

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

Circuit Court
(New Candidate)

Full Name: Eugene P. Warr, Jr.

Business Address: 110 N. Main Street, Darlington, SC 29532

Business Telephone: 843-398-2877 (O), 843-992-3737 (C)

1. Why do you want to serve as a Circuit Court judge?

I practiced law for over 36 years, and I reached a point in my career where I became interested in a different role in our legal system. For many years I would not have considered pursuing a judicial position, but over recent years that thinking gradually changed. I heard many civil matters as a Referee and I mediated many civil matters as well. I gradually grew to appreciate both those roles which are more difficult to perform than I initially understood. Primarily as a result of this gradual change in my practice I reached the time in my legal career where I believed I was prepared for a judicial position. I have now served over two years as a Family Court Judge. I believe my experience as an attorney practicing in varied areas has prepared me for the Circuit Court.

2. Do you plan to serve your full term if elected?

I plan to serve the full term if elected.

3. Do you have any plans to return to private practice one day?

I cannot state with certainty that I would not return to private practice in the future, but I do not plan to return.

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

Yes.

5. What is your philosophy regarding *ex parte* communications? Are

there circumstances under which you could envision *ex parte* communications being tolerated?

Generally, such communications are not allowed and I would not allow them. However, there are situations in which such communications could be appropriate. In an emergency situation or as a matter of scheduling *ex parte* communications are at times very difficult to avoid.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Even though I might not believe I would lose my impartiality, if a disclosure actually has the appearance of bias then I believe I should grant such a motion and would do so.

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

I would disclose the matter and explain why I should not hear the case and recuse myself.

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

I would not accept gifts or social hospitality except such gifts or social hospitality based on family relationships or longtime friendships I had prior to taking a judicial position.

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

If I became aware of certain misconduct by a lawyer or fellow judge I would report the matter. If I suspected misconduct, but was uncertain, I would probably discuss the matter with the lawyer or fellow judge and attempt to learn more about it.

As to possible infirmity, I would most probably talk directly with the possibly impaired lawyer or fellow judge and try to determine his or her condition as best I could. If I believed there was impairment or had substantial doubt as to the lawyer or fellow judge's ability I would make a referral for assistance. However, a severe situation would need reporting to the appropriate authority

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

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

Over a long period of years, I have assisted both lawyer and non-lawyer friends who have run for election and re-election to political office. My first job as a practicing attorney was in a state Senator's law office. I later began a partnership for law practice with an old friend who was a state Representative. I have been involved with these campaigns and others in political races for many years. I have helped them and others raise money and I have contributed to political campaigns.

I worked as a Board Member and for several years was Director of an organization known as The Lord Cares. This organization is based in Darlington, South Carolina and I often took part in activities to help The Lord Cares gather food and raise money to feed those in Darlington County who are struggling with basic needs in life.

I served in the past as Moderator for the Welsh Neck Baptist Association which is the organization of Baptist churches in our area (primarily Darlington County), and I have helped that organization at times with fund raising activities.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

Yes, I do have business activities in which I would plan to remain involved. These businesses are land development and investment, outdoor advertising, rental of houses and commercial properties and self-storage. I have partners in each of these enterprises who handle most of the regular duties including primarily a long-time trusted friend of over thirty years who is a non-practicing CPA and who is in charge of each of my other activities other than rental houses and self-storage. As to rental houses, I have two other partners who are very skilled in repairs and improvement to properties. As to self-storage, my wife handles regular daily operations. I usually meet with my partners on Saturday mornings as

the need arises and these activities have not impaired my practice of law.

13. If elected, how would you handle the drafting of orders?

I have often as a lawyer been asked to draft a proposed order for sharing with opposing counsel or an unrepresented party. As a judge I would follow this practice and then compare with my notes and possibly edit or completely rewrite the order depending upon the accuracy and quality. On occasion it might be more efficient for my clerk or myself to write the order.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

As to deadlines, I would act similarly to how I conducted business at my law office. My assistant maintains all matters on a computer-based calendar and I maintain an old-style paper calendar as a backup. I regularly check my paper calendar and my assistant regularly compares her computer-based schedule with my paper calendar. This system has worked well for me through the years, and I would plan to continue with it unless I find a better method.

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

I do not believe the judicial branch of government should take on the role of making new laws or ignoring the laws created by the Legislature. In my view, that is not appropriate.

As to setting or promoting public policy I fear that would possibly cross over into judicial activism.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I would make myself available to students or young lawyers to give advice as best that I could which I have done often in my practice of law. Also, I would speak in a setting where invited to discuss or speak about our laws or our legal system if I believe such participation would be positive and educational.

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

I discussed with my wife and children my possible pursuit of the Family Court seat to which I was elected in 2022. I also discussed this decision with my father (my mother is deceased) and my two sisters as I value their advice. They are all supportive and I do not believe serving would strain any of my personal relationships. Since I was sworn into the South Carolina Bar in 1985 I have felt pressure that at times has been intense and I believe that I have learned to deal with it. All of my family and personal relationships are valuable to me and will always remain a priority.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

Every person and every situation is unique. Serving as a judge necessarily means that all things are considered and weighed and then a decision is rendered. If a victim is involved then the victim should have an opportunity to be heard also. As to particular classes of offenders my philosophy is as follows:

- a. Repeat offenders.

Similar and past offenses must be considered and weighed into the equation.

- b. Juveniles (that have been waived to the Circuit Court).

The age, maturity and background of a juvenile should be considered.

- c. White collar criminals.

Restitution should be a factor in such sentencing and the lack of a violence should not mean the Defendant receives a light weight punishment.

- d. Defendants with a socially and/or economically disadvantaged background.

Such Defendants do need some consideration of their circumstances and at times restitution might not be feasible which would possibly mean public service would be appropriate.

- e. Elderly defendants or those with some infirmity.

I would consider age or infirmity in sentencing, but I believe caution would be needed in order to avoid too much sympathy and therefore a sentence based on emotion rather than a thorough balancing.

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

No.

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

No, I would not because it creates an appearance of something wrong and potential doubt about the rulings made in a case.

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

Yes.

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

A judge should always be respectful and courteous to everyone. It costs nothing to treat other people well in all areas of life and I certainly try every day to live in that manner.

Anytime a judge is hostile or rude to others, which I saw in the early days of my legal career, it creates a negativity, fear and dread of our legal system. It reflects poorly on the judiciary and the entire legal community when this behavior occurs.

A judge who demonstrates genuine humility is well received and even those parties and lawyers who might not agree with his or her decision are more likely to accept the decision and not conclude the system has failed them.

Finally, patience with all parties and others in the courtroom is important for a sound respect of our judiciary. These rules apply at all times, whether in the courtroom or not.

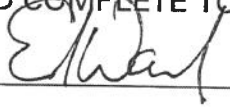
23. Do you feel that it is ever appropriate to be angry with a member of

the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

I do not believe anger toward any party, lawyer or anyone else would ever be appropriate or helpful if coming from a judge. Anger does not improve any situation. Expressing anger would usually create a negative environment and give a bad impression of the judiciary.

I do believe that some amount of firmness with a party, lawyer or other person at times could be appropriate. Control of the courtroom must be maintained and on occasion that might mean speaking in a firmer tone. Using such firmness only in the right situations and not crossing over into an appearance of anger would be important.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.



Sworn to before me this 20 day of August, 2024.

Anita S. Matthews
(Signature)

Anita S. Matthews
(Print Name)

Notary Public for South Carolina

My Commission Expires: 7-6-2025