15 history. Your ascension to the bench and family  
16 circuit, and now Court of Appeals. The people  
17 that know you well, and one great comment from  
18 Margaret Ann Neese. Judge Thomas helped shape  
19 many attorneys perspective on the importance of  
20 fair and equitable legal representation. She  
21 makes us better attorneys and did so with  
22 incredible patience and tolerance as we were  
23 inexperienced, not yet skilled in our profession,  
24 and sometimes even unruly. Your work goes beyond  
25 the courtroom and with your mentoring young

1 attorneys in so many areas that she talks about.  
2 And that speaks to your love of the law and your  
3 role as a teacher and a mentor and how lightly  
4 you wear your robe. And so I want to compliment  
5 you for making a difference in our judiciary. In  
6 how you interact with both folks in the courtroom  
7 and your chambers, as we've heard the ballot box  
8 survey comments, but also in one litigant or  
9 attorney who has seen you. And so I want to  
10 compliment you for that.

11 JUDGE THOMAS: Thank you very much. Very honored to  
12 hear that.

13 CHAIRMAN RANKIN: Very good. All right. Unless there  
14 are any other comments, Judge Thomas, again, you  
15 know how this works. We are now going to  
16 conclude this portion of the screening. You  
17 understand and know our adherence to both the  
18 letter and the spirit of the ethics laws. Any  
19 violation of that or the appearance of the  
20 impropriety, you know that this record does not  
21 close until the formal release of the Report of  
22 Qualifications.

23 JUDGE THOMAS: Yes, sir. I do.

24 CHAIRMAN RANKIN: In that unlikely event, we could  
25 call you back for questions. You do know that,

1 correct?

2 JUDGE THOMAS: Yes, sir.

3 CHAIRMAN RANKIN: All right. Judge Thomas, thank you  
4 so much for the quick trip here. And God bless  
5 you and your continued service.

6 JUDGE THOMAS: Thank you. Thank you all, too. Thank  
7 you so much.

8 CHAIRMAN RANKIN: All right. And now do I have a  
9 motion to go in executive session? Seconded?  
10 Seconded. All in favor say aye.

11 (Ayes are heard.)

12 CHAIRMAN RANKIN: We are now off the record.

13 (EXECUTIVE SESSION)

14 CHAIRMAN RANKIN: All right, we are back on the  
15 record. And for the record during the executive  
16 session, no votes were cast. No decisions were made,  
17 and we will now proceed to the next candidate. Judge  
18 Durham Cole, welcome sir.

19 JUDGE COLE: Thank you, Mr. Chairman.

20 THE HONORABLE J. DERHAM COLE, JR., being duly  
21 sworn, testifies as follows:

22 CHAIRMAN RANKIN: You have newly minted sworn  
23 statements, affidavits, and a PDQ, is that  
24 correct?

25 JUDGE COLE: That is correct.



1 CHAIRMAN RANKIN: Since your last, not that long ago,  
2 screening. But for today's purposes, are those  
3 ready to go in the record?

4 JUDGE COLE: Bear with me just a moment, I'm pretty  
5 sure they are, as long as they are as submitted  
6 and they appear to be so. So ,yes sir, Mr.  
7 Chairman.

8 CHAIRMAN RANKIN: Okay, thank you. We will mark those  
9 as exhibits in this record. And Judge, as you  
10 know, again, our role here is to investigate your  
11 qualifications for continued service and  
12 re-election to the bench. Our inquiry focuses on  
13 those nine evaluative criteria. Which includes a  
14 ballot box survey thorough study of your  
15 application materials, verification of your  
16 compliance with state ethics laws, search of  
17 newspaper articles in which your name appears,  
18 study of previous screenings, and a check for  
19 economic conflicts of interest. You have had  
20 filed against you no affidavits or complaints  
21 that were timely and/or proper, none whatsoever.  
22 And I believe you came in on your own, with no  
23 witnesses or no one to introduce; is that  
24 correct?

25 (Exhibit Number 14 was marked for identification

1 purposes - (15 pages) Personal Data Questionnaire for  
2 The Honorable J. Derham Cole, Jr.)

3 (Exhibit Number 15 was marked for identification  
4 purposes - (6 pages) Sworn Statement of The Honorable  
5 J. Derham Cole, Jr.)

6 JUDGE COLE: Yes sir, Mr. Chairman. Flying solo  
7 today.

8 CHAIRMAN RANKIN: Very good. All right, you have the  
9 opportunity, if you like, for a brief opening  
10 statement. Given the very early hour that we're  
11 calling you, by 24 minutes. So you have that  
12 much time if you'd like to make a statement. Or  
13 Madison Faulk can take it away.

14 JUDGE COLE: Mr. Chairman, I think you all have been  
15 moving at a pace. And so far be it for me to  
16 impede that, so I will just say to Mr. Chairman  
17 and members of the Commission, thank you for the  
18 opportunity to be here. It's an honor to serve  
19 and it's an honor to be here before you again  
20 today, and with that I will yield to the  
21 Commission.

22 CHAIRMAN RANKIN: Okay, Ms. Faulk.

23 JUDGE COLE - EXAMINATION BY MS. FAULK:

24 **Q. Thank you, Mr. Chairman. Good afternoon sir,**  
25 **it's good to see you again.**

1 A. You too.

2 **Q. You served only a brief time on the Circuit**  
3 **Court. November 1st, if I recall correctly, was**  
4 **the date that you took the bench.**

5 A. That is correct.

6 **Q. But could you please tell us, nonetheless, why**  
7 **you would like to continue serving as a Circuit**  
8 **Court judge?**

9 A. Still, as I put in my application materials, and  
10 certainly that has been underscored by my  
11 service, albeit brief, I have a passion for  
12 public service. I have dedicated much of my  
13 adult life to that, in some form or another.  
14 Whether it's public service, community service,  
15 or otherwise. And so being able to serve in this  
16 capacity would allow me to continue that service,  
17 but also merge in my legal experience and my  
18 passion for the law. And so it's an honor to  
19 have been elected, and so it would be an honor to  
20 continue to serve in this capacity.

21 **Q. In what ways, if any, do you anticipate that**  
22 **having served as a state legislator will**  
23 **influence your work as a judge?**

24 A. In terms of influence, I would say maybe more it  
25 would inform my work as a judge. Having served

1 in another branch of government and having  
2 learned and worked in the legislative process, it  
3 certainly gives me a certain perspective on the  
4 separation of powers, the respect for what the  
5 legislative process is, the respect for what the  
6 judicial process is, and how those complement one  
7 another.

8 **Q. What do you hope that your reputation will be**  
9 **among attorneys that are practicing before you?**

10 A. I hope that it would be someone who is fair, and  
11 knowledgeable, and one of integrity.

12 **Q. Again, I know your time on the bench thus far has**  
13 **been short, but is there anything that you've**  
14 **learned in this period that you think is going to**  
15 **benefit for future service?**

16 A. Certainly, I mean even in a short amount of time,  
17 once you're sitting in a certain position, in  
18 this case the Circuit Court, you're always  
19 learning and gaining experience. And so even in  
20 that brief amount of time where I've been  
21 actually sitting with other judges, I've learned  
22 from them and learned from others around me, and  
23 so that will certainly inform my future service  
24 in a positive way.

25 **Q. In that same vein then, are there any particular**

1 judges that you would seek to model your judicial  
2 demeanor after, and your temperament as well?

3 A. I mean, I think I'm still observing other judges,  
4 and probably would try to take what I would see  
5 as the best qualities from different ones. And  
6 hopefully model my behavior after what I see as  
7 positive attributes.

8 Q. Judge Cole, the commission received 573 ballot  
9 box surveys with 49 additional comments. It  
10 appears, however, that 21 of the comments are in  
11 reference to your father, Judge J. Derham Cole,  
12 and are not commenting on you. The ballot box  
13 survey though, for the comments that did pertain  
14 to you, contained the following positive  
15 comments. First, Derham has the intellect,  
16 professionalism, and depth and breadth of  
17 experience to make an excellent judge. Next, Mr.  
18 Cole is a well-respected attorney in our  
19 community. He will carry forward his family's  
20 legacy of service to our justice system.  
21 Finally, I have known Derham for the entirety of  
22 his professional career. I am hard-pressed to  
23 think of anyone more well-suited to sit on the  
24 bench. Derham exhibits the type of patience and  
25 demeanor that are ideal for the job, and couples

1           that with an intellect and grasp of legal theory  
2           to make sound decisions and manage an effective  
3           court. Of the 28 comments reflecting the  
4           candidacy of Judge Cole, two were negative and  
5           questioned the sufficiency of his experience for  
6           service on the bench. How would you respond to  
7           these concerns, Judge?

8       A. Well, I would say that even since my election in  
9       April, I've undertaken to observe other judges in  
10      court, observe court proceedings, albeit  
11      informally. Since November, as part of the  
12      Judicial Branches Initiative, we sit with other  
13      judges, and I've been a member of the Bar since  
14      2004. So I have a breadth of legal experience.  
15      In terms of specific judicial experience, one has  
16      to be elected to that position to gain it, but  
17      I've tried to get myself as ready as I possibly  
18      can for November by seeing what others have done  
19      in person and also through other avenues of  
20      education.

21      **Q. Thank you, sir.**

22      MS. FAULK: I would note that the Upstate Citizens  
23      Committee reported Judge Cole to be  
24      well-qualified as to the evaluative criteria of  
25      ethical fitness, professional and academic

1 ability, character, reputation, experience, and  
2 judicial temperament. Judge Cole is also found  
3 qualified in the evaluative criteria of  
4 constitutional qualifications, physical health,  
5 and mental stability. And finally, there's just  
6 a couple of housekeeping questions for me, and  
7 then on to questions. Judge Cole, since  
8 submitting your letter of intent, have you  
9 contacted any members of the commission about  
10 your candidacy?

11 A. I have not.

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

15 A. I am.

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

20 A. I have not.

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

25 A. I have not, and I am not.

1 Q. Have you reviewed and do you understand the  
2 Commission's guidelines on pledging and South  
3 Carolina Code 2-19-70(E)?

4 Q. Yes, I have, and yes, I do understand them.

5 A. Thank you.

6 MS. FAULK: I would just note for the record that any  
7 concerns raised during the investigation  
8 regarding the candidate were incorporated into  
9 the question of the candidate today. Mr.  
10 Chairman, I have no further questions. Thank  
11 you.

12 CHAIRMAN RANKIN: Okay. Members of the Commission,  
13 questions of Judge Cole? Representative Caskey.

14 VICE CHAIRMAN CASKEY: Thank you, Mr. Chairman. Your  
15 Honor, good to see you. Thank you for being here  
16 and you're offering for service. I just have one  
17 question. I see in your recommendation letters,  
18 did you know that someone slipped in a letter  
19 from Edward R. Tallon, Sr.? Did you know that  
20 that happened?

21 JUDGE COLE: Am I allowed to amend my -- Yes, I am  
22 aware of that. I'm honored to have Mr. Tallon's  
23 recommendation.

24 MR. CASKEY: Fantastic. Thank you, Judge.

25 CHAIRMAN RANKIN: All right. Representative



1 Rutherford.

2 MR. RUTHERFORD: Your father, as you know, collects  
3 political memorabilia. And I went to the  
4 Democratic Convention and got a whole bunch of  
5 junk. Which I would throw away, but he may have  
6 some interest, so I brought it so you could carry  
7 it back home to him. So it's right outside the  
8 door.

9 JUDGE COLE: I'll be glad to take it back up there.

10 MR. RUTHERFORD: Yes, sir. Thank you.

11 CHAIRMAN RANKIN: Perhaps one of the oddest exchanges  
12 I've ever heard. They generally come from me.  
13 So happy that was from someone else. All right,  
14 Senator Garrett.

15 MR. GARRETT: Thank you for your service so far. I  
16 had the pleasure of working under your father.  
17 He and I actually tried a death penalty case many  
18 years ago. I viewed a case up in Greenwood. But  
19 I noticed, just looking at you, how are you doing  
20 on the criminal side? It looked like you had a  
21 good bit of civil experience. How are you? Do  
22 you find, would you just like to speak to that,  
23 how you're handling the criminal side of things?

24 JUDGE COLE: Yes, sir, and thank you for that. I  
25 have, since my election, even prior to that, I

1 have in preparation for this position, I've  
2 focused my CLEs and as well as my observation  
3 experience. I've just -- I've gone to court and  
4 sat with some other judges, mainly in Spartanburg  
5 and Cherokee. Specifically to observe General  
6 Sessions matters in particular, whether they be  
7 trials or non-jury. And in the past couple of  
8 weeks, officially sitting with other judges,  
9 those have been, well, they've turned into  
10 General Sessions weeks. And so I've learned a  
11 lot in those experiences, also just undertaking  
12 more self-education just to bolster my knowledge  
13 and experience in those areas, because as you  
14 point out, my background was primarily civil. So  
15 I will continue to do what I need to do to  
16 develop my knowledge and expertise in those  
17 areas. Whether by actual experience or just  
18 outside education.

19 MR. GARRETT: Help me understand something. How does  
20 the judiciary these days train lawyers in death  
21 penalty cases? Do they still have them sit  
22 second chair? And then how do they train the  
23 judges, more importantly? I mean, it seems to me  
24 that that's kind of more important than the  
25 lawyers, at least to start with. Is there a

1 training for that kind of thing for justices or  
2 judges?

3 JUDGE COLE: I mean, that is something, frankly, I  
4 would have to find out. I know those cases are  
5 somewhat fewer and farther between now, but there  
6 may be some formalized education within the  
7 branch to do that. Or it may be more experienced  
8 judges that get those assignments. But I don't  
9 know the answer, but I will certainly find out.

10 MR. GARRETT: Your father was an excellent source, so  
11 remember that.

12 JUDGE COLE: I will do that. Thank you.

13 CHAIRMAN RANKIN: All right. Anything else? If not,  
14 Judge, thank you very much again for being here  
15 early. And again, you know it well, but you know  
16 that we view both the spirit and the letter of  
17 the ethics laws to be very strict. And any  
18 violation or appearance of that would be deemed  
19 very serious by us and potentially deserving of  
20 our calling you back in further questions. You  
21 know the record is not closed until a formal  
22 release of the Report of Qualifications. So  
23 affirmatively for the record, just please say you  
24 know, or I do, or I'm aware.

25 JUDGE COLE: Yes, Mr. Chairman, I understand. And



1 JUDGE MCINTOSH: No, sir.

2 CHAIRMAN RANKIN: All right. So marked and so  
3 admitted. Judge, again, you are aware of this  
4 process. How we vet candidates and the nine  
5 evaluative criteria that we focus on. Includes  
6 the ballot box survey, a thorough study of your  
7 application materials, verification of your  
8 compliance with the state ethics laws, search of  
9 newspaper articles in which your name appears,  
10 study of previous screenings and check for  
11 economic conflicts of interest. No affidavits  
12 have been filed in opposition to your election.  
13 I don't believe you brought anyone. Well, you  
14 did, actually. No witnesses here to testify.

15 (Exhibit Number 16 was marked for identification  
16 purposes - (14 pages) Personal Data Questionnaire for  
17 The Honorable Lawton McIntosh.)

18 (Exhibit Number 17 was marked for identification  
19 purposes - (8 pages) Sworn Statement of The Honorable  
20 Lawton McIntosh.)

21 JUDGE MCINTOSH: No, that's my new bride, Anna.

22 CHAIRMAN RANKIN: Please stand, Ms. Anna. Welcome. I  
23 met you outside of the lobby. Thank you for  
24 being patient with us as well.

25 MS. ANNA: Appreciate it.

1 CHAIRMAN RANKIN: All right. You have the opportunity  
2 to make a brief opening statement if you would  
3 like. Otherwise, Ms. Crawford will take it away  
4 with questions and then members of the commission  
5 as well.

6 JUDGE MCINTOSH: I want to thank the committee for  
7 letting me be here not only this time but for  
8 previous times. This has been kind of the  
9 highlight of my life, being able to be a Circuit  
10 Court judge. I've done a lot of things I felt  
11 like they have been somewhat accomplished, but  
12 being a Circuit Court judge is kind of the  
13 pinnacle of all that. It's something that each  
14 day you strive to do a little bit better, and  
15 when you think you understand it all, you realize  
16 you don't. Because every day something hits you  
17 to make you realize that you will never learn it  
18 all. So it's a work in progress. Thank you.

19 CHAIRMAN RANKIN: Amen. All right, Ms. Crawford.

20 JUDGE MCINTOSH - EXAMINATION BY MS. CRAWFORD

21 **Q. Thank you, Mr. Chairman. Judge McIntosh, you've**  
22 **served at least 15 years now as a Circuit Court**  
23 **judge. Why do you want to continue to do this?**

24 **A.** Kind of what I was saying in my opening  
25 statement. This position is the pinnacle of, for

1 me as a lawyer, what you can accomplish. And  
2 it's something that regardless of recent events,  
3 I should say, being in the judiciary is a very  
4 honest and honorable profession, and it's  
5 something that should be looked up in esteem. To  
6 be a part of it is something that's very high in  
7 esteem.

8 **Q. Thank you, Judge. You indicated in your PDQ that**  
9 **since your last screening a lawsuit was filed**  
10 **against you. I think it was Dennis M. Temple**  
11 **versus the State of South Carolina. Can you**  
12 **explain the nature of that case, the disposition?**

13 **A.** To be honest with you, I'm not quite sure how I  
14 got in. My cohort, Judge Maddox, was the trial  
15 judge on that one. That -- well, that kind of  
16 says enough in and of itself. But he was - I  
17 think he was a guy who held a Clemson student in  
18 a building for weeks on end. He represented  
19 himself at trial. He's one of these frequent  
20 filers, and I refused to continue something. I  
21 believe that's my involvement, and if it's beyond  
22 that, I quite don't -- I don't know what it is.  
23 And I think that case has been dismissed.

24 **Q. Yes, sir. I have in my notes that it was**  
25 **dismissed in 2022. Judge, what do you think your**

1           **reputation is among attorneys that practice**  
2           **before you?**

3       A.   Honestly, when I went through the bar, it kind of  
4           humbles you.  You realize that people think that  
5           you're a little bit harsh, a little bit hard, a  
6           little bit quick to rule, maybe quick to anger.  
7           Something that I always try to work on and hope  
8           that I do better on, but it's something that I've  
9           heard more than once, so hopefully that's not it.  
10          I'd like to think it's that I work hard.  I want  
11          to see my lawyers do well and understand the  
12          rules.  And, you know, quite frankly, with some  
13          of the newer litigants we have, or the litigators  
14          out there, I'm afraid that some of the skills  
15          that some of the people I see on this committee  
16          have aren't being passed down as much.  And so I  
17          would -- maybe that causes me to have that  
18          reputation, but I understand it's both.

19       Q.   **Yes, sir.  And moving on to that, you received --**  
20           **the Commission received 565 ballot box surveys**  
21           **regarding you with 55 additional comments, and**  
22           **they were overwhelmingly positive.  Some of the**  
23           **positive comments, Judge McIntosh is an excellent**  
24           **trial judge, one of the best in the state.  He is**  
25           **tough but fair and holds everyone to a high**



1 standard while being understanding of the  
2 challenges of the practice. Judge McIntosh is  
3 the kind of judge other judges should emulate.  
4 Another comment noted that you, quote, blend  
5 integrity, pragmatism, and legal acumen as well  
6 as any judge on our bench. Seven of the written  
7 comments expressed concerns, and you touched on  
8 this. Some were dealing with your temperament,  
9 and they stated that some of your interactions  
10 with attorneys, you were cranky and  
11 short-tempered. What response -- you've already  
12 touched on it, but do you want to add anything  
13 additionally?

14 A. Yeah, I really can't deny it, quite frankly.  
15 Sometimes it's a matter of frequent continuance  
16 requests from the same entity or person, and I  
17 push hard on that. Sometimes I just don't have  
18 as good a day as I should have had, quite  
19 frankly. I like to think I'm on the top of my  
20 game every day, but I'm not. But it's something  
21 that you work on and you try to, as you grow and  
22 go forward, get better with. Sometimes I'm  
23 better than others.

24 Q. Yes, sir. We all can say the same. Finally, a  
25 second concern, or perhaps a warning, indicated

1           **the following. As long as he keeps his distance**  
2           **from Cordell Maddox and doesn't become Anderson**  
3           **crazy, he'll continue to be an excellent judge.**

4    A.    Since he's retiring, that's kind of a safe  
5           respite for me, I believe.

6    **Q.    Thank you, Judge.**

7    MS. CRAWFORD: And I would note that the Upstate  
8           Citizens Committee found Judge McIntosh as  
9           qualified in the evaluative criteria of  
10          constitutional qualifications, physical health,  
11          and mental stability. Well qualified in the  
12          remaining evaluative criteria of ethical fitness,  
13          professional and academic ability, character,  
14          reputation, experience, and judicial temperament.  
15          The Committee did not have related or summary  
16          comments.

17   **Q.    Just a few housekeeping issues. Since submitting**  
18          **your letter of intent, have you contacted any**  
19          **members of the commission about your candidacy?**

20   A.    No, ma'am.

21   **Q.    Are you familiar with 2-19-70, including the**  
22          **limitations on contacting members of the General**  
23          **Assembly regarding your screening?**

24   A.    I am.

25   **Q.    Since submitting your letter of intent, have you**

1           sought or received the pledge of any legislator  
2           either prior to this day or pending the outcome  
3           of your screening?

4           A.    No, ma'am.

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

7           A.    No, ma'am.

8           Q.    Are you aware of anybody attempting to do that?

9           A.    I am not.

10          Q.    Have you reviewed and do you understand the  
11          commission's guidelines on pledging and South  
12          Carolina Code Section 2-19-70(E)?

13          A.    I do.  Mr. Chairman, for the record, any concerns  
14          raised during the investigation regarding Judge  
15          McIntosh were incorporated into the questioning I  
16          have today, and I have no further questions.

17          CHAIRMAN RANKIN:  All right, questions by members of  
18          the Commission?  Mr. Safran.

19          JUDGE MCINTOSH - EXAMINATION BY MR. SAFRAN:

20          Q.    Thank you, Mr. Chairman.  Judge McIntosh, I've  
21          read all the things and I've heard you and you  
22          have been very, very humble in saying that, you  
23          know, maybe I'm having a bad day here and there.  
24          So, you know, I hear what you're saying, but you  
25          and I have been around a while and could it be

1           that maybe some people are a little more  
2           sensitive now than they used to be in terms of  
3           what they expect in court?

4    A.    Yes, sir, absolutely.

5    Q.    Okay.  Is it also possible that some of the times  
6           that they interpret you as being gruff or crusty  
7           is that you're trying to basically let them know,  
8           hey, you need to be prepared when you're in here?

9    A.    Yes, sir, I think that would be a fair statement.

10   Q.    Is it fair to say that a lot of people show up  
11           these days and aren't prepared?

12   A.    Very -- that's very true.

13   Q.    From your own experience, when you went in front  
14           of judges that you and I both know back in the  
15           day, when you weren't prepared, did they  
16           necessarily tap you on the shoulder and smile?

17   A.    No, sir.

18   Q.    I mean, wasn't there a lesson to be learned?

19   A.    I think there is.

20   Q.    In what I've seen, though, despite what they may  
21           be saying about gruff or grumpy on a moment, they  
22           all say at the end of the day he's still fair.  
23           He still does what he's supposed to do.  I mean,  
24           I don't think there's a variance on that.  I  
25           mean, is that what you see in terms of your own

1 mirror?

2 A. I mean, I would like to think that, yes, sir.

3 Q. Why do you keep doing it if things are changing  
4 to the level they are? And I heard what you  
5 said. You love being a circuit judge, but it's  
6 not the same game it used to be, is it?

7 A. No, it's not. And -- but I don't know. I mean,  
8 to answer it in that way, getting up in the  
9 morning and walking in the courtroom and watching  
10 those people stand up, I tried a week-long case  
11 last week. We got through at 8:00 o'clock on  
12 Friday or 6:00 o'clock on Friday, and just when  
13 you see that jury come back out and getting ready  
14 to announce that verdict, it just gets your blood  
15 pumping a little bit. And the adversarial  
16 process going forward, I had two young lawyers  
17 who actually did a great job, besides being a  
18 little bit long-winded. But you love to see  
19 that, and you know that down the line they're  
20 going to be really good. So its -- I think the  
21 problem is going to be when -- if I'm allowed to  
22 go through again, when it comes time to retire,  
23 I'm probably not going to want to.

24 Q. Well, I guess the point is, like me, you ain't  
25 got nowhere else to go, do you?

1 A. Well, my wife may have a little say so in that.

2 Q. Let me ask you, the thing I also noticed in here  
3 is that you actually have taken time to mentor  
4 lawyers. In terms of, you know, calling them  
5 back in, giving them some constructive tips,  
6 trying to help them down the road as you were  
7 helped?

8 A. Right.

9 Q. Did you find it constructive when it was being  
10 done on your behalf?

11 A. Absolutely. I mean, you know, Mr. Safran, back  
12 down in the days in the 14th Circuit when you  
13 were down there, and some of the folks we'd sit  
14 around and chat with, you were the ones chatting  
15 to me back in the days I was a law clerk. So  
16 absolutely. Some of the things that you learned,  
17 I remembered Judge Kimberlin from down there,  
18 some things you never forget.

19 Q. Well, and you had Judge Brown, who always seemed  
20 to have a smile on his face.

21 A. Absolutely. And who could sleep standing up.

22 Q. Well, we're happy you're continuing to do it.  
23 And again, I know that we see a different world,  
24 at least from what we run into oftentimes. And,  
25 you know, I'm not in any way advocating because

1 I've told too many of the candidates that come in  
2 here today. You know, just being unnecessarily  
3 rough on somebody, being rude, being obnoxious,  
4 scaring the heck out of them. It's just -- it's  
5 not what we're doing. But I can't help but  
6 believe that both of us, at some point in our  
7 careers, gained from maybe somebody kind of put a  
8 little bit of the fear of God in us. It makes  
9 you change.

10 A. I think you're a hundred percent right.

11 Q. Well, don't ever quit.

12 A. I won't.

13 Q. Thank you.

14 A. Thank you for the kind statements.

15 CHAIRMAN RANKIN: Mr. Strom.

16 MR. STROM: Thank you, Mr. Chairman. I was just  
17 looking through your comments, and the first one  
18 on our list can be grumpy.

19 JUDGE MCINTOSH: Right.

20 MR. STROM: That's pretty much

21 JUDGE MCINTOSH: Yeah.

22 MR. STROM: And I join Mr. Safran. And we know you.  
23 It's got to have been tough, you know, being in  
24 the shadow of Cordell Maddox your whole career.  
25 You know, great jurist. You know, soon you will

1 be the chief judge. We're excited for that. No.  
2 Again, we all know you. We know what a fine job  
3 you do. Ninety-five percent of these comments  
4 are very positive about your intellect, your work  
5 ethic, and thank you for your service.

6 JUDGE MCINTOSH: Thank you. Thank you for your  
7 comments.

8 CHAIRMAN RANKIN: Senator Garrett.

9 JUDGE MCINTOSH - EXAMINATION BY SENATOR GARRETT:

10 Q. I'd just like to thank you for, again, signing up  
11 to do this. I had the pleasure of working for  
12 you on several different occasions.

13 A. Absolutely.

14 Q. It was always a pleasure to work in front of you,  
15 and, yeah, you were pretty rough sometimes. But  
16 some of us deserved it.

17 A. Well, I gave you three years off.

18 Q. You did. You did. You helped us out a little  
19 bit, didn't you?

20 A. Yeah.

21 Q. Let me just say this. I'm concerned, as you are,  
22 and I just want to speak to that just briefly.  
23 The skill levels of lawyers before you is not  
24 what it used to be. I'm worried that this  
25 mediation or the number of mediations are



1           **stifling lawyers' ability to go to court and try**  
2           **a case. Have you seen that developing?**

3       A.    Yeah.    I ask some of the older lawyers, I don't  
4           know how you evaluate cases these days.  I mean,  
5           it used to be if you were a plaintiff, a lawyer,  
6           a carrier, and you would hear, they would  
7           evaluate you whether or not you'd go to court and  
8           then evaluate you how well you did and what you  
9           went to court.  But if you didn't go to court,  
10          that put you in a whole different ballgame.  So  
11          now, with so many cases, how many -- I think the  
12          chief said in Greenville County and he'd get a  
13          comparison that was like 160-something cases to  
14          three over the same period of a year, and it's  
15          scary.  I mean, there's just no way in the world  
16          you can develop that.  You don't do it at  
17          mediation.  There's not enough adversarial process  
18          in that, and I just don't know how you know what  
19          your case is worth.  I haven't done it in a long  
20          time, but that's the question I have.

21       Q.    **I thank you for your continued service.  I hope**  
22           **you don't have to retire any time soon, and I**  
23           **hope you continue to do the job that you're doing**  
24           **and the mentoring.  And having tried cases in**  
25           **front of you, I can just -- I can say there's no**

1           such thing as grumpy. It's just getting the job  
2           done, and you better move and get it done. And  
3           don't dilly-dally. You've asked that question  
4           three times, counsel, you know, that kind of  
5           thing. But thank you for your work, sir.

6           A. Thank you. Thank you.

7           CHAIRMAN RANKIN: Judge, I want to pick up on the can  
8           be gruff or can be grumpy.

9           JUDGE MCINTOSH: Yes, sir.

10          CHAIRMAN RANKIN: But there's a qualifier here to me  
11          that bears repeating or calling out. And that  
12          observation or that criticism is not the  
13          overriding takeaway that I see, I hear. And just  
14          to the quote. Effectively can -- that when you  
15          are passionate about the law, and could probably  
16          dial it back a bit on some of his tougher days,  
17          but he is a solid judge and is a credit to the  
18          judiciary. You took it upon yourself to ask a  
19          new attorney back into your chambers. He gave me  
20          some encouraging words for my work, also took  
21          time to give me constructive critiques as well.  
22          I cherish that moment because he did not have to  
23          take time to educate or encourage new lawyers.  
24          That is a sweet spot to me for a guy that is  
25          trying to get it right and who does not appear to

1 wear the robe heavily because you're not in a  
2 good mood. As you've said, these are tough tasks  
3 that we hire you and we appoint you to carry out.  
4 You can't be a robot and go in there and smile  
5 all the time if something is not pleasing in your  
6 courtroom that you should be able to direct. So  
7 I would caution you, please, don't have -- try to  
8 have more good days than bad. But we take it as  
9 we get it. I realize that. Anyway, thank you  
10 for taking the time to teach us, teach lawyers,  
11 young and old. And if you come off as a bit  
12 gruff, it's probably because we needed it.

13 JUDGE MCINTOSH: Thank you, sir.

14 CHAIRMAN RANKIN: You once were a lawyer appearing  
15 before these judges of your past, and as you and  
16 Mr. Saffron have talked about, I've got to  
17 believe the difference in your teaching those  
18 young lawyers is a lot different than what you  
19 got taught back in the day.

20 JUDGE MCINTOSH: I would say you're correct.

21 CHAIRMAN RANKIN: Very well. All right. Thank you  
22 for your desire to continue doing it. Can you  
23 tell me your wedding day, by the way?

24 JUDGE MCINTOSH: April 20th.

25 CHAIRMAN RANKIN: Very good.

1 JUDGE MCINTOSH: Mr. Chairman, thank you, ladies and  
2 gentlemen of the committee.

3 CHAIRMAN RANKIN: Don't leave. We've got to do one  
4 more little bit of housekeeping. Unless there's  
5 anything else for the record, let me just remind  
6 you, as you know this process, that the record is  
7 not closed until the formal release of the Report  
8 of Qualifications. You know that we abide by  
9 both the letter and the spirit of the state  
10 ethics law, and we deem very seriously any  
11 violation of the appearance of impropriety of  
12 that, and you do know that we can call you back  
13 in the unlikely event that that could occur,  
14 correct?

15 JUDGE MCINTOSH: I do understand.

16 CHAIRMAN RANKIN: Very well. Now, sir, or judge and  
17 missus, happy -- let's see, not quite six months  
18 on Wednesday, right? Happy half-year  
19 anniversary.

20 JUDGE MCINTOSH: Mr. Chairman, ladies and gentlemen,  
21 thank you very much.

22 (OFF THE RECORD)

23 CHAIRMAN RANKIN: Welcome, Judge Kelly.

24 JUDGE KELLY: Thank you.

25 CHAIRMAN RANKIN: Raise your right hand.

1 JUDGE KELLY: Yes, sir.

2 THE HONORABLE R. KEITH KELLY, being duly sworn,  
3 testifies as follows:

4 CHAIRMAN RANKIN: Thank you for being here and being  
5 early, and we'll try to make this a good time for  
6 you as you've given for us here, getting here  
7 early. About the PDQ and the Sworn Statement,  
8 are those ready to go in the record without your  
9 objection?

10 JUDGE KELLY: Without objection, yes, sir.

11 CHAIRMAN RANKIN: Very good. Judge, as you know, our  
12 process here is we vet candidates for election or  
13 re-election, or positions. Our focus is on that  
14 nine evaluative criteria, which includes a ballot  
15 box survey, a thorough study of your application  
16 materials, a verification of your compliance with  
17 state ethics laws, search of newspaper articles  
18 in which your name appears, and study of previous  
19 screenings and check for economic conflicts of  
20 interest. No affidavits have been filed in  
21 opposition, and no one is here to testify against  
22 you pursuant to that. You therefore have the  
23 opportunity, if you'd like, to make a brief  
24 opening statement. Otherwise, we'll turn it over  
25 to Ms. Faulk for questions, and other comments

1 and questions.

2 (Exhibit Number 18 was marked for identification  
3 purposes - (14 pages) Personal Data Questionnaire for  
4 The Honorable R. KEITH Kelly.)

5 (Exhibit Number 19 was marked for identification  
6 purposes - (6 pages) Sworn Statement of The Honorable  
7 R. Keith Kelly.)

8 JUDGE KELLY: Thank you, Mr. Chairman. I'd just like  
9 to say it's an honor to be here, and I appreciate  
10 the opportunity.

11 JUDGE KELLY - EXAMINATION BY MS. FAULK:

12 **Q. Thank you, Mr. Chairman. Good afternoon, Judge.**  
13 **It's very nice to see you again.**

14 A. Nice to see you.

15 **Q. After serving since 2013 on the Circuit Court,**  
16 **why do you want to continue serving as a Circuit**  
17 **Court judge?**

18 A. Actually, I consider it an honor to do so, and  
19 I'm continuing to serve my state. I have served  
20 my country and my state.

21 **Q. In what ways, if any, does having served as a**  
22 **state legislator influence your work as a judge?**

23 A. I think having been in the General Assembly, it  
24 gives me a perspective maybe from 30,000 feet,  
25 sort of, looking down.

1 Q. What do you think your reputation is among the  
2 attorneys that practice before you?

3 A. I'm hoping it's good. I mean that sincerely. I  
4 hope it's good. We have some really good lawyers  
5 in this state. We do.

6 Q. Thank you, Judge.

7 MS. FAULK: The commission received 490 ballot box  
8 surveys regarding you with 51 additional  
9 comments. The ballot box survey, for example,  
10 contained the following positive comments.  
11 First, Judge Kelly is a hardworking, intelligent,  
12 and personable judge. He is known to hold  
13 himself to the highest standards, but also  
14 remembers the constraints of the practice of law.  
15 He keeps dockets moving while maintaining  
16 sympathy for the bar, truly a great judge to  
17 appear before and work with. Next, Judge Kelly  
18 is a well-respected jurist, is fair to all who  
19 appear before him, and possesses outstanding  
20 ethics. Finally, a man of great honor and  
21 integrity, truly an asset to the bench. Of the  
22 51 written comments, only two expressed concerns,  
23 but these two comments did not demonstrate any  
24 pattern of behavior. I would note that the  
25 Upstate Citizens Committee found Judge Kelly

1 qualified in the evaluative criteria of  
2 constitutional qualifications, physical health,  
3 mental stability. And well qualified in the  
4 evaluative criteria of ethical fitness,  
5 professional and academic ability, character,  
6 reputation, experience, and judicial temperament.  
7 And finally, Judge, just a couple of housekeeping  
8 questions. That'll be it for me. Judge Kelly,  
9 since submitting your letter of intent, have you  
10 contacted any members of the commission about  
11 your candidacy?

12 A. I have not.

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

16 A. I am familiar with that.

17 **Q. Since submitting your letter of intent, have you**  
18 **sought or received the pledge of any legislator**  
19 **either prior to this date or pending the outcome**  
20 **of your screening?**

21 A. I have not.

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



1 A. I have not, and I'm not aware of any.

2 **Q. Have you reviewed and do you understand the**  
3 **commission's guidelines on pledging and South**  
4 **Carolina Code 2-19-70(E)?**

5 A. Yes.

6 MS. FAULK: I would just note for the record that any  
7 concerns raised during the investigation  
8 regarding the candidate were incorporated into  
9 the question of the candidate today. Thank you,  
10 sir. And, Mr. Chairman, I have no further  
11 questions.

12 CHAIRMAN RANKIN: All right. Members of the  
13 commission, any questions? Mr. Safran.

14 MR. SAFRAN: Thank you, Mr. Chairman. Judge Kelly,  
15 it's good to see you up here again.

16 JUDGE KELLY: Good to see you.

17 MR. SAFRAN: One thing that I think kind of rings out  
18 from the comments, and it may not say it in these  
19 words, is that I think there's a sense that you  
20 never forgot where you came from.

21 JUDGE KELLY: That's true.

22 MR. SAFRAN: That basically you remember being a  
23 litigator, a lawyer. You remember being on the  
24 other side of the bench, and you treat people  
25 with the understanding that you want to treat

1           them like you would have wanted to be treated.

2 JUDGE KELLY: I certainly do.

3 MR. SAFRAN: And I think we had this discussion with  
4 Judge McIntosh. In the days that you were coming  
5 up, the days that some of us were coming up, some  
6 of those judges weren't quite as kindly in terms  
7 of how they treated you, right?

8 JUDGE KELLY: That's exactly true. And I witnessed  
9 some others, and I learned not to do what they  
10 did.

11 MR. SAFRAN: Did you used to do some family court work  
12 up there?

13 JUDGE KELLY: I did. You remember Judge Laney?

14 MR. SAFRAN: I do. I wasn't going to call any names.

15 JUDGE KELLY: Well, I consider him a friend. He was  
16 somebody that was always kind to me, but I could  
17 see him in one of those moments. And I guess the  
18 thing about it is just like back then, we just  
19 kind of took it as part of the game and didn't  
20 really -- you know, used it constructively. And  
21 I think now it seems to be some people might be  
22 more sensitive than they used to be.

23 JUDGE KELLY: Well, it needed to change.

24 MR. SAFRAN: No, and I get that. I think, you know --  
25 but the thing is it seems like you haven't

1 changed in the sense that you still want to make  
2 sure people are given their due, people are given  
3 some level of respect, just like you expected in  
4 being on the bench.

5 JUDGE KELLY: Yes, sir.

6 MR. SAFRAN: And you don't get these kind of comments  
7 unless that's happening, and I think it's a real  
8 credit to you that they speak that way.

9 JUDGE KELLY: Thank you.

10 MR. SAFRAN: Appreciate your offering.

11 JUDGE KELLY: Yes, sir.

12 CHAIRMAN RANKIN: Other? Ms. Blackley.

13 MS. BLACKLEY: Hey, Judge Kelley.

14 JUDGE KELLY: How are you?

15 MS. BLACKLEY: I'm great. I'm not surprised by the  
16 ballot box comments. Having had the pleasure of  
17 working with you when I was in Spartanburg, and  
18 not just that you treat attorneys properly, all  
19 staff around you. I know my staff truly enjoy  
20 having you on the bench, and I hear all the rave  
21 reviews that you do in Cherokee County and  
22 Spartanburg County. I don't know of a finer  
23 judge.

24 JUDGE KELLY: Thank you.

25 MS. BLACKLEY: And I wanted that on the record, and I

1 think highly of you and your work.

2 JUDGE KELLY: Thank you.

3 CHAIRMAN RANKIN: Anyone else? Mr. Caskey.

4 MR. CASKEY: Hey, Mr. Chairman. Your Honor, I don't  
5 know why this has escaped my attention before  
6 now, but I saw your DD-214 in your packet and  
7 wanted to thank you for your service. I very  
8 much appreciate that, especially as an army guy,  
9 probably before there was any air conditioning.

10 JUDGE KELLY: There was no air conditioning, I assure  
11 you that, and very little heat.

12 MR. CASKEY: Very good. Thank you, sir.

13 JUDGE KELLY: Thank you.

14 CHAIRMAN RANKIN: Judge, I just want to, unless there  
15 are other questions, just wrap this up with what  
16 I think is perhaps the best exchange, anonymous  
17 though it is. It reads, is there another judge  
18 who exemplifies the judicial demeanor we should  
19 expect from all judges in the way Judge Kelly  
20 exemplifies it? Question, answer, no. His  
21 judicial demeanor is unparalleled. He's  
22 level-headed, courteous, dignified, and in  
23 control of his emotions at all times. He treats  
24 all parties and attorneys with respect, whether  
25 they have earned that respect or not. All judges

1           should conduct themselves as Judge Kelly does.  
2           Unfortunately, some do not to the great detriment  
3           of the judicial system at large and to the  
4           litigants and attorneys who have to appear before  
5           them. Tell me where that comes from. What is  
6           your philosophy there? What is your experience,  
7           your training, your moral compass that, again,  
8           keeps you on even keel like that?

9   JUDGE KELLY: Mr. Chairman, I have to give credit back  
10           to not only my parents but my grandparents. I  
11           was taught if you don't have something nice to  
12           say about someone, you don't say anything. And  
13           that being nice to people is free. I did not  
14           grow up poor, but we didn't have a whole lot.  
15           Both my parents worked. I'm the first high  
16           school diploma on the male side, much less  
17           college and law school, any graduate. So my  
18           mother's 88 and still with me, so she still might  
19           get after me if I disrespect someone.

20   CHAIRMAN RANKIN: Well, that's a great testament to  
21           you. And for the record, when this report is  
22           published, please show her that we're bragging on  
23           her training, as did you.

24   JUDGE KELLY: I will.

25   CHAIRMAN RANKIN: So thank you very much. And without

1 further questions, that will conclude this  
2 portion of the screening process. And you know  
3 this backwards and forwards, but again, we don't  
4 close the record until the final Report of  
5 Qualifications is issued. Any violation or  
6 appearance of impropriety of the ethics laws  
7 would be deemed very serious, and we could call  
8 you back, as you know, for questions about that,  
9 correct?

10 JUDGE KELLY: Yes, sir.

11 CHAIRMAN RANKIN: All right, sir. With that, thank  
12 you again. God bless you, and safe travels back  
13 to wherever you're holding court.

14 JUDGE KELLY: Spartanburg.

15 CHAIRMAN RANKIN: Very good.

16 JUDGE KELLY: Thank you.

17 (OFF THE RECORD)

18 CHAIRMAN RANKIN: All right, Judge, welcome.

19 JUDGE MURPHY: Hello.

20 THE HONORABLE MAITE D. MURPHY, being duly sworn,  
21 testifies as follows:

22 CHAIRMAN RANKIN: And, Judge Murphy, you have the PDQ  
23 and Sworn Statement ready for introduction to the  
24 record?

25 JUDGE MURPHY: Yes, sir, I do.

1 CHAIRMAN RANKIN: No objections to them being  
2 included?

3 JUDGE MURPHY: No, sir.

4 CHAIRMAN RANKIN: Very good. All right, Lindi will  
5 get those. Judge, you know this process well,  
6 and again, thank you for your offering for  
7 re-election to service on the bench. Our vetting  
8 of your candidacy, as you know, focuses on the  
9 nine evaluative criteria. Which includes the  
10 ballot box survey, a thorough review of your  
11 application materials, verification of your  
12 compliance with the state ethics laws, search of  
13 newspaper articles in which your name appears, a  
14 study of previous screenings, and a check for  
15 economic conflicts of interest. No affidavits  
16 have been filed in opposition to your election.  
17 No witnesses are present to testify. And I  
18 believe you are alone today, correct?

19 (Exhibit Number 20 was marked for identification  
20 purposes - (20 pages) Personal Data Questionnaire for  
21 The Honorable Maite D. Murphy)

22 (Exhibit Number 21 was marked for identification  
23 purposes - (1 page) Amendment to Personal Data  
24 Questionnaire for The Honorable Maite D. Murphy.)

25 (Exhibit Number 22 was marked for identification

1 purposes - (8 pages) Sworn Statement for The Honorable  
2 Maite D. Murphy)

3 JUDGE MURPHY: Yes, sir.

4 CHAIRMAN RANKIN: All right. You have the  
5 opportunity, if you'd like, to make a brief  
6 opening statement. Otherwise, Ms. Wilkinson will  
7 ask questions and be followed up with questions  
8 or comments by the commission.

9 JUDGE MURPHY: Thank you, Senator. I would just like  
10 to say I want to thank the members of the  
11 commission for their service. I know it's  
12 certainly a difficult task and one that is  
13 time-consuming, and I appreciate your service.  
14 And with that, I will waive any opening and be  
15 happy to answer your questions.

16 CHAIRMAN RANKIN: Thank you.

17 JUDGE MURPHY - EXAMINATION BY MS. WILKINSON:

18 **Q. Good afternoon, Judge Murphy. After serving**  
19 **since 2013 on the Circuit Court, why do you want**  
20 **to continue to serve as a circuit judge?**

21 A. It has been a tremendous honor to serve in this  
22 capacity. I hope that I do my job well. I enjoy  
23 serving on the Circuit Court bench. It's  
24 certainly, like I said, a tremendous honor, and  
25 it's an opportunity for me to give back to my



1 community. I think it's an important aspect of  
2 our community. The Judicial Department serves an  
3 important role, and I certainly feel very  
4 fortunate to get to serve in that role. And I  
5 would love to continue to do so.

6 CHAIRMAN RANKIN: Pull that a little further to you.

7 JUDGE MURPHY: I might be a little vertically  
8 challenged.

9 COURT REPORTER: But your green button is on?

10 JUDGE MURPHY: Yes, ma'am.

11 COURT REPORTER: Okay. Got you.

12 JUDGE MURPHY: It's on. Is that better? Okay.

13 MS. WILKINSON: Mr. Chairman, I do have two issues to  
14 put on the record. Judge Murphy, you indicated  
15 in your PDQ that since your last screening, a  
16 lawsuit was filed against you in a dog bite  
17 personal injury case. Can you please explain the  
18 nature and disposition of that lawsuit?

19 A. Yes, ma'am. There was a dog bite incident which  
20 occurred in our home. I had a group of friends  
21 from the gym that were meeting to go to a mud  
22 run. And one of the ladies in my home, she was  
23 bending down to kiss one of my dogs. And as she  
24 was doing that, the doorbell rang, and our dog  
25 turned around to bark, and his tooth caught her

1           cheek. It wasn't really an intentional bite, but  
2           it certainly caused some injury. And she did  
3           file a lawsuit against us, which was settled and  
4           then dismissed.

5       **Q. Also, your SLED report indicated that there was**  
6       **another lawsuit filed against you since your last**  
7       **screening. You were named as a defendant in**  
8       **Federal Court in Carroll et al. v. Brown and**  
9       **Brehmer Attorneys. Can you please explain the**  
10       **nature and disposition of that lawsuit?**

11      A. Yes, ma'am. I was never served with that  
12       complaint, so I do not know what allegations it  
13       contained. I did look on the public record, and  
14       I understand that that complaint was dismissed by  
15       Judge Norton.

16      **Q. Judge Murphy, what do you think your reputation**  
17      **is among attorneys who practice before you?**

18      A. I'm sorry, could you repeat that?

19      **Q. Yes, what do you think your reputation is among**  
20      **attorneys who practice before you?**

21      A. I would hope that my reputation is one that I'm  
22       fair. I try to be courteous to all litigants and  
23       participants in the process. I try to consider  
24       everything that's before me and issue opinions  
25       which are hopefully well thought out and uphold

1 the law that I'm sworn to uphold.

2 Q. Judge Murphy, the Commission received 535 ballot  
3 box surveys regarding you with 53 additional  
4 comments. The ballot box survey, for example,  
5 contained the following positive comments. Her  
6 strength of character and commitment for  
7 improving whatever she touches renders her pre-  
8 eminently qualified to serve the citizens of  
9 South Carolina. She is an outstanding General  
10 Sessions judge, perhaps the best on the state  
11 bench. Keep her where she is, we can't afford to  
12 lose her. She is very fair to all sides on legal  
13 issues and has an outstanding judicial  
14 temperament. Fourteen of the written comments  
15 did express concerns. Several comments noted  
16 concerns about your political connections and  
17 that you are biased toward parties who have  
18 political connections. How do you respond to  
19 those concerns?

20 A. I would respond by saying that certainly  
21 community service has always been an important  
22 aspect of my family. My husband has followed his  
23 path in serving in the legislature and that's the  
24 path that he has chosen. Since I graduated from  
25 law school, my path was always the goal to serve

1 in the judiciary and I have been very deliberate  
2 in my career choices to well prepare me to serve  
3 in this role. I did serve in private practice  
4 and then went to solicitor's office where I rose  
5 to the rank of chief deputy solicitor. I then  
6 went to private practice again to balance that  
7 out and I did criminal defense, personal injury.  
8 I worked in Common Pleas Court, General Sessions  
9 Court, Magistrate's Court, Municipal Court,  
10 Family Court. I then also served as chief  
11 magistrate before coming Master-in-Equity where I  
12 was appointed by chief justice to also handle  
13 special Circuit Court matters. So I've worked  
14 very hard and very diligently to establish my own  
15 pattern and my own commitment to be well  
16 qualified to serve in this position. As far as  
17 my husband's friends, I treat them just like I do  
18 anyone else. I treat them fairly and with  
19 respect but they certainly do not get any  
20 preferential treatment.

21 **Q. A few comments focused on your preference for the**  
22 **State in criminal cases and claim that you are**  
23 **overly harsh when sentencing criminal defendants.**  
24 **How do you respond to those concerns?**

25 **A.** I think that may be somewhat misplaced. I think

1 people remember me as my role as chief deputy  
2 solicitor and they forget the fact that I also  
3 practice criminal defense work. I take every  
4 case that comes before me and consider all  
5 aggravating and mitigating circumstances before  
6 issuing a sentence. Now some crimes call for  
7 harsh sentences and certainly a defendant may not  
8 like that but if you ask the victim on that same  
9 crime they may think it's not harsh enough. But  
10 certainly all my sentences are within the  
11 statutory guidelines of what is appropriate  
12 within sentencing and I take that very seriously.

13 **Q. Lastly, a few comments focused on a lack of**  
14 **knowledge about common pleas matters. How do you**  
15 **respond to those concerns?**

16 A. I just don't think that's an accurate statement.  
17 Like I stated, my practice before I became on the  
18 Circuit Court bench, I did deal with Common Pleas  
19 matters. I also dealt with Common Pleas matters  
20 as a special Circuit Court judge while serving as  
21 Master-in-Equity. In 2014, a year after I was  
22 appointed or was elected to this position, then  
23 Chief Justice Toal appointed me to the business  
24 court bench so I've worked as a business court  
25 judge since that time and I've handled complex

1 litigation matters that entire time. I think  
2 also telling would be my appellate record. If I  
3 didn't know what I was doing in Common Pleas  
4 court, that would certainly be reflected in  
5 reversals, which I don't think I have a history  
6 of.

7 **Q. Thank you, Judge Murphy.**

8 MS. WILKINSON: I would note that the Low Country  
9 Citizens Committee found Judge Murphy qualified  
10 in the evaluative criteria of constitutional  
11 qualifications, physical health, and mental  
12 stability. Well qualified in the evaluative  
13 criteria of ethical fitness, professional and  
14 academic ability, character, reputation,  
15 experience, and judicial temperament. The  
16 Committee noted superb judge, integrity, smarts,  
17 personality, strength to make the right decisions  
18 under difficult circumstances.

19 **Q. Judge Murphy, we do have a few housekeeping**  
20 **issues. Since submitting your letter of intent,**  
21 **have you contacted any members of the commission**  
22 **about your candidacy?**

23 A. No, ma'am.

24 **Q. Are you familiar with section 2-19-70, including**  
25 **the limitations on contacting members of the**

1           General Assembly regarding your screening and  
2           candidacy?

3           A.     Yes, ma'am.

4           Q.     Since submitting your letter of intent, have you  
5           sought or received the pledge of any legislator  
6           prior to this date or pending the outcome of your  
7           screening?

8           A.     I have not.

9           Q.     Have you asked any third parties to contact  
10          members of the General Assembly on your behalf,  
11          or are you aware of any attempting to intervene  
12          in this process on your behalf?

13          A.     No.

14          Q.     Have you reviewed and do you understand the  
15          Commission's guidelines on pledging in South  
16          Carolina Code section 2-19-70(E)?

17          A.     Yes, ma'am.

18          MS. WILKINSON: I would note for the record that any  
19          concerns raised during the investigation  
20          regarding Judge Murphy were incorporated into the  
21          questioning of her today. Mr. Chairman, I have  
22          no further questions.

23          VICE CHAIRMAN CASKEY: Thank you, ma'am. Do any  
24          members of the Commission have any questions or  
25          comments for Judge Murphy? Seeing none, then,

1 Judge, I'll say -- or at least take this  
2 opportunity to highlight just a couple more of  
3 the comments that I see here in the ballot box.  
4 And for self-evident reasons, we don't share all  
5 of these, but I think it's important for you to  
6 know the reputation that you've earned on the  
7 bench as being consistently careful and  
8 well-thought-out rulings fairly and impartially,  
9 and is respected by and is respectful of the  
10 parties and attorneys. Judge Murphy is an  
11 outstanding jurist. She's brilliant, diligent,  
12 fair to all, and possesses exemplary ethics.  
13 This is in all caps, which I do disapprove of,  
14 but the content is pretty good. Judge Murphy is  
15 always extremely well-prepared for hearings. She  
16 treats everyone with respect. She is kind and  
17 intelligent. That commenter should be admonished  
18 somewhere for not turning off caps lock, but  
19 that's my soapbox. So, Judge, I just wanted to  
20 share that with you to thank you for your hard  
21 work and your service to the state. If there are  
22 no other comments or questions from members of  
23 the Commission, then. Judge, this will end this  
24 portion of the screening process. I do need to  
25 take this opportunity to remind you that,



1           pursuant to the commission's evaluative criteria,  
2           the Commission expects candidates to follow the  
3           spirit as well as the letter of the ethics laws  
4           and that we will view violations or the  
5           appearance of impropriety as serious and  
6           potentially deserving of heavy weight in our  
7           screening deliberations. On that note, and as  
8           you know, the record will remain open until the  
9           formal release of the Report of Qualifications,  
10          and you may be called back at such time if that  
11          need were to arise. So, do you understand all of  
12          that?

13         JUDGE MURPHY: Yes, sir.

14         MR. CASKEY: Great. Thank you, Judge. We appreciate  
15                 your service to the state of South Carolina and  
16                 wish you safe travels on your way back home.

17         JUDGE MURPHY: Thank you. I appreciate all of your  
18                 hard work as well.

19         MR. CASKEY: Thank you, ma'am.

20                         (OFF THE RECORD)

21         VICE CHAIRMAN CASKEY: All right, good afternoon,  
22                 we'll proceed with the next screening.

23                 CHARLES J. McCUTCHEN, being duly sworn, testifies  
24                 as follows:

25         VICE CHAIRMAN CASKEY: Thank you, sir. There should

1 be some documents there in front of you, the  
2 Personal Data Questionnaire, and a Sworn  
3 Statement. If you would take a look at those and  
4 make sure that those are yours, they're correct,  
5 and let us know if anything needs to be updated  
6 or changed.

7 MR. MCCUTCHEN: Nope, they look correct, and they are  
8 mine.

9 VICE CHAIRMAN CASKEY: Fantastic. Do you have any  
10 objection to our making those part of the record?

11 MR. McCUTCHEN: I do not.

12 VICE CHAIRMAN CASKEY: We'll go ahead and do that.  
13 And before we go any further, I notice you've  
14 brought someone with you. If you'd like to  
15 introduce her, we'd be happy to hear from her.

16 (Exhibit Number 23 was marked for identification  
17 purposes - (16 pages) Personal Data Questionnaire for  
18 Charles J. McCutchen)

19 (Exhibit Number 24 was marked for identification  
20 purposes - (7 pages) Sworn Statement of Charles J.  
21 McCutchen)

22 MR. MCCUTCHEN: This is my wife, Tara McCutchen.

23 VICE CHAIRMAN CASKEY: Great, welcome. Thank you for  
24 being here today. I appreciate you all being  
25 flexible with us with respect to time. We are in

1 the unusual position of being slightly ahead of  
2 schedule, so I thank you for that. The Judicial  
3 Merit Selection Commission has thoroughly  
4 investigated your qualifications for the bench.  
5 Our inquiries focus on the nine evaluative  
6 criteria, has included a ballot box survey,  
7 thorough study of your application materials,  
8 verification of your compliance with state ethics  
9 laws, search of newspaper articles in which your  
10 name appears, study of previous screenings, check  
11 for economic conflicts of interest. We have  
12 received no affidavits filed in opposition to  
13 your election. No witnesses are present to  
14 testify. If you would like to make a brief  
15 opening statement, we'd be happy to hear from  
16 you. Otherwise, we would proceed to questions  
17 from counsel.

18 MR. MCCUTCHEN: I would just like to say thanks for  
19 having me again. You know, it's a pleasure to be  
20 here in front of the entire Commission, Mr.  
21 Chairman. And I'm actually looking forward to  
22 starting work in January, and hopefully we'll be  
23 doing it for a long time.

24 CHAIRMAN RANKIN: Thank you, sir. Yes, ma'am.

25 MR. MCCUTCHEN - EXAMINATION BY MS. ADLER:

1 MS. ADLER: Thank you, Mr. Chairman. I'll just note,  
2 as the Commission will remember, Judge-Elect  
3 McCutchen was found qualified, nominated, and  
4 elected to complete an unfilled term, which would  
5 begin January 1st, 2025. So I'll note for the  
6 record that based on the testimony that's  
7 contained in the candidate's Personal Data  
8 Questionnaire, which has now been included in the  
9 record with consent, Judge-Elect Charles J.

10 McCutchen meets the constitutional and statutory  
11 requirements for this position regarding age,  
12 residence, and years of practice. Judge-Elect  
13 McCutchen, how do you feel your legal and  
14 professional experience thus far renders you  
15 qualified and will assist you to be an effective  
16 Circuit Court judge?

17 A. Throughout my career, I've had the good fortune  
18 of practicing a lot of different areas of law.  
19 Since my election, I've taken it upon myself to  
20 sit for about four weeks, you know, just to kind  
21 of get the breadth and the depth of pretty much  
22 what the Circuit Court does here on a day-to-day  
23 basis. Most of it has been through criminal  
24 weeks. Since this time last year, I've sat and  
25 observed two murder trials, about over 140 pleas,

1 bond motions, revocation of bonds, and probation  
2 revocations. And that has been immensely helpful  
3 for me, just to kind of fill in a gap of where I  
4 didn't practice that much criminal law before.  
5 But you know, in my 20-some years of practice,  
6 I've, you know, 50, 60 percent of it's been  
7 civil. The rest is, you know, family, court  
8 workers' comp, disability, criminal, and how it  
9 relates to some of the overlap and how one will  
10 affect the other is kind of what I've always  
11 enjoyed about doing a lot of different types of  
12 law.

13 **Q. Thank you. Judge-Elect, the commission received**  
14 **257 ballot box surveys regarding your candidacy,**  
15 **with 12 additional comments. By way of example,**  
16 **the ballot box survey contained the following**  
17 **positive comments. He has a wonderful**  
18 **temperament and a great legal background. And he**  
19 **is a very knowledgeable attorney and has always**  
20 **treated all parties in a case with respect and**  
21 **due consideration of their position. He**  
22 **certainly has the demeanor to preside in Circuit**  
23 **Court.**

24 **MS. ADLER:** I would note that the Low Country Citizens  
25 Committee reported that Judge Elect McCutchen is

1 qualified in the evaluative criteria of  
2 constitutional qualifications, physical health,  
3 and mental stability. And well qualified as to  
4 the evaluative criteria of ethical fitness,  
5 professional and academic ability, character,  
6 reputation, experience, and judicial temperament.  
7 The committee made the following comment. Good  
8 experience, not as much criminal side, highly  
9 relational and likable, compassionate, great  
10 disposition, would make a great Circuit Court  
11 judge.

12 **Q. And just a few housekeeping issues. Judge-Elect**  
13 **McCutchen, are you aware that as a judicial**  
14 **candidate you are bound by the code of judicial**  
15 **conduct as found in Rule 501 of the South**  
16 **Carolina Appellate Court Rules?**

17 **A. I am.**

18 **Q. Judge-Elect McCutchen, since submitting your**  
19 **letter of intent, have you contacted any members**  
20 **of the commission about your candidacy?**

21 **A. I have not.**

22 **Q. Since submitting your letter of intent, have you**  
23 **sought or received the pledge of any legislator**  
24 **either prior to this date or pending the outcome**  
25 **of your screening?**

1 A. I have not.

2 Q. Are you familiar with South Carolina Code Section  
3 2-19-70, including the limitations on contacting  
4 members of the General Assembly regarding your  
5 screening?

6 A. I am.

7 Q. Have you asked any third parties to contact  
8 members of the General Assembly on your behalf?  
9 Or are you aware of anyone attempting to  
10 intervene in this process on your behalf?

11 A. I have not, and I am not aware of any.

12 Q. Have you reviewed and do you understand the  
13 Commission's guidelines on pledging in South  
14 Carolina Code Section 2-19-70(E)?

15 A. Yes.

16 MS. ADLER: Mr. Chairman, I would note for the record  
17 that any concerns raised during the investigation  
18 by staff regarding this candidate were  
19 incorporated into the questioning of the  
20 candidate today. Mr. Chairman, I have no further  
21 questions.

22 VICE CHAIRMAN CASKEY: Thank you, Ms. Adler. Members  
23 of the commission have any questions or comments?  
24 Mr. Rutherford.

25

1 MR. MCCUTCHEN - EXAMINATION BY REPRESENTATIVE RUTHERFORD:

2 Q. Just to point out, you were elected. You've been  
3 through this, elected, but you have not served  
4 yet. You don't start until January, and yet  
5 you're back again.

6 A. Correct.

7 Q. Just to say hello and do a final tour.

8 A. This is my fourth year in a row.

9 Q. Right.

10 A. But I was elected to fill, I guess, a six-month  
11 unexpired term, and then me running this time is  
12 for the following six years.

13 Q. Gotcha. Okay. Well, good to see you.

14 A. Good to see you.

15 VICE CHAIRMAN CASKEY: I would echo that, Judge-elect

16 McCutchen. It's good to see you again. Are

17 there any other questions or comments from our

18 most frequent of flyers here? All right. With

19 that, then, this will conclude this portion of

20 the screening process, and, Judge-Elect

21 McCutchen, thank you for participating. Thank

22 you for offering for service and going through

23 this process. I do need to take this opportunity

24 to remind you that pursuant to the Commission's

25 evaluative criteria, the Commission expects scans



1 to follow the spirit as well as the letter of our  
2 ethics laws, and that we will view any  
3 improprieties or appearance of improprieties as  
4 very serious and potentially deserving of heavy  
5 weight in screening deliberations. On that note,  
6 and as you know, the record will remain open  
7 until the formal release of the Board of  
8 Qualifications, and you may be called back at  
9 such time if the need arises. You understand all  
10 of that?

11 MR. MCCUTCHEN: Yes, sir.

12 VICE CHAIRMAN CASKEY: Great. Thank you, sir. I  
13 appreciate you being here. Drive safe.

14 MR. MCCUTCHEN: Thank you for the opportunity to  
15 serve, too.

16 (OFF THE RECORD)

17 VICE CHAIRMAN CASKEY: All right. Good afternoon,  
18 Judge Warr. I'm Micah Caskey, sitting in the  
19 driver's seat while Senator Rankin is away,  
20 though he will probably join us before the  
21 conclusion of the screening.

22 THE HONORABLE EUGENE P. WARR, being duly sworn,  
23 testifies as follows:

24 VICE CHAIRMAN CASKEY: There should be some documents  
25 there in front of you. Would you take a look at

1           those and see if those are, in fact, the ones you  
2           submitted and if any changes need to be made?

3 JUDGE WARR: Yes, sir. These are the ones I submitted  
4           and my home address would change as of today.  
5           I'm actually moving today. So I do have a new  
6           home address as of today.

7 VICE CHAIRMAN CASKEY: Congratulations, I think we can  
8           update that administratively. Great, do you have  
9           any problem, Judge, with us making that a part of  
10          the record?

11 JUDGE WARR: No, sir.

12          (Exhibit Number 25 was marked for identification  
13          purposes - (19 pages) Personal Data Questionnaire for  
14          The Honorable Eugene P. Warr)

15          (Exhibit Number 26 was marked for identification  
16          purposes - (7 pages) Sworn Statement of The Honorable  
17          Eugene P. Warr)

18 VICE CHAIRMAN CASKEY: I didn't see anybody come in  
19          here with you; is that right?

20 JUDGE WARR: I am by myself, yes, sir.

21 VICE CHAIRMAN CASKEY: Fantastic. The Judicial Merit  
22          Selection Commission has thoroughly investigated  
23          your qualifications for the bench. Our inquiry  
24          is focused the nine evaluative criteria and is  
25          included a ballot box survey, a thorough study of

1 your application materials, verification of your  
2 compliance with state ethics laws, a search of  
3 newspaper articles in which your name appears, a  
4 study of previous screenings. A check for  
5 economic conflicts of interest. We have received  
6 one affidavit filed in opposition to your  
7 election, however, it was dismissed. No  
8 witnesses are present to testify. If you have a  
9 brief opening statement we'd be happy to hear  
10 from you. Otherwise we'd proceed with the  
11 questions from counsel.

12 JUDGE WARR: I will make a brief statement, yes, sir.  
13 I'd just like to say that first of all I  
14 appreciate the opportunity to appear in front of  
15 you. I have now served as Family Court Judge for  
16 almost three years. I had a law practice for 36  
17 years prior to that. And I thought that it was  
18 time, three years ago, to maybe do something  
19 else. I'd been a lawyer for 36 years and I was  
20 eager to maybe see what it was like from another  
21 point of view. Today, I'm before you seeking the  
22 Circuit Court seat that's open in my district  
23 circuit, The Fourth Judicial Circuit. Because I  
24 think that I'm at, again, a point that I would  
25 like to go see what that is like. I believe I'm

1 experienced in the Circuit Court level,  
2 particularly the Common Pleas side. In the early  
3 part of my career I did do General Sessions work.  
4 It's just a point in life. I'm 65 years old, I'm  
5 in good health, fortunately, and I believe it's a  
6 time it's appropriate for me to go over to the  
7 Circuit Court if that's what you folks and the  
8 full legislature agree with.

9 VICE CHAIRMAN CASKEY: Mr. Cohl.

10 JUDGE WARR - EXAMINATION BY MR. COHL

11 MR. COHL: Thank you, Mr. Chairman. I note for the  
12 record that based on the testimony contained in  
13 the candidate's PDQ, which has been included in  
14 the record with the candidate's consent, Judge  
15 Warr meets the constitutional statutory  
16 requirements for this position regarding age,  
17 residence, and years of practice.

18 **Q. Judge Warr, how do you feel your legal and**  
19 **professional experience thus far renders you**  
20 **qualified and will assist you to be an effective**  
21 **Circuit Court Judge?**

22 A. Well, as I just mentioned, I was -- graduated  
23 from law school in 1985, took the Bar exam,  
24 became a lawyer that year. Practiced law for a  
25 long time and saw a lot of things in a small

1 town, in Hartsville, where I started out, working  
2 for Senator Ed Saleeby. We did everything there.  
3 We did all sorts of work, criminal defense,  
4 Family Court, civil court, every type of thing  
5 with all sorts of people. We represented people,  
6 primarily. We didn't represent large businesses  
7 much. We represented people. And through the  
8 years I had all sorts of experiences when I left  
9 Senator Saleeby's firm and started my own firm  
10 with a couple of friends. Same thing. We did  
11 the same kind of work. Just generally  
12 representing people, an assorted type of work,  
13 and I believe I've been around -- I've never done  
14 specialized areas such as bankruptcy or that sort  
15 of thing. But, generally speaking, done most  
16 other types of work that most people would  
17 typically need in life. And I believe it's --  
18 I've been around long enough and seen enough and  
19 learned enough about people and how people behave  
20 that I am at the point where I can handle being a  
21 Circuit Court judge.

22 **Q. Thank you, Judge Warr, the Commission received**  
23 **756 ballot box surveys regarding you with 125**  
24 **additional comments. The ballot box survey, for**  
25 **example, contained the following positive**

1            comments. Judge Warr has already shown his  
2            excellent judicial capability, demeanor, wisdom,  
3            through his service in the Family Court. He'll  
4            be an excellent Circuit Court judge. He is kind  
5            and patient with litigants, attorneys and court  
6            staff. He's respected tremendously by the  
7            community and those in the legal profession.  
8            None of the written comments expressed concerns.

9    MR. COHL: I would note that the Pee Dee Citizens  
10           Committee found Judge Warr to be qualified in the  
11           evaluative criteria of constitutional  
12           qualifications, physical health, and mental  
13           stability. The Committee found him well  
14           qualified in the evaluative criteria of ethical  
15           fitness, professional and academic ability,  
16           character, reputation, experience and judicial  
17           temperament.

18    Q.    And now for a few brief housekeeping issues.  
19           Judge Warr, are you aware that as a judicial  
20           candidate you are bound by the code of judicial  
21           conduct as found in Rule 501 of the South  
22           Carolina Appellate Court rules?

23    A.    Yes, sir.

24    Q.    Since submitting your letter of intent, have you  
25           contacted any members of the Commission about

1           **your candidacy?**

2       A.    No, sir.

3       **Q.    Since submitting your letter of intent, have you**  
4           **sought or received a pledge of any legislator**  
5           **either prior to this date or pending the outcome**  
6           **of your screening.**

7       A.    No, sir.

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

11      A.    Yes, sir.

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

16      A.    No, sir.

17      **Q.    Have you reviewed and do you understand the**  
18          **Commission's guidelines on pledging and South**  
19          **Carolina Code Section 2-19-70(E)?**

20      A.    Yes, sir.

21      **Q.    Thank you, Judge Warr.**

22      MR. COHL:  Mr. Chairman, I would note for the record  
23              that any concerns raised during the investigation  
24              by staff regarding the candidate were  
25              incorporated in the questioning of the candidate

1           today and I have no further questions.

2   VICE CHAIRMAN CASKEY: Thank you, sir. Do members of  
3           the Commission have any questions or comments?  
4           Representative Jordan.

5   REPRESENTATIVE JORDAN: Judge, first thank you for  
6           your service. Couple of questions though.  
7           You're not running for Circuit Court just to get  
8           out moving, you?

9   JUDGE WARR: No, sir.

10   REPRESENTATIVE JORDAN: I understood you're moving  
11           today. I'm assuming your wife is home doing  
12           that. I'm not judging. That's a brilliant move  
13           if --

14   JUDGE WARR: That makes me look bad, I know, but to  
15           say, yes, that's true. But I did work all  
16           weekend moving and I didn't get hurt, didn't let  
17           anything fall on me. So I had a good weekend.

18   REPRESENTATIVE JORDAN: I want to thank you for  
19           agreeing to run. You're running for an expired  
20           term under a very difficult circumstance. Many  
21           of us that knew Judge Holt thought of him very,  
22           very highly as a truly capable jurist, but just a  
23           good person. It says a lot about the Fourth  
24           Circuit that you're running unopposed to fill  
25           that void. That they see you as someone who



1 should kind of carry on that mantle and step up  
2 in a difficult time. It doesn't surprise me.  
3 I've known you to be someone who's very capable.  
4 But more than even your capability, your  
5 kindness. And so you're, in my opinion, the  
6 perfect person to step up and I want to thank you  
7 for -- it's got to be hard, being over the in the  
8 Fourth Circuit and missing Judge Holt,  
9 volunteering your service and agreeing to step  
10 up. You probably don't remember this, you  
11 mediated the first case I ever had, many years  
12 ago. I don't remember the case but I remember a  
13 lot of the things you said in that mediation  
14 because I still say that to my clients when I'm  
15 preparing them to go to mediation. So, again,  
16 I'm sorry it's under these circumstances that you  
17 had to run, but thank you for stepping up. And  
18 also, too, to that, at this phase in your career,  
19 having done a lot, seen a lot, it would be easy  
20 for you to say I think I'm going to head on the  
21 beach or lake or wherever you wanted to go. But  
22 to be willing to impart the things you've learned  
23 in the course of your work as a lawyer and now as  
24 a Family Court judge. Thank you for agreeing to  
25 serve in this new capacity.

1 JUDGE WARR: I appreciate that, Representative Jordan.  
2 Michael Holt was my good friend. I wish I could  
3 talk to him about this recent run of Gamecock  
4 football because I know we would have a long  
5 conversation. We always did and it would always  
6 turn to Gamecock football. But I know that I  
7 can't really replace Michael Holt. But I  
8 appreciate your comments and I'm going to do my  
9 best if you folks see fit to send me there.

10 VICE CHAIRMAN CASKEY: Other comments or questions?  
11 Senator Rankin.

12 CHAIRMAN RANKIN: Judge, I want to know, picking up on  
13 the conversation, or Q and A with Representative  
14 Jordan, did you move the entire weekend?

15 JUDGE WARR: I pretty much did. I did see -- I  
16 listened to parts of the football game on the  
17 radio because I had to. But I saw the fourth  
18 quarter on T.V.

19 CHAIRMAN RANKIN: You did not go, then?

20 JUDGE WARR: I didn't. I just couldn't.

21 CHAIRMAN RANKIN: That is a rarity for you, correct?

22 JUDGE WARR: It is. I usually am there. But, I  
23 think, lately, it might be best for me not to be  
24 there. Seems like I don't bring the best out in  
25 them. I'm going to the game this Saturday, I

1 hope, Carolina-Clemson.

2 CHAIRMAN RANKIN: Representative Rutherford has  
3 invoked my now deceased father-in-law Weldon  
4 Bond's admonition to me and my wife Lindsey,  
5 years before -- and he died in October of last  
6 year, the very words: don't come. So you and I  
7 need to make sure that we don't go. Wofford,  
8 maybe, but maybe we stay away from the rest of  
9 them.

10 JUDGE WARR: We definitely play better at Clemson when  
11 I don't go. I've learned that lesson. So, I  
12 won't be there.

13 CHAIRMAN RANKIN: Thank you for your stepping up to do  
14 this. You have come the -- we have screened you  
15 before as you've made the ascension up. I'm  
16 ticked as these folks are that you're the man for  
17 the job.

18 VICE CHAIRMAN CASKEY: Any other comments or questions  
19 for Judge Warr? Judge, I'll just say I want to  
20 share with you just a couple more comments I  
21 found in the ballot box survey to be important  
22 for you to hear as well. It's reflective of the  
23 reputation you've earned. One in particular said  
24 one of the finest men that I know. His  
25 character, reputation, integrity and temperament

1 sat him apart and the judiciary is lucky to have  
2 him. He is respected tremendously by the  
3 Committee and by those in the legal profession.  
4 The other, Judge Warr has presided over a hand  
5 full of my cases and in all my encounters he has  
6 been thoughtful, attentive and patient. He asks  
7 questions to gather more information about each  
8 case before making decisions, no matter which  
9 side of the case I'm on, I feel confident that  
10 our position will be heard when I'm before him,  
11 even if the ruling is not in my favor. And I  
12 think that speaks volumes to you in particular  
13 but also to the quality jurists in this state and  
14 I'm glad to have you upholding that very proud  
15 and illustrious legacy. With that, that will  
16 conclude this portion of our screening process.  
17 Judge I do need to say, or rather to take this  
18 opportunity to remind you that pursuant to the  
19 Commission's evaluative criteria, the Commission  
20 And that we will view violations with the  
21 appearance of impropriety as serious and  
22 potentially deserving of screening deliberations.  
23 On that note, and as you know, the record will  
24 remain open until the formal release of  
25 qualifications and should the need arise we can

1 call you back. And with that, Judge, we thank  
2 you for being here, thank you for your service to  
3 the state and wish you safe travels on your way  
4 home. And many blessings to your lower back as  
5 you help move all of those goods into your new  
6 home.

7 (OFF THE RECORD)

8 CHAIRMAN RANKIN: Welcome, please raise your right  
9 hand.

10 THE HONORABLE MONÉT PINCUS, having been duly  
11 sworn, testifies as follows.

12 CHAIRMAN RANKIN: Your name for the record, judge?

13 JUDGE PINCUS: Monét Pincus. Very well. You have a  
14 PDQ and Sworn Statement. Are they ready to be  
15 introduced in the record?

16 JUDGE PINCUS: Yes, sir.

17 CHAIRMAN RANKIN: Without -- no objection on your  
18 part?

19 JUDGE PINCUS: No, sir.

20 (Exhibit Number 27 was marked for identification  
21 purposes - (12 pages) Personal Data Questionnaire for  
22 The Honorable Monét Pincus.)

23 (Exhibit Number 28 was marked for identification  
24 purposes - (4 pages) Sworn Statement of The Honorable  
25 Monét Pincus.)

1 CHAIRMAN RANKIN: Very good. Judge, as you know, our  
2 process here of vetting candidates for election  
3 or re-election, as is yours, focuses on the nine  
4 evaluative criteria which includes the ballot box  
5 survey, thorough study of your application  
6 materials, verification of your compliance with  
7 state ethics laws, search of newspaper articles  
8 in which your name appears, study of previous  
9 screenings, and then finally the check for  
10 economic conflicts of interest. There are four  
11 affidavits that have been filed in opposition to  
12 your election and perhaps four witnesses that are  
13 present to testify. And so, at this point, I'm  
14 going to turn it over to Ms. Foster, who will, I  
15 think, field the comments or complaints first and  
16 then we'll bring you back, okay?

17 JUDGE PINCUS: Okay. All right, thank you.

18 MS. FOSTER: Mr. Younginer, would you approach. And  
19 the chairman will swear you in.

20 CHAIRMAN RANKIN: Welcome, sir.

21 MATTHEW TODD YOUNGINER, being duly sworn,  
22 testifies as follows:

23 MR. YOUNGINER: Thank you.

24 CHAIRMAN RANKIN: State your name for the record.

25 MR. YOUNGINER: It's Matthew Todd Younginer.

1 CHAIRMAN RANKIN: And you have testified before.

2 MR. YOUNGINER: Yes, sir.

3 CHAIRMAN RANKIN: Is that correct?

4 MR. YOUNGINER: Six years ago. Yes, sir.

5 CHAIRMAN RANKIN: Very good. All right. Please  
6 answer questions of staff counsel.

7 MS. FOSTER: Mr. Younginer, the commission has before  
8 it your Affidavit of Complaint, which I  
9 respectfully request be made part of the record  
10 at this time. And for the record, home addresses  
11 have been removed.

12 (Exhibit Number 29 was marked for identification  
13 purposes - (8 pages) Affidavit of Matthew Younginer.)

14 MR. YOUNGINER: Okay.

15 MS. FOSTER: The purpose of today's hearing is for the  
16 Commission to review the qualifications of the  
17 candidates to determine whether Judge Pincus is  
18 qualified to serve as a judge in the Family  
19 Court. As you have been told, the Commission is  
20 not here to re-litigate a case and they do not  
21 have the ability to change the result of the  
22 case. Mr. Younginer, you submitted your  
23 affidavit and supporting documents, which the  
24 commission members have before them and have  
25 reviewed prior to the hearing. Is there anything

1           else you wish to testify to specifically  
2           regarding Judge Pincus' ethics, competency, or  
3           character that has not already been covered in  
4           the documents before the Commission?

5   MR. YOUNGINER: Well, yes, ma'am. What I'd like to  
6           do, and if it's okay, I just have copies of  
7           transcripts in case if anyone, if any of the  
8           members of the commission would like to look at  
9           it so that they can actually have it for their  
10          own reference as I speak. Can I hand out the  
11          copies? It's the copies of the transcripts. It's  
12          just that small part of the actual, with what  
13          Chairman Rankin was talking about, because what  
14          the transcripts show is what I'm showing. It  
15          shows the actual testimony that the judge gave  
16          that, like my complaint said, where she wasn't  
17          honest with this Commission. And you all can  
18          actually see the transcripts if you needed a copy  
19          of it for yourself. I just have these copies.

20   MS. FOSTER: We have a copy. Thank you.

21   MR. YOUNGINER: You have the copies of that  
22          transcript?

23   MS. FOSTER: Yes, sir.

24   MR. YOUNGINER: Okay. Well, then based on that, then  
25          I would just simply reiterate what my complaint



1 said, and I'll make it fast. It's just that, is  
2 that what does the Judicial Merit Commission of  
3 South Carolina do when a candidate stood in front  
4 of them six years ago -- or stood in front of  
5 this Commission? And once they were getting  
6 heat, whenever they were asking, people like  
7 Representative Safran and others and Murrell  
8 Smith were asking, well, Judge, certainly if you  
9 took these kids and they had to go on a plane  
10 against their will, certainly there was a  
11 guardian involved. Because as we all know, the  
12 guardian is the eyes and ears of the children.  
13 And that judge on six different occasions in  
14 these transcripts said, yes. In fact, they said  
15 a guardian approved this plan to Montana, didn't  
16 it? Bozeman, Montana. Judge Pincus said, yes, a  
17 guardian approved that. And if a guardian needed  
18 to, they were on board for five or six months,  
19 and they could have contacted me if there was any  
20 issues. There was never a guardian involved.  
21 She purposely kept the guardian away. These  
22 children had no voice. They had no voice because  
23 this was a setup. And so I asked the Commission  
24 again today to please think about this with you  
25 y'all's positions and what you all are -- the

1 responsibility you have to this state, which is  
2 to vet these judges. And my question is, if  
3 this judge isn't honest with you all about that,  
4 what else is she not honest about? What else is  
5 she doing to the children of South Carolina that  
6 jeopardizes their well-being? My daughter will  
7 speak in a few seconds and you'll understand that  
8 and what it's like to actually go through that  
9 herself, the horror of it. But I ask you all the  
10 same question. If we don't find that this is  
11 something wrong where a judge shouldn't move  
12 forward because she stood in front of the  
13 Commission, under oath, and lied repeatedly to  
14 save her hide, then what else is the reason for  
15 the Commission then? That's my main question,  
16 and I'll keep it to the point unless anyone has  
17 any questions for me.

18 CHAIRMAN RANKIN: Any questions of, Mr. Younginer?

19 Thank you so much, sir.

20 MR. YOUNGINER: Thank you, Chairman.

21 CHAIRMAN RANKIN: All right. And your -- Ms.

22 Younginer, come on up if you will, please.

23 MS. YOUNGINER: Okay.

24 ANSLEY CAROLINE YOUNGINER, being duly sworn,  
25 testifies as follows:

1 CHAIRMAN RANKIN: And state the name for your record,  
2 please.

3 MS. YOUNGINER: Ansley Caroline Younginer.

4 CHAIRMAN RANKIN: Very well. Ms. Foster.

5 MS. FOSTER: Ms. Younginer, the Commission has before  
6 it your Affidavit of Complaint, which I  
7 respectfully request be made part of the record  
8 at this time. For the record, home addresses  
9 have been removed. The purpose of today's  
10 hearing is for the Commission to review the  
11 qualifications of the candidates to determine  
12 whether Judge Pincus is qualified to serve as a  
13 Family Court judge. As you have been told, the  
14 Commission is not here to re-litigate a case, and  
15 you do not have the ability to change the result  
16 of the case. Ms. Younginer, you've submitted  
17 your affidavit and supporting documents, which  
18 the Commission members have before them and have  
19 reviewed prior to this hearing. Is there  
20 anything else that you wish to testify to  
21 specifically regarding Judge Pincus' ethics,  
22 competency, or character that has not already  
23 been covered in the documents before the  
24 Commission?

25 (Exhibit Number 30 was marked for identification

1 purposes - (7 pages) Affidavit of Ansley Younginer.)  
2 MS. YOUNGINER: Yes. I will say that my complaint was  
3 very condensed because nothing actually will be  
4 able to detail the horror that I went through  
5 because of the rulings that Judge Pincus made,  
6 even in these couple pages that I have here.  
7 Members of the Commission, I stand before you  
8 today as a survivor of a childhood deeply  
9 impacted by the decisions of Judge Monét Pincus.  
10 My younger brother and I were thrust into a  
11 tumultuous custody battle where instead of  
12 feeling protected by the Court, we were  
13 victimized by it. Judge Pincus' rulings ripped  
14 us away from our stable and loving home, father,  
15 and sense of security. I woke up on August 26,  
16 2014 in a home that was not mine, a home that was  
17 declared mine by someone other than me. Shakes  
18 going through my entire body because of the  
19 anxiety I was suffering from, I still managed to  
20 pick myself up and move forward. That's why I'm  
21 here today, for the kids and adults who are not  
22 able to stand here today because of the mental  
23 effects that are still embedded in them because  
24 of the same situations they have been put in.  
25 Someone needs to be that voice that helps to

1 encourage those to move forward. At 16, I was  
2 deemed alienated from my mother, a decision based  
3 on the testimony of a therapist who hadn't spoken  
4 to me in over three years. This was a gross  
5 misrepresentation of my relationship with my  
6 mother. My difficulties stemmed from a long list  
7 of toxic behaviors she exhibited, causing me  
8 immense pain. Yet Judge Pincus chose to  
9 disregard my voice, my experiences, my pleas, and  
10 the law that requires a guardian ad litem to  
11 investigate my case before such drastic measures  
12 were taken to remove me from a happy and stable  
13 home. I was forbidden to speak with my father,  
14 the parent who provided me with stability. And  
15 Judge Pincus threatened me with the unthinkable,  
16 a group home, foster care, or juvenile detention.  
17 If I was to do something as little as talk with  
18 my father, that's where I would be sent, was one  
19 of those three places. The same applied for his  
20 family and friends. This psychological  
21 manipulation was not only cruel, but it was an  
22 extreme excessive use of power. The culmination  
23 of this misrepresentation and manipulation was an  
24 order to attend a de-brainwashing camp in  
25 Bozeman, Montana. I was given a 12-hour notice,

1 forbidden to tell anyone where I was going and  
2 forced to board a plane to a place across the  
3 country. I was taken out of school for a week to  
4 adhere to Judge Pincus' ruling. This was a  
5 terrifying experience for a child who had done  
6 nothing wrong and had always followed the rules.  
7 I learned six years ago at 2018 hearing that that  
8 three-day camp was \$40,000. None of the  
9 uncomfortable videos they showed or activities we  
10 did made any sense because I was not brainwashed.  
11 Everything that was going on was inhumane and  
12 unnecessary. I was also told in Montana that  
13 Judge Pincus was very specific in her order and  
14 that this was happening because Judge Pincus  
15 based her decision off of Benedetto's findings.  
16 I had not talked to Benedetto in over three  
17 years, but I had to go through all of this  
18 according to Judge Pincus. Judge Pincus also  
19 stated that my brother and I would have to keep  
20 our grades up, which was completely impossible  
21 due to the dispiriting situation she put me in.  
22 I almost failed out of my junior year because of  
23 Judge Pincus. I did not speak with a guardian ad  
24 litem until late winter, which means that there  
25 could have been no guardian that approved of this

1 Bozeman, Montana plan, nor was there one that I  
2 spoke with for about four months. It was  
3 appalling to me that under oath in 2018, Judge  
4 Pincus claimed that there was one involved.  
5 Before I was able to speak with a guardian four  
6 months later, I was told this was my new normal  
7 and I had to go along with this plan or else  
8 Judge Pincus would send me to a group home,  
9 foster care, or juvenile detention. I was going  
10 crazy in my own head, so I decided to keep a  
11 secret journal which detailed what was actually  
12 happening. I knew that based on the situation  
13 and all the messed up things that were going on  
14 that they would also make it look like I was  
15 doing okay when I was not. I knew 10 years ago  
16 what Judge Pincus did was completely wrong. That  
17 being confirmed, hearing her many lies during her  
18 testimony six years ago says it all. I can't  
19 imagine how many other families have had to  
20 suffer during her judgeship with her unethical  
21 and deranged rulings. I really and truly want to  
22 thank every one of you for letting me stand here  
23 today and say everything I wanted to say.  
24 Because that day 10 years ago, not only did Judge  
25 Pincus try to silence me, but she cut me off and

1 she tried to have my words stricken from the  
2 record. I'm not here today to change the  
3 decision that was made, but I am here to try and  
4 help protect other children of South Carolina.  
5 The Washington Post article, They Were Taken From  
6 Their Mother, highlights the devastating  
7 consequences of court-ordered reunification gone  
8 wrong. It is a stark reminder of the real and  
9 lasting harm these therapies can inflict on  
10 children. I leave you with some questions to ask  
11 yourselves because they are genuine concerns  
12 about the competency, ethics, and character of  
13 this judge. Why would a judge make a decision on  
14 reunification therapy based on the therapist  
15 testimony that my brother and I hadn't spoken to  
16 in three years? Why would a judge leave the  
17 discretion up to my mother in many circumstances,  
18 like reunification therapy and choosing a  
19 therapist, when the therapist chosen was a direct  
20 partner of Benedetto, which was the therapist  
21 that could not be used? Why would a judge say,  
22 under oath, that a guardian was consulted about  
23 the reunification therapy and stayed involved all  
24 six months of litigation when I did not speak  
25 with a guardian until the fourth month of this



1 insanity? Why is it when I was finally doing  
2 well, mentally and physically, would a judge give  
3 all of this discretion to the mother who had been  
4 a known toxin in my life and caused me so much  
5 pain? Why would a judge, quote, stand by what  
6 she ordered if the order got vacated? Why would  
7 a judge consider the reunification camps that she  
8 did when every single child I have spoken to  
9 that's been ordered to go to one of those camps  
10 has expressed how it's been a money scheme or a  
11 madhouse? How was this decision made, quote, in  
12 the best interest of the child when I was  
13 threatened with a foster home, group home, or  
14 juvenile detention. Threatened with being  
15 watched all the time, threatened to have my phone  
16 scanned, taken out of school and shipped across  
17 the country against my will, crying myself to  
18 sleep and shaking constantly, and so many more  
19 god-awful things? And if it was such a great  
20 plan, why is it part of the reason I no longer  
21 talk to my mother to this day? Senator Rankin,  
22 you stated in 2018 that your job is to determine  
23 if a judge has stepped beyond the bounds of that  
24 authority, and I can confidently say that that  
25 was one hundred percent done by Judge Pincus in

1 my situation. I implore you to listen to my  
2 story, to scrutinize the evidence, and to finally  
3 take action to protect the children of South  
4 Carolina from judges who abuse their power. The  
5 sealed file is not just a procedural hurdle if  
6 it's being used to shield a judge from  
7 accountability. Even if it was not your  
8 intention, the failure to investigate the matter  
9 six years ago has enabled this to continue, and  
10 your failure to fully investigate my complaint  
11 today would be continuing to put the well-being  
12 of South Carolina's children in jeopardy. Thank  
13 you.

14 CHAIRMAN RANKIN: All right, ma'am. There may be some  
15 questions of you.

16 MS. YOUNGINER: Okay. Representative Caskey.

17 VICE CHAIRMAN CASKEY: Thank you, Mr. Chairman. Thank  
18 you, Ms. Younginer. Younginer?

19 MS. YOUNGINER: Younginer.

20 VICE CHAIRMAN CASKEY: Okay. Thank you for your  
21 testimony. I wasn't here six years ago, so I  
22 didn't know anything about this until having the  
23 opportunity to review these materials.

24 MS. YOUNGINER: Yes, sir.

25 VICE CHAIRMAN CASKEY: One of the allegations we heard

1 in the testimony a moment ago before you was that  
2 there was not, in fact, a guardian appointed in  
3 this case. I thought I heard, in your testimony  
4 just now, you said something to the effect of  
5 four months. You didn't speak to a guardian four  
6 months into this. I also saw in the transcript a  
7 reference to a Mr. Stoddard.

8 MS. YOUNGINER: Right.

9 VICE CHAIRMAN CASKEY: Can you help me understand what  
10 that was?

11 MS. YOUNGINER: Basically, my brother and I were taken  
12 away August 25th, 2014. And 2018, the hearing  
13 where Judge Pincus got up here and --

14 VICE CHAIRMAN CASKEY: I'm sorry to interrupt you.  
15 Slow down.

16 MS. YOUNGINER: Okay.

17 VICE CHAIRMAN CASKEY: I'm trying to write down the  
18 notes, so I've got the timeline straight. August  
19 25th, what happened at that point?

20 MS. YOUNGINER: August 25th, 2014, I was ripped out of  
21 school against my will and taken down to the  
22 South Carolina courthouse, where I was told that  
23 I would be ripped away from my father and that  
24 he, quote-unquote, alienated me, and that if I  
25 spoke with him, his family or friends, that I

1           would go to Juvie, Group Home or foster care.

2   VICE CHAIRMAN CASKEY: Who told you that?

3   MS. YOUNGINER: Judge Pincus.

4   VICE CHAIRMAN CASKEY: So on the 25th, you go to court  
5           that day?

6   MS. YOUNGINER: Yes, sir. I was 16.

7   VICE CHAIRMAN CASKEY: All right. Then what happened?

8   MS. YOUNGINER: So I was taken away from my father for  
9           approximately six months. During that time, a  
10          month after the hearing in August -- I'm sorry,  
11          the temporary order, I was shipped across the  
12          country against my will to a de-brainwashing camp  
13          in Bozeman, Montana.

14   VICE CHAIRMAN CASKEY: When was that?

15   MS. YOUNGINER: That was September 2014, towards the  
16          end of September.

17   VICE CHAIRMAN CASKEY: Okay. When did you have any  
18          contact with Mr. Stoddard?

19   MS. YOUNGINER: It wasn't until late winter, so about  
20          December, so about four months.

21   VICE CHAIRMAN CASKEY: That's when you had contact for  
22          the first time with Stoddard?

23   MS. YOUNGINER: Yes, sir.

24   VICE CHAIRMAN CASKEY: And he was the guardian  
25          appointed in the case?

1 MS. YOUNGINER: Yes, sir.

2 VICE CHAIRMAN CASKEY: And you had already been in  
3 Montana for four months, roughly?

4 MS. YOUNGINER: So I was not in Bozeman -- the camp  
5 was a three-day camp, and then we had to go on  
6 vacation for the remainder of that week, and we  
7 were taken out of school to perform that.

8 VICE CHAIRMAN CASKEY: So in September 2014, you went  
9 to --

10 MS. YOUNGINER: Bozeman, Montana for three days.

11 VICE CHAIRMAN CASKEY: All right. And you stayed a  
12 couple extra days for --

13 MS. YOUNGINER: So we were then taken to Myrtle Beach  
14 to my mother's parents' beach house.

15 VICE CHAIRMAN CASKEY: Okay. And then between that  
16 experience in September of 2014 and December of  
17 2014 with Stoddard, what transpired in that  
18 period?

19 MS. YOUNGINER: So basically, I was finally able to  
20 use my voice. That's also why I stated that I  
21 kept a journal, because I was not allowed to say  
22 how I was truly feeling, or else I was threatened  
23 with those three things I told you about. In  
24 February of 2015, after speaking with the  
25 guardian, I finally got turned back over to my

1           dad for a week-on, week-off custody, which was  
2           what we were normally doing. And I found out in  
3           2018 it was because the order got vacated. That  
4           Judge Pincus had ruled.

5 VICE CHAIRMAN CASKEY:: I think I've got it. Thank  
6           you, ma'am.

7 MS. YOUNGINER: Yeah, of course. Absolutely.

8 CHAIRMAN CASKEY: Any other questions? Mr. Strom.

9 MR. STROM: Thank you. I was not on the Commission at  
10          that time either.

11 MS. YOUNGINER: Yes, sir.

12 MR. STROM: And I went back and I tried to read this  
13          record from the last hearing, and there's  
14          obviously a lot of documents, a lot of  
15          information.

16 MS. YOUNGINER: Yes, sir.

17 CHAIRMAN CASKEY: Use your mic, Pete.

18 MR. STROM: Yeah, one of the questions I have, do you  
19          all have complaints about anybody else involved  
20          in the case other than Judge Pincus?

21 MS. YOUNGINER: I'm currently in a civil lawsuit  
22          against the therapist that she allowed to take  
23          care of me.

24 MR. STROM: Okay. Who's that?

25 MS. YOUNGINER: That is Alicia Benedetto, Alison

1 Foster, and the late Heather Smith.

2 MR. STROM: Okay. And when were they taken care of?

3 MS. YOUNGINER: So basically --

4 MR. STROM: In relation to this 8-25-2014.

5 MS. YOUNGINER: Okay. So Alicia Benedetto, I will tell  
6 you because it's relative to what I'm saying.  
7 Alicia Benedetto, I hadn't talked to since I was  
8 in about middle school. So about 12, 13 years  
9 old. Okay. The findings that Judge Pincus used  
10 in my case to obviously make her decision was  
11 from Alicia Benedetto's findings from three years  
12 prior. Judge Pincus stated in the hearing from  
13 2018 that she ruled that we could not use Alicia  
14 Benedetto for the aftercare. So my mom then  
15 chose one of her partners, direct partners, which  
16 was Heather Smith, who has now passed. But also,  
17 the night that all of this happened, their third  
18 partner, Alison Foster, came over to -- I don't  
19 even, I am not sure, it didn't seem very right  
20 that she was there. So all three of them were  
21 involved.

22 MR. STROM: And you sued them?

23 MS. YOUNGINER: We are in a pending civil lawsuit  
24 currently.

25 MR. STROM: Okay. What are the allegations in that

1 suit?

2 MS. YOUNGINER: Allegations are just, I mean, my  
3 lawyer could say it better in terms, but just  
4 basically that they were wrong with what they did  
5 and just how terrible that it was. I can't use  
6 legal terms.

7 MR. STROM: So the -- whatever they wrote up that  
8 Judge Pincus relied on is what you're suing them  
9 for?

10 MS. YOUNGINER: Basically, Judge Pincus gave them the  
11 reins to do what they wanted. But also at the  
12 same time, she did use her decision based off of  
13 Alicia Benedetto's findings from three years  
14 prior. It wasn't even the current therapist that  
15 we were seeing.

16 MR. STROM: Okay. Thank you, Mr. Chairman.

17 CHAIRMAN RANKIN: Where is that action filed?

18 MS. YOUNGINER: The action filed, it should be in  
19 Richland County. It also was transferred to  
20 Lexington, but I'm pretty sure it's back in  
21 Richland County now. So it was, again, suing the  
22 therapist, which I know, obviously, we had a  
23 problem six years ago with the unsealed file. So  
24 there's a motion to intervene that's just been  
25 granted. And so we're now moving on to



1 unsealing the file so that we can, one, make it  
2 public, but then also be able to use it in our  
3 situation and in our civil lawsuit as well so  
4 that it can be looked back on.

5 CHAIRMAN RANKIN: And who is your attorney?

6 MS. YOUNGINER: Rachel Dane.

7 CHAIRMAN RANKIN: And there's no allegation against  
8 Judge Pincus in any capacity in that case?

9 MS. YOUNGINER: Not that I know of, no, but I don't  
10 even know if -- I didn't even know I could do  
11 that if I'm being completely honest. File an  
12 action against her.

13 CHAIRMAN RANKIN: Any further questions? Mr. Safran.

14 MR. SAFRAN: Thank you, Mr. Chairman. Did you know of  
15 a guardian prior to Mr. Stoddard at any time  
16 involved in the litigation?

17 MS. YOUNGINER: No, sir.

18 MR. SAFRAN: Can you hear me?

19 MS. YOUNGINER: Yes, you're good. Yes.

20 MR. SAFRAN: Was there ever a different guardian that  
21 might have been involved in this case?

22 MS. YOUNGINER: There was one used years ago. It was  
23 a completely different case, though. It wasn't  
24 used -- and he said everything was fine.

25 MR. SAFRAN: Right.

1 MS. YOUNGINER: But there wasn't one that was used  
2 that I could speak to to talk about how I was  
3 really feeling.

4 MR. SAFRAN: Well, because I looked back and looked at  
5 the order that was part of the package last time  
6 when your father was here, and it has a different  
7 person that was named in there.

8 MS. YOUNGINER: Okay, well, so was that the sealed  
9 file, or?

10 MR. SAFRAN: It was whatever y'all basically sent up  
11 to us last time when you were here back in 2018,  
12 and you weren't. Your father was here.

13 MS. YOUNGINER: Okay, I'm just asking. So online, it  
14 shows my complaint and then my dad's journal, so  
15 I didn't see any transcript that was included or  
16 any order.

17 MR. SAFRAN: This was a copy of the temporary order.

18 MS. YOUNGINER: Okay, well, we've tried to go down --  
19 I've personally tried to go down and receive, and  
20 I've been told that that's part of the sealed  
21 file. So, yeah. But no, up until December, I  
22 did not speak with any guardian, and I hadn't  
23 spoken to a guardian in years, actually, before.  
24 Same as Alicia Benedetto's findings.

25 MR. SAFRAN: Well, because obviously, this order was

1 issued 10 years ago.

2 MS. YOUNGINER: Okay.

3 MR. SAFRAN: And basically, it does have certain  
4 references in it. It certainly seems to say that  
5 your father had an objection to the name of the  
6 guardian that was in that file. So, again, I'm  
7 just trying to --

8 MS. YOUNGINER: Okay, I don't recall that. I do know  
9 that, oh my gosh, what was his name? Dick  
10 Whiting was the guardian at the time.

11 MR. SAFRAN: It wasn't Dick Whiting, actually. That's  
12 not --

13 MS. YOUNGINER: Then we didn't speak with any other.  
14 We had two guardians. It was Dick Whiting, and  
15 it was Jim Stoddard.

16 MR. SAFRAN: Okay. And then basically, is what I'm  
17 understanding is that, as you say, that leading  
18 up to August, and then after August until  
19 December, you had no communication with anybody.

20 MS. YOUNGINER: Correct. Was it Paul Van Wyk? Was  
21 that the name?

22 MR. SAFRAN: I don't believe so.

23 MS. YOUNGINER: Okay. Then, yeah, there's only --

24 MR. SAFRAN: I'm reading a name, Kate Kinker.

25 MS. YOUNGINER: I've never heard that name.

1 MR. SAFRAN: That's what I'm reading in here. That's  
2 why, again --

3 MS. YOUNGINER: Right, yeah.

4 MR. SAFRAN: I'm listening and trying to make sure I'm  
5 understanding. So, again, what I'm asking you is  
6 that leading up to going away --

7 MS. YOUNGINER: Yes, sir.

8 MR. SAFRAN: Were actually being told to go to court  
9 and then going away in September, there was no  
10 interaction with any guardian before and not  
11 until some months later after.

12 MS. YOUNGINER: So, again, it was years before that we  
13 had spoken to a guardian that was Mr. Whiting.  
14 And then up until -- I mean, pretty much for a  
15 couple years from -- you know, especially from  
16 August to December, never spoke with Mr.  
17 Stoddard. Never had a -- basically, I did not  
18 have a voice.

19 MR. SAFRAN: What happened when you went down to the  
20 court that day in August?

21 MS. YOUNGINER: So, I was in my last class of the day.  
22 I heard the phone ring. And you just kind of get  
23 that feeling when you know something's wrong.  
24 And I was taken to the guidance office to where I  
25 was told that a court order had been sent over

1 basically saying that my mother was picking us up  
2 from school. Which I could go into, obviously,  
3 the dozens and dozens of reasons why my mother  
4 was just basically an unfit parent during the  
5 time. But hearing that and then being marched  
6 through my entire school, basically, with the  
7 cops behind me and being forced against my will  
8 down to the courthouse with my mother. I feel  
9 like -- I'm surprised that I didn't just break  
10 down right then and there. And then hearing how  
11 disrespectful Judge Pincus was to me and  
12 basically how she silenced me and just completely  
13 just took away any happiness that I really had,  
14 that I was finally -- I was finally doing well.  
15 I've been going through custody battles since I  
16 was eight years old. And then finally being  
17 happy and in a stable place, and then being put  
18 right back with the person who was causing me all  
19 of this pain. I mean, I'm surprised I didn't end  
20 up in a psych ward. As I stated in my testimony  
21 today, I was going to bed shaking. I wasn't  
22 allowed to talk about how I truly felt. I had to  
23 keep a journal because they told me I had to  
24 follow this protocol that Judge Pincus ruled on.  
25 Because if I didn't, then I would be sent to

1           those three things. Juvenile detention, group  
2           home or foster care. And I've never been in  
3           trouble my entire life. I felt like I was  
4           arrested. I felt like I had something. But none  
5           of that had ever happened. And my dad had not  
6           done anything. That's why none of it added up.

7   MR. SAFRAN: Well, was again, when you went to the  
8           court in August, was that basically when you were  
9           told that you were going to have to go to  
10          whatever this program was?

11   MS. YOUNGINER: I don't recall exactly what she said  
12          it was. She did not -- and she stated in 2018  
13          that she basically gave the therapist and my  
14          mother the decision to do whatever she wanted.  
15          Whether it be Family Bridges or Horse Sense or  
16          something like that. She gave them that  
17          decision.

18   MR. SAFRAN: Okay.

19   MS. YOUNGINER: Yes, sir.

20   MR. SAFRAN: And so basically, there was some gap in  
21          time, a matter of weeks before you then actually  
22          went out.

23   MS. YOUNGINER: Correct. It was about a month. Yes,  
24          sir.

25   MR. SAFRAN: Okay. For those three days.

1 MS. YOUNGINER: Right.

2 MR. SAFRAN: All right. Thank you.

3 MS. YOUNGINER: Yes, sir. Thank you.

4 CHAIRMAN RANKIN: Ms. Younger, I -- horrific story.

5 Sorry to hear this experience and lo these, what,  
6 eight years ago? At age 18, from that point  
7 forward, have you had any relationship with your  
8 mother?

9 MS. YOUNGINER: So I will say I was -- after the order  
10 got vacated. That's what I learned, what  
11 happened in February of 2015. I was scared  
12 because Judge Pincus has put me in a very  
13 paranoid state. I was scared to -- I mean, I  
14 remember I would walk through the hallways at  
15 school and think that there were cameras on and  
16 just everything. It was awful. And so I was  
17 very scared to finally step up. And I turned 17  
18 in August 18th of 2015, and I couldn't take it  
19 anymore. So I went and talked with the --  
20 because, again, my mom was doing the same things.  
21 It was never her that was the problem was always  
22 my brother or my dad or me was never her that was  
23 the problem. So in August of 2017 -- I'm sorry,  
24 it might have been September. It was right after  
25 I turned 17. I went to the social worker at my

1 school to seek out emancipation. And it took  
2 them a little bit and they came back to me and  
3 they told me. And again, let me clarify, it was  
4 emancipation so that I could get out of my  
5 mother's care. So in September, they came back  
6 to me and they said, Mrs. Younginer, I'm sorry,  
7 Miss Younger, you're 17. You don't have to  
8 emancipate yourself. The age restrictions at 17  
9 is really a gray area, but you can pretty much do  
10 what you want. You can drop out of school. You  
11 can go see an R-rated movie. So there's nothing  
12 in this agreement that says that you can't do  
13 what you want. So I went home and I packed my  
14 bags and I left and I went back to my dad's  
15 house. And for a good time period, I did not  
16 speak with my mother. I needed to figure out on  
17 my own, for my well-being, what kind of  
18 relationship I wanted to actually have with her.  
19 Because I needed that for my own sanity. So  
20 after a few years, for about a year and a half,  
21 my mom and I were finally doing well. Because  
22 she and her family, they had apologized to me for  
23 everything that they had done, apologized for how  
24 she did this court thing, apologized for  
25 everything, said it was all wrong. And then,



1 Senator Rankin, I filed this lawsuit after  
2 hearing Judge Pincus' testimony in 2018, because  
3 I realized I'd been lied to. And also, you know,  
4 the therapist and my mother had been given all of  
5 this -- just to do whatever they've been given  
6 the will to do whatever they wanted to us,  
7 basically. So I went and filed that civil  
8 lawsuit. And about two years later, so it's now  
9 four years ago, I asked my mother to stop being a  
10 roadblock, basically, and have her actions match  
11 her words and unseal this file for us. My  
12 brother, me, and my father, three out of the four  
13 all want this file unsealed. My mother doesn't.  
14 And if that doesn't say anything, I don't know  
15 what will. It just shows that she's truly the  
16 person that did wrong in this situation. Why  
17 would she want it closed if she didn't do  
18 anything wrong? So it's been four years since  
19 I've spoken with my mother. And it's very sad,  
20 because she's been a roadblock in getting all  
21 this entire file unsealed, so that we can hold  
22 accountable more people that did what they did to  
23 us and are hurting the children of South  
24 Carolina.

25 CHAIRMAN RANKIN: And your brother is younger?

1 MS. YOUNGINER: My brother is -- I'm 26, so he'll be  
2 25 in February.

3 CHAIRMAN RANKIN: He lives here in South Carolina?

4 MS. YOUNGINER: Myrtle Beach, yes, sir.

5 CHAIRMAN RANKIN: Very good. All right. Lucy Grey  
6 McIver.

7 MS. McIVER: Thank you, Senator Rankin. First of all,  
8 thank you for coming today. We appreciate you  
9 coming and sharing your concerns with us, and I  
10 know that took a lot of courage, so thank you for  
11 doing that.

12 MS. YOUNGINER: Thank you.

13 MS. McIVER: I'm just trying to understand the lawsuit  
14 that you mentioned, the civil lawsuit. It looks  
15 to me like that was filed in August of 2019?

16 MS. YOUNGINER: Right.

17 MS. McIVER: Does that sound right?

18 MS. YOUNGINER: Right. It's been about -- yes, it's  
19 been about almost six years, yes.

20 MS. McIVER: And according to the docket that I'm  
21 looking at, it looks like it was dismissed  
22 shortly thereafter. It was filed as a medical  
23 malpractice case; does that sound right?

24 MS. YOUNGINER: Yes, ma'am. Thank you. No, thank you  
25 for clarifying that, because you have the legal

1 terms. Yes, thank you.

2 MS. McIVER: Yeah, I want to make sure I'm looking at  
3 that.

4 MS. YOUNGINER: Yes, ma'am.

5 MS. McIVER: So it looks like it fizzled. There was -  
6 - you had -- you said you had Rachel Dane as your  
7 attorney, I see that.

8 MS. YOUNGINER: Right.

9 MS. McIVER: The lawyer answered on behalf of one of  
10 the defendants that you mentioned, I see that.  
11 But then I don't see anything after that. It  
12 looks like that case, like I said, it fizzled and  
13 went away. I don't see that it was ever re-  
14 filed. And I'm just trying to find it.

15 MS. YOUNGINER: So we're still in -- right. Completely  
16 understand. And I don't know if I could tell  
17 you, you know, the correct way. Definitely, we  
18 can reach out to my attorney and she can tell you  
19 all that. Like I said, the most recent thing  
20 that has happened is -- I can't recall his name,  
21 but a judge here in Richland County, he agreed on  
22 the motion to intervene for my brother and I. So  
23 that's basically the step that we're working on  
24 now so that we can move forward and unsealing our  
25 case because we were not parties on the case.

1           Only my mother and father were. So that's kind  
2           of where it's at right now. If that helps answer  
3           any questions.

4 MS. McIVER: Thank you very much.

5 MS. YOUNGINER: Yes, ma'am.

6 CHAIRMAN RANKIN: All right. Ms. Foster.

7 MS. FOSTER: Thank you, Ms. Younginer. You can sit.

8 MS. YOUNGINER: Okay, thank you. I wasn't sure if you  
9           had a question. Sorry.

10 MS. FOSTER: Judge Pincus. Judge Pincus, you've  
11           provided the Commission a written response to  
12           these complaints, which the Commission members  
13           have before them and have reviewed prior to this  
14           hearing. Is it your intent to have that  
15           published in the record?

16 JUDGE PINCUS: It is my intent. The only caveat I  
17           have now is I was not aware of the civil case.  
18           And I have a canon that does prohibit me from  
19           speaking publicly. It's not a family court case.  
20           So it puts me in a little bit of a conflicted  
21           situation right now. I had prepared a written  
22           response and, of course, prepared to answer any  
23           questions regarding Ms. Younginer's complaint. I  
24           don't know if Mr. Younginer is a party to that  
25           case or not as well. But I have written

1 statements prepared for both of them that I did  
2 want to make part of the record. I would want to  
3 make sure that any comments that I made didn't  
4 violate canon 3B(9). I wouldn't want anything  
5 that I said to be used in a prejudicial way in  
6 their case.

7 CHAIRMAN RANKIN: Well, to the degree --

8 JUDGE PINCUS: So -- yes, sir.

9 CHAIRMAN RANKIN: -- you have to decide how you want  
10 to do this yourself to respond in full or  
11 partially, but you have not been named in any  
12 suit?

13 JUDGE PINCUS: No, sir. No.

14 CHAIRMAN RANKIN: All right. And so you are not  
15 presently in an adversarial position. There's  
16 been no motion served on you to --

17 JUDGE PINCUS: That is correct.

18 CHAIRMAN RANKIN: And is it your responsibility or  
19 within your purview to grant or deny unsealing of  
20 court order?

21 JUDGE PINCUS: No, I recuse myself from any dealings  
22 with this family several years ago. So no  
23 matters have come before me, whether, you know,  
24 civil or if there's a motion to unseal in family  
25 court. That would never -- nothing will come

1 before me on those cases. I did want my written  
2 responses to be part of the record. I did  
3 respond in writing six years ago as well to Mr.  
4 Younginer's complaint then and attach that to my  
5 statement for today. So I will --

6 CHAIRMAN RANKIN: To the degree, Judge Pincus, not to  
7 try to abbreviate this, but to the degree that  
8 the new complaint against you lies in the  
9 allegation that you effectively lied to the  
10 Commission. Can you please speak to that?

11 JUDGE PINCUS: Yes, I can. So I don't -- of course, I  
12 deny lying to the Commission about anything that  
13 happened. The parents asked for their record to  
14 be sealed. The order that I issued, I, of  
15 course, have a copy of. It's my order. I keep  
16 copies of many of my orders. I discussed in  
17 detail what I could recall. I didn't submit the  
18 order to be attached out of respect for the  
19 parents, you know, that had wanted it sealed.  
20 But they wanted it sealed.

21 CHAIRMAN RANKIN: They were both represented by  
22 counsel?

23 JUDGE PINCUS: Yes, they were both represented by more  
24 than one attorney. They had -- Mr. Younginer had  
25 an attorney to begin with and then added some

1 co-counsel and then went through. So, you know,  
2 they both had what I would consider very, very  
3 good attorneys. And the attorneys asked for the  
4 record to be sealed on behalf of their clients.

5 So --

6 CHAIRMAN RANKIN: And that is a part of an order.

7 JUDGE PINCUS: Yes, I issued the order doing that.

8 CHAIRMAN RANKIN: Reflect that the contents of that  
9 would be sealed?

10 JUDGE PINCUS: Yes. So I issued the order sealing the  
11 record. The record would be my temporary order,  
12 which the parents also, during settlement of the  
13 case -- they did settle their case. I issued a  
14 final order approving their settlement, and they  
15 wanted to include language that the temporary  
16 order would be vacated. And I was fine with  
17 that. I'm not going to stand in the way from,  
18 you know, for parties wanting to settle their  
19 case. So the record would have contained  
20 everything that was submitted to me when I made  
21 my first decision.

22 CHAIRMAN RANKIN: Which is principally the Bozeman  
23 event?

24 JUDGE PINCUS: The temporary -- yes, sir. That was in  
25 the temporary order. And the affidavits that

1 have been referred to you today and also six  
2 years ago, all of that information would have  
3 been submitted to me at the very first hearing.  
4 That's in the record. Then the final order  
5 approving their agreement on a final basis is in  
6 the record. My order sealing the record is in  
7 the record.

8 CHAIRMAN RANKIN: At the time of that final order, do  
9 you recall or can you look to see who represented  
10 Mr. Younginer and Ms. Younginer?

11 JUDGE PINCUS: Yeah, I can do that. Ms. Younginer was  
12 represented by Mr. Pete Currence. Mr. Youginer  
13 was represented by Michael Taylor and Peter  
14 Shahid. And then I would need to look for any  
15 other -- there was at one point he had a  
16 co-counsel, I believe, of Doug Cody. Ann Marie  
17 Ugarte appeared at one point for Mr. Younginer.  
18 I can't remember who else might have been on Ms.  
19 Younginer's side.

20 CHAIRMAN RANKIN: Okay.

21 JUDGE PINCUS: Okay.

22 CHAIRMAN RANKIN: And so, again, to my earlier  
23 question. The complaint today, six years later,  
24 is that your testimony to us before this group  
25 comprised of its then iteration was not truthful.



1           So help us with that. How do you reply to that?  
2 JUDGE PINCUS: Well, I deny that I was untruthful. I  
3 don't have the transcript, but I answered the  
4 questions to the best that I could recall. There  
5 absolutely was a guardian appointed. Their  
6 attorneys asked me to do that. It's standard  
7 procedure in a custody case and sometimes in a  
8 visitation case to appoint a guardian. At the  
9 very first temporary hearing, there would not  
10 necessarily be a guardian there. It's the first  
11 time they appear before me. One has to be  
12 appointed. So at some point, a guardian was  
13 appointed. Once that happens, and I believe this  
14 is what I testified to six years ago, I don't  
15 make phone calls to follow up. I don't take any  
16 action to check on things. The parents, through  
17 their attorneys, have access to me or any other  
18 judge. If something happens and it needs the  
19 judge's attention, certainly a guardian at any  
20 point could ask for a judge's -- a decision to be  
21 made if there's some issues. And I don't recall  
22 any of that ever being done. But there -- I  
23 can't tell you when Mr. Stoddard might have spoke  
24 to anybody. I can just tell you --

25 CHAIRMAN RANKIN: Well, to the degree that in our

1           efforts to look back at what we've looked at  
2           before. To the degree now that we're being asked  
3           to -- I'm going to say take offense at the lack  
4           of an appointment of a guardian in 19, or 2000  
5           and what year?

6 JUDGE PINCUS: My order was issued in '14, I believe.

7 CHAIRMAN RANKIN: All right, 10 years ago. Would it  
8           be relevant to us to know whether the litigants  
9           at that time objected to the guardian's service,  
10          the timeliness of the appointment of a guardian  
11          or the lack thereof?

12 JUDGE PINCUS: Well, it certainly would be relevant,  
13          but I don't have any recollection that the  
14          guardian was objected to. In fact, what I do  
15          recall was even after their case was over by an  
16          agreement that they agreed for Mr. Stoddard to  
17          remain available and active. And at every  
18          hearing where I approve an agreement that  
19          involves a guardian, there's a series of  
20          questions that we ask both litigants. And one of  
21          those questions is, are there any complaints  
22          against the guardian? Are you satisfied with the  
23          services the guardian provided to the Court on  
24          behalf of the children? I don't recall any  
25          complaints being raised about that gentleman.

1 And as I said, sir, I do recall that he had some  
2 tail-end involvement even after the litigation  
3 was over. And certainly people are allowed to  
4 say that they object to a guardian. I've had  
5 that. A lot of times they agree to a guardian.  
6 I can't recall in this case if they agreed to Mr.  
7 Stoddard or they submitted names and I appointed  
8 somebody. I had no formal objection made to him.

9 CHAIRMAN RANKIN: Mr. Safran.

10 MR. SAFRAN: Just briefly. First of all, I was trying  
11 to look back through some documents that were  
12 going back six years. I was mistaken in  
13 referring to that other order because it was  
14 something else in there.

15 JUDGE PINCUS: Okay.

16 MR. SAFRAN: So let's clear that up. What I think the  
17 bigger issue is this. I think, you know, we  
18 heard a lot about this six years ago in some  
19 great detail. And that's not really our place  
20 right now to go back and rehash those things.  
21 But I think what's different and what's new, as  
22 the chairman pointed out, is there's an  
23 allegation that you were not forthright with us  
24 last time. I mean, that's it in a nutshell. So  
25 what I'm hearing is this. That there was

1           apparently, at least from your standpoint, there  
2           should be something showing a guardian was  
3           appointed and you understood it was Mr. Stoddard,  
4           correct?

5 JUDGE PINCUS:   Yes, sir.

6 MR. SAFRAN:    I think there was some reference to a  
7           prior guardian, maybe in some other proceeding,  
8           Mr. Whiting.   So I guess really what the bottom  
9           line is, is that you're saying is pretty much  
10          standard operating procedure.   There would have  
11          been a guardian appointed, correct?

12 JUDGE PINCUS:   Yes, sir.   And I do know there was.

13 MR. SAFRAN:    But the question really also is, once you  
14          appoint that guardian, you're not necessarily on  
15          top of them monitoring them constantly in terms  
16          of what their activity is.

17 JUDGE PINCUS:   No, sir.

18 MR. SAFRAN:    So if she's not having any interaction  
19          with the guardian, that's not something  
20          necessarily that you're going to just sua sponte  
21          step into.

22 JUDGE PINCUS:   I would not know that unless it was  
23          brought to my attention.

24 MR. SAFRAN:    All right.   Exactly.   What I'm hearing  
25          is, is that if there was a lapse in terms of what

1 the guardian was or was not doing, that's  
2 something that has to be brought to the attention  
3 of the Court?

4 JUDGE PINCUS: Yes, sir.

5 MR. SAFRAN: Okay. You don't recall that ever  
6 happening?

7 JUDGE PINCUS: No, sir.

8 MR. SAFRAN: When you ultimately approved the  
9 settlement, at that point there was not any  
10 dispute, debate, or concerns about whatever the  
11 guardian, who he was or what he did. At least  
12 that's your recollection?

13 JUDGE PINCUS: That is my recollection.

14 MR. SAFRAN: Sitting here today, none of us have the  
15 benefit of what's on the hard copy because that  
16 file is sealed.

17 JUDGE PINCUS: Yes, sir.

18 MR. SAFRAN: Okay. Thank you.

19 JUDGE PINCUS: And I would not -- I don't have a  
20 position on the sealing of the file or not. Just  
21 to be clear, the file was sealed at the request  
22 of the parents and it's presumed to be for the  
23 benefit of protecting sensitive information from  
24 the public. I wouldn't have a position on  
25 whether it should be unsealed or not.

1 CHAIRMAN RANKIN: I'm curious, forgive me for chasing  
2 this rabbit, but to the degree that someone wants  
3 to unseal a record. That is, again, not your  
4 court. Not before you. Not within your  
5 jurisdiction. Or would it? Could it be?

6 JUDGE PINCUS: Well, it would never be, because I  
7 recuse myself. So if somebody filed, as I  
8 understand from the young lady, that a motion has  
9 been filed to unseal the parent's record. Which  
10 if they don't consent because they consented to  
11 seal it, then that would be appropriate. A  
12 motion would be filed. That would never have  
13 come before me. It would have to be filed in  
14 Family Court, though, because it was a Family  
15 Court order sealing the record. But because I  
16 had recuse myself several years ago, it would  
17 never be scheduled or heard by me.

18 CHAIRMAN RANKIN: There are two sharp domestic lawyers  
19 out in the audience hanging around. I might ask  
20 one of them. All right. Any further questions  
21 of Judge Pincus on this point? If not --

22 MS. FOSTER: To clarify, you're going to hold your  
23 written responses while you determine whether --

24 JUDGE PINCUS: Do I have the option to review them  
25 briefly to let you know whether I want to

1           withdraw them? If I do, I'd like to do that.

2 MS. FOSTER: Yes. It's not been made part of the  
3           record, and as the chairman will remind you at  
4           the end of your hearing, the record will remain  
5           open.

6 JUDGE PINCUS: Okay.

7 CHAIRMAN RANKIN: And I'm not trying to lure from you  
8           any testimony.

9 JUDGE PINCUS: Yes, sir.

10 CHAIRMAN RANKIN: But to the degree that you think  
11           there's something within that you would not want  
12           to submit given the revelation of this suit being  
13           filed. I would ask you to offer any testimony  
14           that you think we should have, but I'm not trying  
15           to tell you what to do or not do.

16 JUDGE PINCUS: Okay, I understand. Would you like me  
17           to respond now, sir?

18 MR. STROM: Chairman, I just wanted to make one point.  
19           The rule says, the canon says, a judge shall not,  
20           by a proceeding as pending or impending in any  
21           court, make any public comment that might  
22           reasonably be expected to affect the outcome. So  
23           there's testimony that there's a pending matter.  
24           We're not clear about that, so I don't think it  
25           would be appropriate for us to direct her to do

1 something which might be in violation of the  
2 canon.

3 CHAIRMAN RANKIN: Right -- and to be clear, that was  
4 not my suggestion. I'm offering to you, if there  
5 is something within your response that is  
6 responsive to the complaint as you thought you  
7 were coming in to reply to.

8 JUDGE PINCUS: Yes, so there are parts of.

9 CHAIRMAN RANKIN: To or not to do.

10 JUDGE PINCUS: Yes, sir.

11 CHAIRMAN RANKIN: I'm offering that to you.

12 JUDGE PINCUS: Yes, sir.

13 CHAIRMAN RANKIN: You decide, as I said at the outset.

14 JUDGE PINCUS: I can say that with my written response  
15 to Mr. Younginer's complaint, there is some  
16 generic information about my authority as a  
17 family court judge on what I can or can't do  
18 based on statutes that address reconciliation  
19 counseling or reunification counseling. But  
20 there are parts looking at my written statement  
21 that slightly address the merits of what I did  
22 and what was before me, and I do believe that  
23 would not be appropriate. So I can redact my  
24 statement. I would like the Commission to  
25 recognize the authority that I've been given by



1 statute and by case law to order what I ordered.  
2 And then with regard to Ms. Younginer's  
3 complaint, there are a few sentences in there  
4 that could go to the merits of litigation that I  
5 would want to redact as well. But much of what I  
6 responded to in her affidavit I put in the record  
7 six years ago and addressed why I did what I did  
8 and how I did what I did. I would say, I can  
9 say, I believe on the record that counsel asked  
10 me to inform the children of my decision in the  
11 courtroom. And that is not something that I on  
12 my own decided to do. I can completely  
13 understand. It could have been very difficult  
14 for children to go through, but they -- the  
15 litigation was so intense that they just believed  
16 that the kids should hear it from the judge that  
17 made the decision and not from one parent or the  
18 other outside of the courtroom. And again, I  
19 started my written response just deeply saddened  
20 by the effect that my order had on a child. The  
21 object of any of my orders would be to protect  
22 the best interests of the child, but I am limited  
23 by the record that's presented to me when I make  
24 my decisions. So I will be happy to redact what  
25 I believe would be appropriate to redact, sir,

1           and then let the rest be submitted, if that's  
2           acceptable.

3 CHAIRMAN: All right. Ms. Foster.

4 MS. FOSTER: Thank you, Judge Pincus. Ms. Meisner,  
5           would you like to approach?

6           RHONDA MEISNER, being duly sworn, testifies as  
7 follows:

8 CHAIRMAN RANKIN: Very good. State your name for the  
9           record.

10 MS. MEISNER: My name is Rhonda Meissner.

11 CHAIRMAN RANKIN: Very well. Ms. Meisner, we met last  
12           year, I believe?

13 MS. MEISNER: Yes.

14 CHAIRMAN RANKIN: You were -- you filed a complaint in  
15           that action. Was that against?

16 MS. MEISNER: And you gave me a chicken salad  
17           sandwich, which I appreciate. Thank you.

18 CHAIRMAN RANKIN: Very good. Did I give you  
19           mayonnaise with it or no?

20 MS. MEISNER: Actually, it was made with mayonnaise  
21           and it was on a croissant. So I appreciate that.

22 CHAIRMAN RANKIN: Hallelujah. For the record, I've  
23           done something for somebody.

24 MS. MEISNER: Yes.

25 CHAIRMAN RANKIN: A year ago. That complaint was

1           against Chief Justice Toal, as I recall it.

2   MS. MEISNER:   It actually was.

3   CHAIRMAN RANKIN:  All right.  So now, Ms. Foster.

4   MS. FOSTER:  Ms. Meisner, the commission has before it  
5           your affidavit of complaint, which I respectfully  
6           request be made part of the record at this time.  
7           For the record, home addresses have been removed.  
8           The purpose of today's hearing is for the  
9           commission to review the qualifications of the  
10          candidates to determine whether Judge Pincus is  
11          qualified to serve as a Family Court judge.  As  
12          you've been told, the Commission is not here to  
13          re-litigate a case and they do not have the  
14          ability to change the result of the case.  Ms.  
15          Meisner, you've submitted your affidavit  
16          supporting documents, which the Commission  
17          members have before them and have reviewed prior  
18          to this hearing.  Is there anything else that you  
19          wish to testify to specifically regarding Judge  
20          Pincus's ethics, competency or character that has  
21          not already been covered in the documents before  
22          the Commission?

23          (Exhibit Number 31 was marked for identification  
24          purposes - (44 pages) Affidavit of Rhonda Meisner.)

25   MS. MEISNER:  Yes, there is.  First, I would like to

1 reiterate and incorporate my affidavit, which  
2 you've made into the record. It's a beautiful  
3 sunshine day outside. And today in here, I hope  
4 we have some sunshine because sunshine is the  
5 best disinfectant. We're all reminded of the  
6 story of King Solomon where two mothers are  
7 fighting over a child, the real mother says, no,  
8 take the child, don't kill it. In Family Court  
9 in South Carolina, multiple children are maimed,  
10 injured and they survive. But in my case, like  
11 Ms. Younginer testified to, I have four highly  
12 gifted, two of which are profoundly gifted  
13 children who almost failed high school. My --  
14 now he is my ex-husband. We went through a  
15 five-year divorce where the attorneys billed in  
16 over I would say about half a million dollars.  
17 The guardian ad litem, \$100,000 and my children  
18 suffer still. Judge Pincus made a few comments  
19 and I do want to make a comment about the  
20 processes, not to be critical but to be hopeful  
21 in that things change as far as processes. We  
22 are required to have our affidavits in by Monday,  
23 a couple of weeks, three weeks before the hearing  
24 and to show up to testify. I hope that everyone  
25 that the Commission requests, such as the

1 attorneys that were referenced, put their  
2 affidavit in on time as well and that their  
3 affidavit will reflect that they're able to  
4 testify because we all need to be able to do what  
5 is required of each other. You know, if we're  
6 required to have our affidavit in in order to  
7 testify, then I would hope -- of course, you can  
8 do whatever you want to do. You have the power  
9 to do what you want to do. But with -- as we  
10 look at the integrity of processes, I would  
11 request that the affidavits of anyone speaking  
12 today be timely filed whenever that deadline was.

13 CHAIRMAN RANKIN: Ms. Meisner, and again, I don't want  
14 to be disrespectful, but you're not filing a  
15 complaint only against Ms. Pincus. You have two  
16 other judges.

17 MS. MEISNER: That's correct.

18 CHAIRMAN RANKIN: And we have met you before.

19 MS. MEISNER: Yes.

20 CHAIRMAN RANKIN: Glad to see you again.

21 MS. MEISNER: Thank you.

22 CHAIRMAN RANKIN: You know how this works.

23 MS. MEISNER: Yes, sir.

24 CHAIRMAN RANKIN: To the degree that you focus on the  
25 specific allegations for this judicial candidate.

1 MS. MEISNER: Well, I think the processes are  
2 important with all due respect.

3 CHAIRMAN RANKIN: But that's not what we're here for.  
4 Okay?

5 MS. MEISNER: Yes, sir.

6 CHAIRMAN RANKIN: That's not your role. The role is  
7 set by others. Your role is to tell us. And  
8 again, we've got the complaint. Tell us beyond  
9 if there's anything to the merits of the  
10 complaint that we need to hear.

11 MS. MEISNER: Yes, sir. Judge Pincus, in her comments  
12 earlier, said I don't take any action to check on  
13 anything. That is absolutely incorrect. In my  
14 case, as outlined in my affidavit, as the chief  
15 administrative judge, the -- rule 365. It means  
16 that if there is not action or mediation  
17 scheduled within 365 days of the inception of the  
18 litigation, then that case is administratively  
19 dismissed. In my case, it would have allowed my  
20 husband to be probably to be identified what was  
21 wrong with him because he was having  
22 hallucinations, delusional conversations. He was  
23 subsequently diagnosed with a very serious blood  
24 cancer. But she did intervene. And she didn't  
25 intervene just once. She intervened twice. So

1 for the first time, she went to Judge Hurley.  
2 Once Judge Hurley realized that Judge Huntley  
3 Crouch in Lexington had issued an opinion that it  
4 was only the chief administrative judge that  
5 could rule on the 365 ruling, Judge Hurley erased  
6 that from her ruling. That did not deter Judge  
7 Pincus because then she went to Judge Roslyn  
8 Fireson-Smith and said, hey, will you rule on  
9 this? We've got to keep this thing in the Family  
10 Court.

11 CHAIRMAN RANKIN: You had counsel at this time?

12 MS. MEISNER: At 365, I think probably I was  
13 representing myself, but I did have counsel when  
14 I began the litigation.

15 CHAIRMAN RANKIN: At any point that you, again, your  
16 complaint that you filed, did you have counsel?  
17 At any point in time against Ms. -- before Ms.  
18 Pincus, were you represented by counsel?

19 MS. MEISNER: Yes, and in that -- so I was accused of  
20 abusing my children, just to be clear. I've  
21 never abused any child, much less my own. And I  
22 was found innocent after a full jury trial, and I  
23 did represent myself in that. I mean, not a jury  
24 trial, but a full merits hearing. And then I was  
25 subsequently further accused of abusing my

1 children by the same therapists that are  
2 mentioned in the Younginer case. And I was  
3 granted a directed verdict before DSS because  
4 it's all, it was all ridiculousness.

5 CHAIRMAN RANKIN: That did or did not involve Judge  
6 Pincus?

7 MS. MEISNER: That involved Judge Pincus only  
8 preliminarily. Because she was -- she also said  
9 something that I wrote down too, which was --

10 CHAIRMAN RANKIN: Let me just, again, because you've  
11 got a lot of material here.

12 MS. MEISNER: Yes.

13 CHAIRMAN RANKIN: Our focus, again, not --

14 MS. MEISNER: Is on Judge Pincus.

15 CHAIRMAN RANKIN: And the after, but --

16 MS. MEISNER: Yes, sir, and I'm getting to that. I  
17 probably -- I apologize for my circuitous  
18 arguments. In any event, Judge Pincus was  
19 assigned to hear the DSS case. Now, she said  
20 earlier in her comments that it would never come  
21 before me because I recuse myself. That, too, is  
22 untrue because the DSS case was assigned to her  
23 and she had previously recuse herself. So cases  
24 do come before her where she's recuse herself.  
25 And not only was that prejudicial, because I'd



1 actually forgotten about that incident. But not  
2 only was that prejudicial because I was ready to  
3 move forward that day, but I wanted to have my  
4 name cleared. Because she -- because it did  
5 come before her. She knew she had recused  
6 herself. She did not do something before that  
7 day. I lost another few months where I was  
8 required to have supervised visitation with my  
9 children. I had an emancipated child that I  
10 taught soccer to, or I was their soccer coach.  
11 Their unwilling soccer coach, who became willing,  
12 came and testified at my final hearing for me and  
13 how I treated my children and how I treated my  
14 child. But her interjection into my case yet one  
15 more time after recusal delayed me being  
16 exonerated from these ridiculous abuse  
17 allegations.

18 CHAIRMAN RANKIN: And that year was what?

19 MS. MEISNER: That was in 2020. Yeah, 2020.

20 CHAIRMAN RANKIN: The last action by Judge Pincus was  
21 in 2020 or 2018. That's what I -- that was my  
22 question.

23 MS. MEISNER: So the initial action is she signed a  
24 warrant with a 2018 case number from DSS to come  
25 into my house and try to take my children from

1 me. But I started videotaping the DSS people and  
2 by God's grace, one of the sheriff's deputies  
3 that arrived that day to take my children from my  
4 house knew me. And he refused to take my  
5 children into DSS custody.

6 CHAIRMAN RANKIN: All right. That warrant was in what  
7 year?

8 MS. MEISNER: 2019. But the warrant case number,  
9 which was a fictional case number, was in 2018.  
10 So when she signed to send two Richland County  
11 sheriff's deputies out to my house. Which was  
12 orchestrated behind the scenes, by the way. She  
13 signed an affidavit. I videotaped everything.  
14 So I had refutable evidence that the person that  
15 had signed the -- it's way too long for this  
16 hearing. But in any event, when it came across  
17 her desk, it said 2018. And she was signing a  
18 warrant that was initiating the DSS action. So  
19 that, to me, goes to the ability of a judge. If  
20 you're signing something and it says 2018 and  
21 it's 2019, almost 18 months, I don't want to say  
22 18 months for sure. But upon information and  
23 belief, I think it was about -- well, it was a  
24 year. The 2018 and she signed the warrant in  
25 2019. That goes to competence. And none of us

1 can be King Solomon, where he can find the truth.  
2 But the moral of that story is with the correct  
3 questions, you find the truth and you find the  
4 right answers. And there are too many incidences  
5 where she re-involved herself in my case. I  
6 think you have a -- and you can't make this stuff  
7 up. It's true.

8 CHAIRMAN RANKIN: And I'm not trying to cut you off.

9 MS. MEISNER: No, no.

10 CHAIRMAN RANKIN: But we've gotten a bit about the  
11 email from Judge Pincus that was issued on behalf  
12 of Judge Rankin. I see that. Is that -- and so  
13 --

14 MS. MEISNER: Well, let me just go through all of them  
15 so that it's --

16 CHAIRMAN RANKIN: No, you don't need to go through all  
17 of that. My point to not cut you off, but again,  
18 you've got a lot of stuff that I'm trying to  
19 drill down to what. And so she signed a warrant  
20 that was dated a year or so before.

21 MS. MEISNER: Yes.

22 CHAIRMAN RANKIN: Presented by arguably somebody or  
23 just sat there for a long time.

24 MS. MEISNER: Presented by DSS. So the Department of  
25 Social Services comes in and says, look, we want

1 to send some sheriff's deputies out to get these  
2 kids out of this terrible situation.

3 CHAIRMAN RANKIN: But the error on her part was to  
4 correct the date or to make the DSS person  
5 correct the date from 2018 to 2019.

6 MS. MEISNER: Well --

7 CHAIRMAN RANKIN: Whether merited or not on  
8 representation by a DSS person, she should have  
9 seen and looked to correct the date.

10 MS. MEISNER: Yes, Your Honor.

11 CHAIRMAN RANKIN: So, and please, no honor. All  
12 right. So that's one complaint as to competence.

13 MS. MEISNER: Yes.

14 CHAIRMAN RANKIN: Help me drill down to what else  
15 you're --

16 MS. MEISNER: That particular issue or?

17 CHAIRMAN RANKIN: No, no, no. What is --

18 MS. MEISNER: Okay. Well, there were multiple things  
19 in that particular warrant that should have  
20 alerted her that it was incorrect. So we'll just  
21 move on. The other thing, you know, judges can  
22 change their mind. That is certainly -- you  
23 know, I mean, they can do anything between ruling  
24 from the stand and ruling else. I filed a  
25 petition for an order of protection because my

1 husband was acting abhorrently, talking to me in  
2 the third person. He got physical with me, threw  
3 me to the floor. Many things that had happened,  
4 but I did not put the date and the time. Now, I  
5 am going to be lobbying all of you all to  
6 reconsider that. As far as competence, when you  
7 file a motion, you have 10 days to respond to the  
8 motion. If somebody serves a motion, that motion  
9 to dismiss the petition for an order of  
10 protection, I think a full reading of the statute  
11 would show that it's not the legislative intent  
12 to dismiss a motion for a petition, a petition  
13 for protection because the time frame for  
14 responding is less than five days for a petition  
15 for order of protection, yet the motion is 10  
16 days. So when that was filed, she granted the  
17 Motion to Dismiss the petition for an order of  
18 protection. But accompanied with that was the  
19 five witnesses that I had with me and a petition  
20 for an order of protection was a testamentary  
21 hearing. So in effect, she put me in a position  
22 of having from the outset a testamentary hearing  
23 about what was going on with my husband that may  
24 have got him diagnosed earlier. May have, you  
25 know, protected him more. That was a harm to

1 him. It certainly was a harm to my children.  
2 They still are harmed to this day. They have  
3 somewhat come back and we're still working on  
4 that. But the big issue is behind the scenes  
5 after recusal, Judge Pincus interjected herself  
6 into my case on multiple occasions. They've  
7 alternatively called after a mistrial was tried  
8 after four days because of a conflict with a  
9 party, a continuance and a mistrial. Well, quite  
10 obviously, if it's a mistrial, you got to give 10  
11 days notice to start a new trial. You don't  
12 email somebody at 2:00 o'clock in the afternoon  
13 the day before and say, oh, we're starting again  
14 tomorrow. When I had never been communicated  
15 with via email, and no one picked up the phone to  
16 call.

17 CHAIRMAN RANKIN: And that goes to what point?

18 MS. MEISNER: That goes to competency, too. If you've  
19 got somebody that's been in a four-day trial.

20 CHAIRMAN RANKIN: She herself initiated that call to  
21 you or someone from the --

22 MS. MEISNER: Well, no one called me, so I didn't show  
23 up. I showed up at about 10:00 o'clock, but the  
24 hearing started at about 9:30. And so, you know,  
25 I feel like there needs to be some other

1           safeguards. I mean, the Family Court, if you  
2           guys can't fix it, we're going to have to get the  
3           Federal Courts to fix this.

4 CHAIRMAN RANKIN: Let's talk about that another day,  
5           please.

6 MS. MEISNER: I know. Okay. We'll talk about it  
7           another day. I apologize. The other thing that  
8           is, you know, I talked about her going from judge  
9           to judge to try to get the continuation of the  
10          case. And the -- the -- the email issue. I --  
11          the warrant, told you about that, the competency.  
12          I forgive Judge Pincus for everything she's done  
13          to me, for everything she's done to my family. I  
14          forgive her, because I have no other choice. God  
15          commands me to do that. It's hard sometimes, but  
16          I do forgive her. But you guys are charged with  
17          saying there are four people here saying, please  
18          don't put her back. Please don't let her hurt  
19          other people. You have to make that decision at  
20          the end of this day. But what I will pledge to  
21          you is that I have been made. Mark Sanford  
22          called me an activist at one point a long time  
23          ago when he introduced me to Jeb Bush. I never  
24          considered myself an activist, but I have been  
25          made an activist and I've come up with a man.

1 REPRESENTATIVE RUTHERFORD: Mr. Chairman, I need this  
2 to be within the rules. You can't challenge  
3 somebody for breaking the rules and breaking them  
4 yourself.

5 MS. MEISNER: Okay. I apologize.

6 MS. FOSTER: Thank you, Ms. Meisner.

7 CHAIRMAN RANKIN: Ms. Meisner, we've -- again, we've -  
8 -

9 MS. MEISNER: I simply ask you to look. The citizens  
10 are asking you to look. So thank you. Thank  
11 you.

12 MS. FOSTER: Judge Pincus. Judge Pincus, you've  
13 provided the Commission a written response to the  
14 complaint, which the Commission members have  
15 before them and have reviewed prior to this  
16 hearing. Is it your intent to have this  
17 published in the record?

18 (Exhibit Number 32 was marked for identification  
19 purposes - (7 pages) Pincus Response to Meisner  
20 Complaint.)

21 CHAIRMAN RANKIN:

22 JUDGE PINCUS: Yes.

23 MS. FOSTER: Judge Pincus, is there anything else  
24 you'd like to add or address at this time?

25 JUDGE PINCUS: My written complaint was thorough as to



1 the limited matters that I dealt with regarding  
2 Ms. Meisner. The only thing I would add is after  
3 I recuse myself from her case, the matters that  
4 she's referring to all occurred in a very short  
5 period of time. And I gave you the dates and  
6 when I recuse myself, I have not done anything  
7 associated with her case since then. And the  
8 inspection warrant was done prior to recusal.  
9 And I would just like to add that for the record.

10 CHAIRMAN RANKIN: And I just want to for the record,  
11 and the world who's listening, these include only  
12 three matters, July 2019, or July 11, 2019, July  
13 12, 2019, and July 15.

14 JUDGE PINCUS: Yes, sir. That's right.

15 CHAIRMAN RANKIN: No other matters?

16 JUDGE PINCUS: No, sir.

17 CHAIRMAN RANKIN: You had any involvement?

18 JUDGE PINCUS: No, sir.

19 CHAIRMAN RANKIN: Ms. Meisner was before you as a  
20 judge.

21 JUDGE PINCUS: That's right.

22 CHAIRMAN RANKIN: All right. Anything else? All  
23 right.

24 MS. FOSTER: Thank you, Judge Pincus. You can take a  
25 seat. Mr. Badalamenti.

1 MR. BADALAMENTI: Good afternoon to the Commission. I  
2 just --

3 DOMINIC BADALAMENTI, being duly sworn, testifies  
4 as follows.

5 CHAIRMAN RANKIN: Your full name for the record,  
6 please.

7 MR. BADALAMENTI: Dominic Joseph Badalamenti.

8 CHAIRMAN RANKIN: Spell the last name for us.

9 MR. BADALAMENTI: B as in boy A, D as in dog A, L as  
10 in lamb A, M as in man E, N as in Nick, T-I. The  
11 court reporter, and I appreciate that. Thank  
12 you.

13 MS. FOSTER: Mr. Badalamenti, the Commission has  
14 before it your affidavit of complaint, which I  
15 respectfully request be made part of the record  
16 at this time. For the record, home addresses  
17 have been removed. The purpose of today's  
18 hearing is for the Commission to review the  
19 qualifications of the candidates to determine  
20 whether Judge Pincus is qualified to serve as a  
21 family court judge. As you've been told, the  
22 commission is not here to relitigate a case, and  
23 they do not have the ability to change the result  
24 of the case. Mr. Badalamenti, you've submitted  
25 your affidavit and supporting documents, which

1 the Commission members have before them and have  
2 reviewed prior to this hearing. Is there  
3 anything else that you wish to testify to,  
4 specifically regarding Judge Pincus's ethics,  
5 competency, or character that has not already  
6 been covered in the documents before the  
7 Commission?

8 (Exhibit Number 33 was marked for identification  
9 purposes - (8 pages) Affidavit of Dominic  
10 Badalamenti.)

11 MR. BADALAMENTI: I do have a couple of things to  
12 add. But before doing that, I would ask the  
13 Commission to consider asking me questions first  
14 before I do that. If you guys have reviewed the  
15 documentation, I would like the opportunity to  
16 answer any questions you may have in reviewing  
17 the information I submitted.

18 CHAIRMAN RANKIN: I would invite you to make whatever  
19 statements you want us to have. Additionally,  
20 that may provoke questions.

21 MR. BADALAMENTI: Okay.

22 CHAIRMAN RANKIN: So thank you.

23 MR. BADALAMENTI: Sure. So I just want to add that it  
24 is not specifically in the documentation that I  
25 submitted to the Commission that in the

1 particular hearing under which Judge Pincus  
2 allowed my wife to move out of state with our  
3 four daughters, she made the comment that did not  
4 appear on the transcripts. She actually made two  
5 comments. One somewhat appeared in the  
6 transcripts, but I think she might have clarified  
7 it. And I don't know if the transcriber was  
8 offline at that point or not. But the comments  
9 that really stuck in my mind to this day, the  
10 first one was, I know what parental alienation  
11 is, and this is not parental alienation. And I  
12 would invite the Commission to review the  
13 documents that I supplied in which there was a  
14 determination of some degree of parental  
15 alienation by Dr. Henderson. And Ms. Pincus took  
16 it upon herself to make that determination with  
17 no investigation. And as a matter of fact, if  
18 you review the documents, there's an email in  
19 which my attorney at the time suggested that the  
20 sua sponte decision on Judge Pincus' ruling in a  
21 later hearing to actually kind of quash my  
22 attempts to get that investigated were  
23 inappropriate. And that attorney in particular,  
24 Ms. Robin McLean, also noted that she wanted to  
25 preserve the record in that regard. And that is

1 part of the exhibits that you have. And then  
2 also what really stuck out in my mind at the time  
3 that that hearing to allow my wife to move out of  
4 state occurred. She also made the comment, if he  
5 doesn't like it, he can just take it all the way.  
6 And I would like the Commission to seriously  
7 think about that. My case is not over. It's  
8 been now almost four years. And my daughters are  
9 six hours away. And I think when Judge Pincus  
10 made that prejudicial comment, I think she knew  
11 exactly what she was doing. I think she knew  
12 that it was going to be years effectively just  
13 removing me from their lives. And that in her  
14 mind, she had made that decision really on a  
15 permanent basis. I think that comment really  
16 belays the reality of the situation,  
17 unfortunately. So -- and then just to summarize,  
18 you know, what I did submit to you guys in terms  
19 of what I would consider to be legally dubious  
20 situations. There is a filed certificate of  
21 service in addition to an email from my  
22 attorney's paralegal for a motion to reconsider.  
23 Judge, it took me years to finally realize that.  
24 And Judge Pincus actually just said, I never  
25 received it. Despite the exhibits I've submitted

1 to you that were both clocked and emails. So I  
2 would ask you to consider that.

3 CHAIRMAN RANKIN: As you look, this is not  
4 dispositive, but at the point at which you first  
5 encountered Judge Pincus, you were represented by  
6 counsel?

7 MR. BADALAMENTI: That's correct.

8 CHAIRMAN RANKIN: And who was that?

9 MR. BADALAMENTI: Robin McLean, Ms. Robin McLean.

10 CHAIRMAN RANKIN: And that was at a temporary hearing?

11 MR. BADALAMENTI: That is correct.

12 CHAIRMAN RANKIN: And then your wife, estranged wife  
13 at that time, was likewise represented by  
14 counsel?

15 MR. BADALAMENTI: That is correct.

16 CHAIRMAN RANKIN: And action that has proceeded to  
17 this point that is still pending, you do not have  
18 -- you represent yourself?

19 MR. BADALAMENTI: That is correct.

20 CHAIRMAN RANKIN: Right. And is your wife represented  
21 by counsel?

22 MR. BADALAMENTI: Yes, her attorney is here actually.  
23 It's Ms. Alyssa Richardson, who's in the  
24 audience.

25 CHAIRMAN RANKIN: Very well. And so you tell us that

1           it is pending. We don't have the actual civil  
2           docket to show. What is pending?

3 MR. BADALAMENTI: Well, recently a trial has been  
4           scheduled for middle of February. And there has  
5           also been a deposition. There's going to be a  
6           deposition of me. And my wife has already been  
7           deposed by my previous attorney. So there will  
8           be a deposition for me, of me, I believe January  
9           16th. In that range, middle of January.

10 CHAIRMAN RANKIN: And there's a final hearing date?

11 MR. BADALAMENTI: Yes, which is the middle of  
12           February.

13 CHAIRMAN RANKIN: And that is before who?

14 MR. BADALAMENTI: I don't know yet.

15 CHAIRMAN RANKIN: And are you seeking ultimately Judge  
16           Pincus' recusal?

17 MR. BADALAMENTI: Well, I believe Judge Pincus should  
18           have recused herself in the August hearing that  
19           we had in relation to selling the marital home  
20           and discovery issues.

21 CHAIRMAN RANKIN: And that was a temporary order,  
22           correct?

23 MR. BADALAMENTI: I'm sorry?

24 CHAIRMAN RANKIN: Was that a temporary order or  
25           temporary hearing?

1 MR. BADALAMENTI: I don't believe it was -- well, I  
2 guess you'll have to forgive me because I'm a lay  
3 person.

4 CHAIRMAN RANKIN: But it was not the final because  
5 that's coming up.

6 MR. BADALAMENTI: That's correct. But in the  
7 exhibit package I've given you, you'll  
8 notice I did make an SCODC complaint. So I  
9 believe that legally speaking, that's  
10 another failing on Judge Pincus' part.

11 CHAIRMAN RANKIN: You did have counsel at that point  
12 or you did not?

13 MR. BADALAMENTI: I was in between counsel at that  
14 point. Yes. And I'm sure the Committee  
15 understands that attorneys are very reluctant to  
16 make complaints against one another.

17 CHAIRMAN RANKIN: All right. And to the point of what  
18 your complaint for us, again, to distill it,  
19 we've got it.

20 MR. BADALAMENTI: Yes. Sure.

21 CHAIRMAN RANKIN: We've read through various things.  
22 You're -- boil it down for us.

23 MR. BADALAMENTI: Yeah. So like from the legal side,  
24 right? I believe the failure to recuse even  
25 recently as of August is an issue. I believe



1           that I, you know, just speaking very frankly, I  
2           don't believe Judge Pincus did not receive the  
3           Certificate of Service and the filing associated  
4           with the motion to reconsider. Right? I think  
5           from, in terms of legal precedent.

6 CHAIRMAN RANKIN: To that point.

7 MR. BADALAMENTI: Yes.

8 CHAIRMAN RANKIN: Less Judge Pincus' receipt of it,  
9           did the other counsel, your wife and her counsel,  
10          acknowledge receipt and that it was timely?

11 MR. BADALAMENTI: Well, that's a good question. But  
12          if you look at the exhibits, you can clearly see  
13          the filings and the Certificate of Service.

14 CHAIRMAN RANKIN: But to your knowledge of their  
15          position regarding your attempted service, do  
16          they agree that you did or did not serve it?

17 MR. BADALAMENTI: I don't know. I don't know. I  
18          don't think -- that was never really discussed.  
19          We finally did have the motion to reconsider  
20          hearing earlier this year. And Judge --

21 CHAIRMAN RANKIN: Unless -- regardless of it not being  
22          acted upon at the time.

23 MR. BADALAMENTI: Yes.

24 CHAIRMAN RANKIN: You've had that reconsideration  
25          hearing.

1 MR. BADALAMENTI: That is correct. However, I'm  
2 disturbed by the fact that she claimed she never  
3 received it.

4 CHAIRMAN RANKIN: Who conducted that rehearing?

5 MR. BADALAMENTI: Judge Pincus. Yeah.

6 CHAIRMAN RANKIN: All right. Next complaint.

7 MR. BADALAMENTI: Yeah. So we have the issue of what  
8 I would just say -- you know, the debatable, the  
9 Commission's going to have to decide whether the  
10 issue of her receiving these filed documents or  
11 not is reasonable or not, right? So, that's one  
12 issue. The Judge's comments at that hearing  
13 where she allowed my wife to leave, the state.  
14 Once again, by the way, I'm sure you guys have  
15 the documents there before you. And my wife has  
16 been diagnosed, or was diagnosed by Dr. Henderson  
17 with a hoarding disorder. So, I'd like you guys  
18 to keep that in mind, please. And you have that,  
19 those exhibits as well. But I would like, aside  
20 from her unprofessional comments at that hearing,  
21 I would like to point out that Judge Newton,  
22 three weeks earlier to that hearing, stated to my  
23 wife and her attorney that he was concerned from  
24 the GAL's report of the parental alienation that  
25 the GAL listed in that report. And that also he

1 didn't see any attempts for her to actually try  
2 to find a job in South Carolina. And so, on that  
3 basis, and I have attached the transcripts from  
4 that hearing, Judge Newton said, no, you cannot  
5 leave the state. And then the third final thing  
6 is the investigation for the charges of sexual  
7 grooming and violence that you made toward your  
8 husband have not been -- that investigation has  
9 not been finished. So, those were the three  
10 major bullet points that you can see in the  
11 transcripts from that hearing three weeks before  
12 Judge Pincus decided to let my wife move under  
13 what I think are remarkably almost identical  
14 circumstances. Now, in fairness to Judge Pincus,  
15 she did say in her motion to reconsider, she felt  
16 the circumstances were different. I disagree,  
17 but I throw this in the Commission's lap to  
18 decide for themselves. So, I believe that  
19 there's multiple legally dubious actions and  
20 behavior on Judge Pincus. I don't believe that  
21 she's been forthright and honest in all things.  
22 I believe she's exhibited questionable judgment  
23 and not actually allowed the due process of law  
24 to sort out the facts. And as a matter of fact,  
25 in that email exhibit that I sent you and the sua

1           sponte comment my attorney made, you can see she  
2           actively tried to prevent me from investigating -  
3           - having the parental alienation investigated.  
4           And later rulings, actually, I think in the  
5           motion reconsider kind of ended in the note by my  
6           recollection that, well, I didn't stop you from,  
7           ultimately, you're investigating it. But the  
8           problem I would mention to this Committee is  
9           this. If you've got a judge making comments,  
10          like if you don't like it, you can just take it  
11          all the way. Or present preventing you from even  
12          having a basic element of investigation. Hasn't  
13          she already made up in her mind what the facts  
14          are? Even though she hasn't had access to them?  
15          And then you have to ask yourself, if she doesn't  
16          respect the chief administrative judge's ruling  
17          from three weeks earlier, what are her guiding  
18          principles? So I leave these questions to you  
19          guys. And do you have any questions for me?

20       CHAIRMAN RANKIN: Any members have any further  
21                    questions? Ms. Foster? Otherwise.

22       MS. FOSTER: Thank you, Mr. Badalamenti.

23       MR. BADALAMENTI: Thank you. Thank you for the  
24                    Commission's time.

25       CHAIRMAN RANKIN: And I appreciate your coming.

1           Again, we have to base our decision on the record  
2           that we have before us. And as you probably  
3           know, since this is a pending matter, I don't  
4           expect that Judge Pincus will be able to comment.

5 MR. BADALAMENTI: I understand. If she does, I do  
6           have a request in that I would like to receive  
7           her formal response if she chooses to submit one.

8 CHAIRMAN RANKIN: I think you'll be right here to  
9           listen to it or not.

10 MR. BADALAMENTI: Okay, very good. Thank you, sir.

11 CHAIRMAN RANKIN: Thank you very much.

12 MR. BADALAMENTI: Yes, sir.

13 MS. FOSTER: Judge Pincus. Judge Pincus, you, of  
14           course, are unable to comment due to judicial  
15           canons. But is there anything else you'd like to  
16           add or address before we move on?

17 CHAIRMAN RANKIN: Well, and I do want you to say that,  
18           please.

19 JUDGE PINCUS: Yes. Yes, sir.

20 CHAIRMAN RANKIN: Not that we are prompting you. Can  
21           you respond to this complaint by the last  
22           gentleman?

23 JUDGE PINCUS: I can't respond to the merits of his  
24           complaint pursuant to Canon 3B(9). I can explain  
25           to the Commission that this was a case pending

1 outside of my county where I was a visiting  
2 judge. Therefore, I'm not involved in the final  
3 hearing. I'm not scheduled to return to that  
4 county anytime soon. Certainly, as a result of  
5 Mr. Badalamenti's appearance here I will do a  
6 formal order of recusal. That would be  
7 appropriate. But the case has many, many  
8 different judges that have ruled on it prior to  
9 the few times it came before me. And it came  
10 before me on a motion for temporary relief, which  
11 I issued without prejudice. And a motion on  
12 discovery. And I won't comment as to what I did.  
13 But the order would speak for itself. And I  
14 issued my order in accordance with the laws of  
15 the state and the statutes.

16 CHAIRMAN RANKIN: We know what a temporary order  
17 without prejudice means.

18 JUDGE PINCUS: Yes, sir.

19 CHAIRMAN RANKIN: But for the benefit of those who  
20 don't, what does that mean?

21 JUDGE PINCUS: Well, in the example that Mr.  
22 Badalamenti raised. If I had said on that day  
23 that I denied the request for any type of  
24 evaluation and said that was without prejudice,  
25 that would mean it could be raised at any time

1           during the case by an attorney, a guardian, or  
2           any other appropriate time.

3           CHAIRMAN RANKIN: A motion could be made the very next  
4           week. JUDGE PINCUS: Yes, sir. That's what  
5           without prejudice means.

6           CHAIRMAN RANKIN: Or a motion for reconsideration.

7           JUDGE PINCUS: That could be filed as well. I did  
8           hear a motion to reconsider. When I became aware  
9           that there was one outstanding. I heard it and  
10          worked with counsel, different counsel. But at  
11          the time, Mr. Badalamenti had a different  
12          attorney and we worked and scheduled that. And I  
13          heard that motion virtually and issued my order  
14          quickly.

15         JUDGE PINCUS - RE-EXAMINATION BY MS. FOSTER:

16           **Q. Judge Pincus, after serving 11 years on the**  
17           **family court, why do you want to continue serving**  
18           **as a family judge?**

19           A. Well, it's a deeply rewarding and fulfilling  
20           career and role. It does give me a unique  
21           opportunity to impact lives of children in abuse  
22           and neglect cases and DJJ cases. Hopefully that  
23           would be a positive impact. I know there are  
24           some dissatisfied people here today about my  
25           rulings and one, an adult child. Of course, my

1 goal would be to continue to issue orders that  
2 help bring stability and normalcy to families,  
3 probably in the most chaotic time of their lives  
4 as they come before me. I'd like to serve for  
5 another six years.

6 CHAIRMAN RANKIN: And I apologize. We are  
7 transitioning now from the complaints to the  
8 litany of questions by counsel and then others  
9 that might be heard.

10 JUDGE PINCUS: Yes, sir.

11 CHAIRMAN RANKIN: And at this time, normally, I would  
12 mention the fact that you have brought folks with  
13 you. Yes, yes.

14 CHAIRMAN RANKIN: And I would offer for you to  
15 introduce whoever you brought with you.

16 JUDGE PINCUS: Thank you. Thank you. My husband,  
17 Danny, and my family. I have my dad and my  
18 brother.

19 CHAIRMAN RANKIN: Speak into the mic. We can't hear  
20 you.

21 JUDGE PINCUS: My dad, Danny, my brother, Kevin, my  
22 brother, Mark, and my husband Danny is behind me.  
23 I have very dear friends here. Sharon and  
24 Colleen in the front row. I have some very dear  
25 friends, bar members, sitting Family Court bar



1 members.

2 CHAIRMAN RANKIN: We're going to stick with the family  
3 and friends.

4 JUDGE PINCUS: Yes, sir.

5 CHAIRMAN RANKIN: All right.

6 JUDGE PINCUS - EXAMINATION BY MS. FOSTER:

7 Q. Judge Pincus, just some issues to put on the  
8 record. Your SLED report indicated that there  
9 were two lawsuits filed against you since your  
10 last screening. Garcia V. Pincus was filed in  
11 2020 in federal court and Whatley V. Richland  
12 County Family Court et al was filed in 2022 in  
13 Federal Court. The record reflects that these  
14 actions were dismissed without service, and you  
15 stated that you had no knowledge of these  
16 actions. Do you have any more information to add  
17 for the Commission?

18 A. I don't.

19 Q. Judge Pincus, what do you think your reputation  
20 is among attorneys that practice before you?

21 A. I hope my reputation is to be thorough, to be  
22 detailed in the orders that I give, to be  
23 prepared for the hearings that come before me. I  
24 hope that they find me to be knowledgeable about  
25 the law, courteous, and give them ample time to

1 present their cases on behalf of their clients.

2 Q. Judge Pincus, the Commission received 349 ballot  
3 box surveys regarding you with 35 additional  
4 comments. The ballot box survey, for example,  
5 contained the following positive comments.  
6 Wonderful judge who is not afraid of the hard  
7 cases. The Bar and Commission need to recognize  
8 this and applaud it. We need her. Another  
9 added, Judge Pincus is a great Family Court judge  
10 who is always willing to help staff with  
11 problems. She's very knowledgeable about getting  
12 cases settled. Judge Pincus is a joy to work  
13 with. Seven of the written comments expressed  
14 concerns. Despite the overall positive comments  
15 concerning your temperament, several comments  
16 indicated concerns with poor judicial temperament  
17 and a perception that your temperament has  
18 worsened in recent years. What response would  
19 you offer to this concern?

20 A. Well, I appreciate people saying that and getting  
21 that feedback. We don't get feedback until we  
22 come before you all for screening. But it is  
23 deeply disappointing to me that somebody had that  
24 experience in family court. I can see where my  
25 temperament at times might come across or my

1 delivery as being perhaps harsh. And I don't  
2 intend that to be disrespectful to the litigants  
3 or the attorneys. But I will continue to keep  
4 myself aware of the comments that were shared  
5 with me and to improve in any manner that I can  
6 so that the attorneys and the litigants don't  
7 feel that way. Temperament is difficult now at  
8 times. I do believe that I have had over 30  
9 weeks of virtual court and it's very hard. It's  
10 very, very hard for me to judge temperament in  
11 virtual hearings of the people that are speaking  
12 and talking to me. And I believe if anything has  
13 changed as somebody commented, that that has  
14 presented its own challenges for a judge to  
15 manage a virtual hearing sometimes with 20 people  
16 on the screen at a time. And I don't necessarily  
17 even know necessarily where to look so the person  
18 knows I'm speaking with them. But I will keep  
19 this in mind and do my best to not be  
20 ill-tempered.

21 **Q. Judge Pincus, additionally, a few comments**  
22 **indicated concerns with your professional and**  
23 **academic ability, namely participation in ex**  
24 **parte communications and concerns with rulings**  
25 **that were perceived as biased and not supported**

1           **by law. What response would you offer to this**  
2           **concern regarding?**

3       A.    So I deny any improper ex parte communications.  
4            There are several times in Family Court where I  
5            do have to have ex parte communication. And  
6            that's the result of the need for emergency  
7            hearings to be scheduled and other times in DSS.  
8            But any type of it. But those are sanctioned by  
9            the law or by statute. So I don't engage in any  
10           improper ex parte communication. As far as bias,  
11           I don't have a bias towards any person or type of  
12           case or group. My rulings reflect the facts  
13           before me based on that couple or that child or  
14           that marital estate. And I have ruled, I've  
15           probably had, I know I've had thousands of cases  
16           scheduled before me in these years. And over the  
17           course of my career, I have ruled for mothers and  
18           fathers. I've ruled for husbands and wives. I  
19           have granted requests and denied requests all  
20           based on the record that was before me in that  
21           particular case.

22       **Q. Thank you, Judge Pincus.**

23       MS. FOSTER: I would note that the Midland Citizens  
24           Committee found Judge Pincus qualified in the  
25           evaluative criteria of constitutional

1 qualifications, physical health, and mental  
2 stability. The Committee found her well  
3 qualified in the evaluative criteria of ethical  
4 fitness, professional and academic ability,  
5 character, reputation, experience, and judicial  
6 temperament. The Committee stated in summary,  
7 well qualified, no comment needed. A few  
8 housekeeping issues.

9 **Q. Judge Pincus, since submitting your letter of**  
10 **intent, have you contacted any members of the**  
11 **Commission about your candidacy?**

12 **A. No.**

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

16 **A. Yes.**

17 **Q. Since submitting your letter of intent, have you**  
18 **sought or received the pledge of any legislator**  
19 **either prior to this date or pending the outcome**  
20 **of your screening?**

21 **A. No.**

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

1 A. No, and I'm not.

2 **Q. Have you reviewed and do you understand the**  
3 **commission's guidelines on pledging in SC Code**  
4 **section 2-19 -- 2-19-70(E), sorry.**

5 A. Yes.

6 MS. FOSTER: I would just note for the record that any  
7 concerns raised during the investigation  
8 regarding the candidate were incorporated into  
9 the questioning of the candidate today. Mr.  
10 Chairman, I have no further questions.

11 CHAIRMAN RANKIN: Questions by members of the  
12 Commission. Mr. Strom.

13 MR. STROM: Thank you, Mr. Chairman. As a member of  
14 the Richland County Bar, Mr. Chairman, I do want  
15 to point out two people that are in the audience.  
16 I see Jim McLaren, who is the former national  
17 president of the International College of  
18 Matrimonial Lawyers, and John McDougall, who is  
19 the former president of the South Carolina Bar.  
20 I think most would consider those two gentlemen  
21 the deans of the Richland County Bar and they are  
22 here, I think, today supporting Judge Pincus.  
23 And I want to go over a couple of comments that I  
24 see as they go down. Very patient and  
25 thoughtful, very smart and good demeanor, great

1 demeanor, problem solver. Judge Pincus is  
2 intelligent and well-respected, great judge,  
3 great character, great temperament, and they go  
4 on. And, you know, members of the Commission,  
5 none of us like people to have bad feelings about  
6 the court experience. But custody cases are hard  
7 and they're often hard feelings. Judge Pincus  
8 enjoys the reputation that she'll take the hard  
9 cases. And believe me, you know at the  
10 courthouse where the hard cases are. And she  
11 doesn't mind taking them and issuing an order and  
12 standing by them. And that's obviously not easy.  
13 So I just want to tell you that I fully support  
14 her. And she's a great judge in Richland County.  
15 She's an asset. And I thank you for your  
16 service. And I hope you'll be there a long time.

17 JUDGE PINCUS: Thank you, Mr. Strom. Thank you.

18 CHAIRMAN RANKIN: Any other members?

19 JUDGE PINCUS - EXAMINATION BY CHAIRMAN RANKIN:

20 Q. Mr. McDougall, forgive me. Mr. McLaren, forgive  
21 me. I wasn't going to let the judge say your  
22 name. Who better than Pete Strom to offer your  
23 name? That ad brought to you by the Strom Law  
24 Firm. Judge, and again, I've met you once  
25 before, I do believe six years ago. And I wanted

1 to just call out again the concern that we have  
2 here and the seriousness that we weigh  
3 complaints. Again, you have responded to the  
4 degree that you can. And we'll weigh that and  
5 consider that judicial temperament. There are a  
6 few negative comments.

7 A. Yes, sir.

8 Q. But as Mr. Strom just said, the overwhelming  
9 response of folks anonymous, though a handful  
10 seem to know you are favorable, incredibly  
11 favorable. To the degree that I want you to  
12 believe or know that we know that those who have  
13 taken the time to weigh in on your candidacy  
14 consider you just as Mr. Strom said, in terms of  
15 the role and how you come to this. I want to  
16 call out your role in mentoring a young lawyer.  
17 Again, a letter of reference filed by this person  
18 who has known you for the last 12 years, now a  
19 practicing attorney who calls you a mentor. And  
20 so perhaps there's one person and there are four  
21 other letters, of course, but that speaks to what  
22 you do, both in the courtroom and outside the  
23 courtroom that to me suggests a passion for doing  
24 the right thing and not shying away from the hard  
25 questions and the hard cases. And today, owning



1 and apologizing as Ms. Meisner said and Ms.  
2 Younginer to the point of the harm that you  
3 caused her over these 10 years. And again, these  
4 are not easy cases and you trust. And let me ask  
5 you, how do you take a tough case where you know  
6 that children and family and family dynamic rest  
7 in your hands in terms of how you're being asked  
8 to play the role of Solomon? How do you, what do  
9 you bring to this mentally, emotionally,  
10 lawyerly, academically, morally? What do you  
11 draw upon when you're making these hard calls?

12 A. The main thing I start with is my 16 years of  
13 practicing family law and representing parents  
14 before I became a judge. And that's all that I  
15 did. And I was very diligent during my practice  
16 with learning about family law, attending  
17 seminars, reading, writing, teaching. And then  
18 when I became a judge, we, you know, I will never  
19 complain about my docket, sir. That's, you know,  
20 I don't. What I get, I get and I do the cases  
21 from the beginning of the day to the end of the  
22 day. And there are many times I get very  
23 difficult cases like some that are, you know,  
24 here today that they represent. And so I have a  
25 very thorough style about me when I'm judging,

1 when I'm contemplating, meaning I also do not  
2 care how many documents attorneys submit to me on  
3 behalf of their clients, especially at these  
4 temporary hearings. Two of the complainants are  
5 here because of temporary hearings I issued,  
6 which would tell you how intense they are. And  
7 attorneys will hand up to me several inches of  
8 paper and it does not bother me. I don't roll my  
9 eyes. I don't get aggravated. I read all of it.  
10 Now, if there's a hundred, I will say if there's  
11 a hundred pages of text messages, I will skim.  
12 And if they highlight, I'll read those or I'll  
13 ask them to summarize. So I get a thorough  
14 understanding of the record before me, which I  
15 don't create. I get it from lawyers. And if  
16 there's no lawyers to the best that pro se  
17 litigants attempt to give it to me in accordance  
18 with the rules. And then after I have a thorough  
19 understanding of the facts as presented, I'll  
20 make sure I understand South Carolina law. If I  
21 don't have any questions, I'll research it. We  
22 don't have law clerks. I do my own research and  
23 I write my own orders and then I'll make my  
24 decision. And I take that into trials. Those  
25 are, you know, another situation where you can

1 have hundreds and hundreds of documents and I  
2 review them. I pay attention. I write notes. I  
3 take notes on my computer and I rule at trials  
4 the same way as I've just described to you.

5 **Q. And all that is wonderful. Give me a little Andy**  
6 **Griffith. Give me a little North Star. Not to**  
7 **be a --**

8 A. Is that Andy Griffith? You know, my brother  
9 watches it all the time. He could probably -- so  
10 can I phone a friend on the Andy Griffith guy?

11 **Q. The practicality, you've given a very**  
12 **institutional basis. What I'm looking for is the**  
13 **empathy for a family.**

14 A. Well, certainly, certainly. And I think that you  
15 just probably witnessed how I rule. It's just an  
16 intense, you know, time to make those decisions.  
17 And of course, this is also a very serious time.  
18 And so answering my questions, perhaps, you know,  
19 I come from that. So I love family law. It's a  
20 passion of mine and has been for all those years.  
21 As somebody mentioned, you know, a Christian  
22 background, and that's my background. We don't  
23 have to say that and we don't have to espouse  
24 that. But I am extremely empathetic. Children  
25 come into family court all of the time and many

1 of them are abused and hurting. And like Miss  
2 Younginer, sadly brought into family court  
3 because of their parents when they themselves  
4 have done nothing wrong. And so I do take all of  
5 that into consideration as well. They are people  
6 in front of me that most of the time are hurting  
7 and unfortunately have to tell me the worst of  
8 their lives and the worst about each other. And  
9 if I can find any positive, I'll put it in my  
10 order. Otherwise, I'll try to tell them my  
11 rulings with as much compassion as I possibly  
12 can.

13 **Q. Thank you for that.**

14 CHAIRMAN RANKIN: Any other comments or questions?

15 And I appreciate your, Ms. Foster. Judge Pincus,  
16 again, thank you. Complainants, thank you all.  
17 This concludes this portion of the record in our  
18 screening process. You know, Ms. Pincus, Judge  
19 Pincus, rather, of our rules that specifically  
20 any ethics violations of appearance or violation  
21 is considered very serious violations. If there  
22 are any allegations of that, you know that we  
23 could bring you back because the record is not  
24 closed until the formal release of the Report of  
25 Qualifications, right?

1 JUDGE PINCUS: Yes, I do.

2 CHAIRMAN RANKIN: Okay. And again, I know you know  
3 that, but that now concludes this. Family,  
4 friends, complainants all, we appreciate your  
5 being here. Thank you very much.

6 JUDGE PINCUS: Thank you all. Thank you.

7 CHAIRMAN RANKIN: And that will conclude the public  
8 testimony for today. And we will now go into  
9 executive session on motion of Representative  
10 Jordan, seconded by Senator Garrett. We are now  
11 in executive session. Thank you all so much.

12 (EXECUTIVE SESSION)

13 VOTE

14 CHAIRMAN RANKIN: All right, we are now back on the  
15 record and we for the record during executive  
16 session, no votes were cast, no action decisions  
17 made. We will now proceed to the ballot on  
18 certain judges from today's slate.

19 MS. CRAWFORD: Mr. Chairman, the first race I have  
20 before you is the Court of Appeals, Seat 2.  
21 There were three candidates. We received Kristi  
22 Curtis, Jason P. Luther, and the Honorable  
23 Courtney Pope. That's Court of Appeals, Seat 2.

24 CHAIRMAN RANKIN: Is there a motion?

25 MR. SAFRAN: I move to find the whole group of three

1 qualified and nominated.

2 CHAIRMAN RANKIN: All right, all in favor of that say  
3 aye.

4 (Ayes are heard.)

5 CHAIRMAN RANKIN: Any opposition?

6 CHAIRMAN RANKIN: There being none.

7 MS. CRAWFORD: Mr. Chairman, we had several other  
8 candidates that were running for re-election or  
9 running for their seat unopposed and I'm going to  
10 list those candidates. We have the Honorable  
11 John D. Geathers, Court of Appeals, Seat 3. The  
12 Honorable Paula H. Thomas, Court of Appeals, Seat  
13 4. J. Derham Cole, Jr., Circuit Court, Seventh  
14 Circuit, Seat 1. The Honorable Lawton McIntosh,  
15 Circuit Court, Tenth Circuit, Seat 1. The  
16 Honorable R. Keith Kelly, Circuit Court,  
17 At-Large, Seat 14. The Honorable Maite D.  
18 Murphy, Circuit Court, At-Large, Seat 15. Judge  
19 Elect Charles J. McCutchen, Circuit Court,  
20 At-Large, Seat 16. The Honorable Eugene P. Warr,  
21 Jr., Circuit Court, Fourth Circuit, Seat 2.

22 CHAIRMAN RANKIN: All right, a motion.

23 MR: Mr. Chairman, I move that we find those  
24 candidates qualified and nominated in their  
25 respective offices.

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CHAIRMAN RANKIN: All right, all in favor of that say  
aye. Any opposition? There being none. All  
right, that will conclude today's business and we  
will adjourn.

(There being nothing further, the proceeding concluded at  
5:06 p.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC  
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY  
CERTIFY THAT I REPORTED THIS PROCEEDING, ON MONDAY, THE  
18TH DAY OF NOVEMBER, 2024, AND THAT THE FOREGOING 255  
PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY  
STENOMASK REPORT OF SAID PROCEEDING.

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

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS  
10TH DAY OF JANUARY, 2025.



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JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 19, 2033



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