



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

Circuit Court
(New Candidate)

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

I have thought about serving as a Circuit Court judge ever since I clerked for one. I have experience in the courtroom and trying cases and I believe I would be a fair and impartial judge. After almost 20 years of legal practice and handling jury trials, as well as non-jury trials, I would like to move into a higher level of the legal profession.

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

Yes, I do.

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

While I would have no immediate plans to return to private practice, that is always a possibility for the future.

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

Yes, I meet the Constitutional requirements for this position.

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

Canon 3(A)(4), Rule 501, SCACR states that a judge should, except as authorized by law, neither initiate or consider *ex parte* or other communications concerning a pending or impending matter. Based on this Canon, my philosophy is that *ex parte* communications should be avoided

and I would avoid them as much as practical.

However, there are instances where *ex parte* communications would be necessary such as asking for protection from court (especially if it involves a personal health matter, like surgery), orders for funding in criminal cases which are generally handled *ex parte*, or general administrative questions (like which courthouse in a circuit to hold circuit-wide non-jury matters). See Canon 3(B)(7)(a), Rule 501, SCACR. I would allow *ex parte* communication under these parameters.

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?

Canon 3E of the Code of Judicial Conduct in Rule 501, SCACR requires a judge to disqualify themselves in proceedings in which impartiality might be questioned. The disclosure should be on the record and I could continue to preside if the parties agree to waive the disqualification pursuant to Canon 3F, Rule 501, SCACR. Otherwise I would grant such a motion. See also Matter of Barker, 436 S.C. 610, 875 S.E.2d 44 (2022).

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

Canon 2B, Rule 501, SCACR states "A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment." Assuming their financial involvement is related to a matter being heard before me, I would follow the same procedures as noted above.

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

I would not personally solicit any gifts or social hospitality. Canon 4(D)(5), Rule 501, SCACR states that a judge shall not accept any gifts, favors, bequests, or loans from anyone with a few exceptions. Exceptions include for ordinary social hospitality, gifts for from relatives or close friends for personal and special occasions, or gifts whose value is less than \$150.00 as long as the donor is not a party or another person likely to appear before the judge. See Canon 4(D)(5)(a-i), Rule 501, SCACR. I would adopt standards in accordance with this Canon.

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?

Canons 3(D)(2) & 3G, Rule 501, SCACR requires a judge to report professional misconduct when a judge knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects. I would report such misconduct as required under the Code.

Canons 3(D)(1) & 3G, Rule 501, SCACR also requires a judge who receives information that another judge has committed a violation of the Code to take appropriate action. "A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority." Id. I would also report such misconduct as required under the Code.

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.

I currently am not an active member of such an organization, however in college I was an active member in Kappa Delta Sorority. This organization does state that it is an organization for women, or those that self-identify as women. I was also formerly a member of Junior League of Columbia, which is an organization "of women whose mission is to advance women's leadership for meaningful community impact through volunteer action, collaboration, and training."

In the past I have also been active in the South Carolina Women Lawyers Association (SCWLA), whose mission is "to enhance the status, influence and effectiveness of women lawyers in the State of South Carolina." I do not believe that SCWLA limits its membership solely to women, however.

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

After the flood in 2015, I did engage in fundraising for SQ Rescue whose kennels were destroyed by the flood. I did this through sales with my pet collars. (My company is Sup-Dog Ltd. Co.)

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

I would envision myself continuing to make and sell pet collars on the side online, as it is a creative outlet, provided it is in accordance with Canon 4D,

Rule 501, SCACR.

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

Canon 3(B)(8), Rule 501, SCACR does require a judge to dispose of all judicial matters promptly and efficiently. Depending on the type of case, I would probably try to draft the order myself. I may request draft orders from both parties and use those drafts to write my own order. In some situations, a Form 4 may be all that is needed. I would however, strive to dispose of matters promptly.

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

I currently keep a list on Excel of my open cases and what needs to be done on those cases and what has already been done on those cases. In addition to that, I calendar all my deadlines. I also will schedule times to work on certain aspect of a case prior to the deadline. For example, instead of trying to get an entire Petition for a Writ of Certiorari done in one sitting, I will schedule time weeks before the due date to just work on writing the facts of the case, to get the shell of the petition done, or just to read the transcript.

I intend to use a similar method to keep track of matters that need to be handled or ruled upon to avoid rulings in an untimely manner.

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

I define judicial activism as an approach to the exercise of judicial review in which a judge is generally considered more willing to overturn legal precedent or past constitutional interpretations in favor of protecting individual rights or a political agenda. Canon 5(C)(1), Rule 501, SCACR prohibits a judge from identifying with a political party. Canon 5D, Rule 501, SCACR prohibits a judge from engaging in any political activity. Therefore, my philosophy to judicial activism is that it is not allowed under the Code.

As for overturning past precedent, stare decisis applies in matters heard before a judge. I would apply this doctrine to my rulings.

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 undertake activities in accordance with this Canon. I may speak,

lecture, or teach matters concerning the legal system, the law, or the administration of justice.

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 do not feel that the pressure of serving as a judge would strain any personal relationships. Throughout my career I have traveled often for court (many times overnight), etc., and thankfully have a very understanding family and group of friends.

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.

a. Repeat offenders: My philosophy on sentencing for repeat offenders is that the Court needs to take into consideration the facts and circumstances of the current charge before the Court, as well as the prior types of convictions the defendant has. If the defendant has prior offenses that are considered lower-level offenses (like Summary Court convictions) then leniency may be appropriate. However, in situations where it is the second most-serious strike or third serious strike, the Court's hands may be tied if life without parole notice is given. Repeat offenders of felony-level charges need to have their entire criminal backgrounds weighed to determine if lenience is appropriate or if a more serious sentence is appropriate.

b. Juveniles (that have been waived to the Circuit Court): Regardless of what court the juvenile is in, they are still a juvenile and that needs to be taken into consideration when sentencing. The US Supreme Court ruled in Miller v. Alabama, 132 S.Ct. 2455 (2012), that mandatory life sentences for juvenile offenders are unconstitutional. However, juveniles can still be sentenced to life imprisonment after an individualized hearing. Id at 2464.

To paraphrase Miller, juveniles have diminished culpability and a higher capacity to change, and life without parole sentences for juveniles should be uncommon. Id at 2469.

c. White collar criminals: My philosophy on sentencing white collar defendants stemmed from something Judge Newman told me once about these types of offenders. While they may not have used a gun, they still stole from someone. How that something was stolen needs to be taken into consideration. The defendant may have been put in a position of trust and abused that trust or could have been a public official that committed misconduct. The defendant's prior

criminal history also needs to be taken into account.

In situations where a defendant has no prior criminal history, the disadvantages the defendant placed the victim or the general public into need to be taken into account.

d. Defendants with a socially and/or economically disadvantaged background: My philosophy in dealing with these types of Defendants really depends on the case. But, a defendant should be entitled to any leniency any other defendant with a more generous background may be entitled. In some situations a fine may need to be reduced to take into account the defendant's financial ability to pay or payments allowed over a longer period of time. (There is no reason to set someone up to fail if they cannot pay a high fine.)

e. Elderly defendants or those with some infirmity: My philosophy on sentencing elderly or infirmed defendants would be to take into consideration their age or infirmity, while balancing the egregiousness of their actions. In some situations a harsh sentence may still be appropriate based on the facts of the case.

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

Upon information an belief, I am not.

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

I would likely not hear such a case as to avoid any impropriety, regardless of how minor of a financial interest. I would handle this situation like I would under numbers 6 & 7, *supra*.

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

I have.

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

An appropriate demeanor for a judge is to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others. *See* Canon 3B, Rule 501, SCACR. This rule applies at all times.

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?

While there are times where a judge may be frustrated or angry with a member of public, members of the bar, or defendants, (perjury, comes to mind or in direct violation of a court order) it would be inappropriate to express such frustration and/or anger in a manner that does not comport with Canon 3B, Rule 501, SCACR. Frustration and anger can be expressed in ways other than yelling and screaming. A judge should not engage an attorney, defendant, or *pro se* litigant in such a manner.

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

Ashley A. Millbran

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

[Signature]
(Signature)

Daniel L. Kadar
(Print Name)

Notary Public for South Carolina
My Commission Expires: 6/24/25

DANIEL L. KADAR
Notary Public, State of South Carolina
My Commission Expires June 24, 2025