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HEARING PROCEEDINGS

November 21, 2024

2024 SC Judicial Merit Selection Commission

REPORTER: Kathryn Bostrom

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JUDICIAL MERIT SELECTION COMMISSION
TRANSCRIPT OF PUBLIC HEARINGS

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

* * * * *

DATE: Thursday, November 21, 2024
TIME: 9:30 a.m.
LOCATION: Gressette Building, Room 105
1101 Pendleton Street
Columbia, South Carolina 29201

REPORTED BY: Kathryn B. Bostrom, Court Reporter

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25

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

2 CHAIRMAN RANKIN: Good morning.

3 MR. BUXTON: Good morning.

4 CHAIRMAN RANKIN: Welcome, sir.

5 MR. BUXTON: Thank you.

6 CHAIRMAN RANKIN: If you will, raise your right hand.

7 WILLIAM BUXTON, having been first duly sworn,
8 was examined and testified as follows:

9 CHAIRMAN RANKIN: State your name for the record.

10 MR. BUXTON: William Andrew Wallace Buxton.

11 CHAIRMAN RANKIN: All right. And make sure that
12 light's on and you're -- yeah, perfect. Before
13 we get into the weeds, I notice you brought in
14 someone with you.

15 MR. BUXTON: Yes.

16 CHAIRMAN RANKIN: Would you like to introduce your
17 guest?

18 MR. BUXTON: This is my wife, Eliza Buxton.

19 CHAIRMAN RANKIN: Welcome, Ms. Buxton. Thank you so
20 much. Mr. Buxton, you've never screened before,
21 so this will be the first time you've heard it.
22 Surely you've read it. But in our efforts to
23 screen you, obviously you've got a PDQ and a
24 sworn statement. Those have to come into the
25 record. Are those ready to go in?

1 MR. BUXTON: Yes, sir.

2 (EXHIBIT NO. 1 MARKED FOR
3 IDENTIFICATION PURPOSES (17
4 pages) PDQ)

5 (EXHIBIT NO. 2 MARKED FOR
6 IDENTIFICATION PURPOSES (7 pages)
7 Sworn Statement)

8 CHAIRMAN RANKIN: All right. Ms. Putnam will get
9 those and hand those to the court reporter. We
10 look at the nine evaluative criteria, which
11 includes your ballot box survey, thorough study
12 of your application materials, verification of
13 your compliance with state ethics laws, search
14 of newspaper articles in which your name
15 appears, and look for economic conflicts of
16 interest. No affidavits or complaints have been
17 filed in opposition to your candidacy, and so we
18 will open this up for questions by staff counsel
19 Ms. Hall, and then other members of the
20 commission will have questions if they like. We
21 will turn it over to her now.

22 MR. BUXTON: Yes, sir.

23 EXAMINATION

24 MS. HALL:

25 Q. Good morning, Mr. Buxton.

1 A. Good morning.

2 **Q. Please state for the record the city and circuit in**
3 **which you reside.**

4 A. Sumter and Third Circuit.

5 MS. HALL: Mr. Chairman, I note for the record that
6 based on the testimony contained in the
7 candidate's PDQ, which has been included in the
8 record with the candidate's consent, William
9 Buxton meets the statutory requirements for this
10 position regarding age, residence, and years of
11 practice.

12 **Q. Mr. Buxton, why do you want to serve as a family**
13 **court judge, and why do you feel that your legal and**
14 **professional experience qualify and will assist you**
15 **to be an effective judge?**

16 A. My family court practice has been the majority of my
17 practice in all my years of practicing, and I have
18 played almost every role in the family court. I've
19 played a mediator, plaintiff's counsel, defense
20 counsel, guardian ad litem, and I have also
21 represented -- been appointed to represent clients on
22 indigent defense cases. I've been doing that for
23 about ten years, and it has enabled me to be able to
24 see the other side of a lot of family court. I feel
25 like I've had the experience and knowledge.

1 Q. Thank you. Are there any areas of the law for which
2 you would need additional preparation in order to
3 serve as a family court judge, and how would you
4 handle that additional preparation?

5 A. Yes, and I've thought about that. In the juvenile
6 arena, I would need some experience. As I stated in
7 my PDQ, I've seen ancillary cases from abuse and
8 neglect cases where children or juveniles have had
9 cases, but I haven't had any hands-on experience. I
10 would probably definitely be sitting on juvenile
11 hearings. I'm a member of the bench bar committee,
12 and that is kind of the grassroots in how to handle
13 juvenile, the whole system, and I've learned so much
14 from that so far, and it's rather exciting to see
15 what the future holds. And I would take every
16 opportunity to learn as much as I could from my
17 colleagues and however would best equip me to handle
18 juveniles.

19 Q. Please briefly describe your experience in handling
20 complex, contested family court matters, and
21 specifically discuss your experience with the
22 financial aspects of family court work.

23 A. In complex matters, I've dealt with complex matters
24 of divorce, settlements, and custody situations,
25 third-party custody situations, grandparent custody

1 situations. Financial matters, I have leaned on
2 forensic accountants, custodial evaluators, to help
3 go through the finances of a certain case on both
4 sides. I would certainly lean on professionals
5 outside of our profession that would help me get to
6 the bottom of any financial matters that need to be
7 discovered.

8 Q. On to the ballot box questions. Mr. Buxton, the
9 commission received 160 ballot box surveys regarding
10 you with 26 additional comments. The ballot box
11 survey, for example, contained the following positive
12 comments. Bill Buxton is an excellent candidate for
13 the family court bench. He has the perfect
14 temperament for the courtroom that is often filled
15 with stressful situations. Bill is never quick to
16 judge a situation and will take time to listen to
17 both sides and provide a fair and impartial ruling.
18 And Bill Buxton would be an excellent family court
19 judge. He is highly intelligent and conscientious
20 with a wit that would appropriately balance the
21 pressures of family court proceedings with an ability
22 to make participants in such proceedings feel more at
23 ease. There were no negative comments.

24 MS. HALL: On to the Citizens Committee. I would
25 note that the PeeDee Citizens Committee found

1 William Buxton qualified in the criteria of
2 constitutional qualifications, physical health,
3 and mental stability, and well qualified in the
4 criteria of ethical fitness, professional and
5 academic ability, character, reputation,
6 experience, and judicial temperament.

7 **Q. We just have a few housekeeping issues now. Mr.**
8 **Buxton, are you aware that as a judicial candidate**
9 **you are bound by the Code of Judicial Conduct as**
10 **found in Rule 501 in the South Carolina Appellate**
11 **Court Rules?**

12 A. Yes, ma'am.

13 **Q. Since submitting your letter of intent, have you**
14 **contacted any members of the Commission about your**
15 **candidacy?**

16 A. No, ma'am.

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

20 A. Yes, ma'am.

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

25 A. No, ma'am.

1 Q. Have you asked any third parties to contact members
2 of the General Assembly on your behalf, or are you
3 aware of anyone attempting to intervene in this
4 process on your behalf?

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

6 Q. Have you reviewed and do you understand the
7 commission's guidelines on pledging in South Carolina
8 Code 2-19-70(E)?

9 A. Yes, ma'am.

10 MS. HALL: I would just note for the record that any
11 concerns raised during the investigation
12 regarding the candidate were incorporated into
13 the questioning of the candidate today. Mr.
14 Chairman, I have no further questions.

15 CHAIRMAN RANKIN: Representative Jordan, thank you.

16 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

17 EXAMINATION

18 BY REPRESENTATIVE JORDAN:

19 Q. Mr. Buxton, so many questions, so little time. Good
20 to see you this morning.

21 A. Morning.

22 Q. I want to ask you just to get a flavor. You're
23 trying to transition from advocate to judge. I want
24 to get a sense of how you would handle certain issues
25 if you were on the bench. So put yourself in those

1 shoes. You've got a husband and wife going through a
2 difficult divorce. You find out that, let's say, the
3 husband, he likes to get home before the wife and
4 hide in the closet and jump out at the wife, scared
5 her to death. Is that something that you would take
6 for what it is, a real travesty? I can't find the
7 words of how bad that is, but how would you handle
8 such a situation?

9 A. I think that all depends on her reaction.

10 Q. What about in the event that the husband decided to
11 serve dog food in the form of pate as a prank?

12 A. Somewhat intolerable.

13 Q. Intolerable, good. Glad you see it that way. No, in
14 all seriousness, I look back. I see and remember,
15 actually, because we go back, went to law school
16 together. I know you worked at Curtis and Croft for
17 years, and I think you did some real estate, probate.
18 That had to help prepare you in part for the family
19 court world, correct?

20 A. It did, and more than I thought it would. And just
21 to expand a little bit, with the real estate, of
22 course, we deal with equitable division, the homes,
23 and I can read a HUD, and so that is important when
24 it comes to divorces and the division of marital
25 assets. And with the probate, I have good contacts

1 that are pediatricians in Sumter that have referred
2 me to handle guardianships and conservatorships for,
3 say, autistic children that are turning 18 to make
4 sure there's no lapse in time for their authority to
5 take care of their children. So both the probate
6 work and the real estate work, I believe, have
7 enabled me to look at cases in a different light.

8 Q. And then you seem to have transitioned more so to the
9 family court world in the last decade or so of your
10 legal career. I always get a sense of it takes a
11 special kind of skill set, compassion, and whatnot to
12 be in that family court world. You seem to have been
13 very successful in that when we look at these ballot
14 box surveys, to see no negative comments is a
15 tremendous credit to yourself. But what keeps you in
16 that family court world as far as practicing in there
17 for ten years? Is it just a passion for you?

18 A. I would say I was very humbled by a lot of the
19 comments. You're always -- sometimes, you know, it's
20 a road of waxing and waning confidence as far as are
21 you handling it correctly and doing the best for your
22 client. For me, I think that I provide a steady hand
23 for such chaos in the family court. And any time
24 someone's walking in the family court, any litigant,
25 it's chaos. It's upheaval up there. We hold the

1 family near and dear, each one of us. And to see
2 someone going through this is difficult, and I've got
3 to keep a level head. And I need to be able to hold
4 their hand while also being very disciplined. And my
5 colleagues, I think, a lot of times you see different
6 levels of experience in how you handle that. And one
7 thing I do or I try to do with a lot of my clients
8 when they first come in and they've retained me is I
9 ask them to write an affidavit from the perspective
10 of their significant other or their spouse. And
11 sometimes they can't do it, but it gives them insight
12 and it gives me insight.

13 **Q. As to how the process is going to --**

14 A. Correct.

15 **Q. -- affect the individuals you're dealing with.**

16 A. Correct.

17 **Q. Lastly, will you promise not to use any fake insects**
18 **or rodents in your courtroom for purposes of -- for**
19 **any purpose.**

20 A. That's a difficult promise, but I'll make that
21 promise.

22 REPRESENTATIVE JORDAN: Thank you, Mr. Buxton.

23 MR. BUXTON: Yes, sir. Thank you.

24 CHAIRMAN RANKIN: Ms. McIver.

25 MS. MCIVER: Thank you, Mr. Chairman.

EXAMINATION

1
2 BY MS. MCIVER:

3 Q. Good morning, Mr. Buxton.

4 A. Good morning.

5 Q. Welcome.

6 A. Thank you.

7 Q. I wanted to follow up on some of what Representative
8 Jordan was talking to you about, and not so much some
9 of the antics that you may have used in various
10 circumstances. But really to commend you for your
11 ballot box comments. That is an opportunity for
12 people to sling mud anonymously, to say whatever it
13 is they want to say. So whoever you have pranked or
14 not pranked in the past must have realized that it
15 was all in fun. And I want to commend you for that.
16 It's rare to see a candidate come through with zero
17 negative comments. So well done.

18 A. Thank you. Thank you.

19 Q. For the record, I have known Mr. Buxton since he and
20 his wife moved to Sumter. My father practiced in the
21 family court for most of his career, and I've never
22 seen him take to a young lawyer like he did to Bill
23 Buxton. And he was very appreciative of the skill
24 set that he brought, not only from an academic side,
25 and he mentioned how he was creative in working with

1 the other side -- working with his clients to get
2 them to write an affidavit from the perspective of
3 the other side. He comes up with interesting
4 creative strategies for his clients, but he also
5 takes great care in dealing with his clients. He's
6 very close to his family, as I am and as my father
7 is, and my dad has been very complimentary of the
8 work that he has done with family court. Bill enjoys
9 an excellent reputation in our community. People go
10 to him, lawyers who have questions. I've recently --
11 not too recently, but been to Bill with help for a
12 client who was aging and really didn't have much
13 money, but we needed help with a will, health care
14 power of attorney, those types of things, and Bill
15 was there with the upmost of professionalism and
16 courtesy for this client. And so I think you would
17 be an excellent addition to the bench. I thank you
18 for offering to run. And so that I'm not just
19 pouring nice compliments onto you, I want to give you
20 an opportunity to address the body and tell us why
21 now. Why do you feel like this is a good time for
22 you to run for this position?

23 A. Yes, ma'am. I think that it was a door of
24 opportunity that I think -- I hoped it would probably
25 open. I've had -- I've been able to watch our judges

1 in the Third Circuit and even in other circuits that
2 I've practiced in, and they have really kind of been
3 mentors to me in a way, and I've wanted to be able to
4 emulate some of them, their reasoning, their level
5 head. And for me, I feel like I've covered so many
6 different areas of the family court. It's a service
7 job, and my first job out of college was service
8 oriented for the citizens of South Carolina, and I
9 learned so much, and I was raised in a family where
10 it was service and do the right thing. It's not
11 always about the bottom line on the financial dollar,
12 and I've learned that over the years, but I feel like
13 I have -- I try to provide some levity outside of
14 certain situations, and I can be a bit of a prankster
15 sometimes, but it's to keep moving forward with these
16 very serious issues that enter the family court, the
17 abuse and neglect cases, the bloody divorces, and the
18 children that are affected. And that has to be one
19 of the main reasons, too, is that I think I see how
20 children are affected. I've been doing it long
21 enough where now I see the children I was a guardian
22 case on or was in a certain case, they're having
23 their own children, and I see what a divorce can do
24 to children, and it really helps shape the adult.
25 And I think a judge has a strong power in to be able

1 to help effectuate that child becoming a good
2 citizen, a good community member, a leader, educated,
3 and I've tried to take my more tough clients that are
4 down and out and give them inspiration and hope and
5 help them find it. And I know, for example, for one
6 was a military wife -- and that's another area where
7 I feel like I'm primed, is that I've dealt with the
8 military, military divorces, and with having a large
9 base in Sumter County, and I've had to learn some of
10 the military law with the Quadros or the Survivor
11 Benefit Plan, what may be the years of service, the
12 20-20-20 rules. That's all foreign if you don't have
13 a base near you. And so I've had to take CLEs or
14 become familiar with all of those ins and outs of the
15 military. But it's the children, and I think that
16 being on the bench bar committee, I'm learning so
17 much about the new juvenile center, really how we
18 handle it all, our caseloads and DSS. So I feel like
19 I am in a position with being on the Family Law
20 Council that I'm seeing it in 360, and I feel like
21 it's almost a calling in a way. It's not something
22 that people readily want to jump into unless you have
23 the experience. So I've seen every aspect. I've
24 been able to hold clients' hands, children's hands,
25 in my guardian work. And so I feel like in totality

1 I'm ready for this with my experience, and I just
2 thank the Lord that He's been able to help me be a
3 steady hand.

4 MS. MCIVER: Thank you very much, and thank you for
5 offering.

6 CHAIRMAN RANKIN: All right, any other questions of
7 Mr. Buxton? Mr. Safran.

8 EXAMINATION

9 BY MR. SAFRAN:

10 **Q. Yeah, I came in a little bit late, but I'm starting**
11 **to wonder how much of Judge Scarborough rubbed off on**
12 **you.**

13 **A. Well, I'd like to say a lot. He did -- I remember**
14 **when I first told him that I was going to be**
15 **practicing family law, he looked at me and he said**
16 **Billy, that's the only area of the law you've got to**
17 **be willing to take a bullet. And so he was a great**
18 **mentor and guide to me in my early, early years.**

19 **Q. It sounds like to me you've kind of gone to the next**
20 **step, recognizing that it's not just a matter of**
21 **being your client's attorney in a lot of situations,**
22 **but you almost have to become like their coach.**
23 **You've got to basically pump them up when they're**
24 **down. You've got to basically get them ready for the**
25 **next steps. I mean, it's a lot more than just simply**

1 saying I'm going to handle the legal stuff for you.
2 I mean, you've got to kind of take them on. And it
3 sounds like that's kind of what you've recognized.

4 A. Yes, sir. I've had a few clients say -- years later
5 I've run into them and they said, Mr. Buxton, Mr.
6 Buxton, I just want to thank you so much for what you
7 did. And I said, well, certainly, it's part of my
8 job. And they said no, you've changed my life. I
9 said I didn't change your life. You changed your
10 life. But I want to be able to have some of these
11 people that are going through such horrible times be
12 able to see it from a different perspective. There
13 is life after divorce. There's life after custody
14 actions. And to see them improve. And the one I
15 think of in mind, she's now a court reporter. And
16 she came to my office, and for lack of a better
17 description, looked like a bit of a wet rat, had a
18 hard time expressing. And she had left the military
19 with a disability, but was still married, had one
20 child. And she was fighting for this child. But her
21 husband was overseas, and he was purchasing the
22 groceries for her, telling her to go pick them up.
23 He had such control. And I told her, I said, when
24 you leave my office, I want you to go straight to
25 Central Carolina, and I want you to pick up a

1 brochure. And don't do it online. And just circle
2 the things that interest you. That's a start. And
3 so I've watched her grow, and I see her now. She
4 lives in Charleston, and I've actually walked in the
5 courtroom before where she's been a reporter once or
6 twice. But to see somebody's transformation and find
7 the confidence, and sometimes that's all they need is
8 just a little spark.

9 **Q. The next question is really the most important. How**
10 **can you envision letting that translate to being able**
11 **to try to do the same thing from the bench? Because**
12 **I'm assuming you're not going to change your**
13 **personality. You're still going to have that same**
14 **feeling about people. And I think what we hear a lot**
15 **of times, unfortunately, when we have complaints, is**
16 **that they feel like, you know, they're looking at,**
17 **you know, the great and powerful Oz up there that**
18 **nobody cares. How are you going to be able to maybe**
19 **transition that?**

20 **A.** I've thought about that, and I don't think that I
21 would change. Fortunately and unfortunately, I have
22 a very, very compassionate heart, and I think
23 sometimes opposing counsel can take that as a
24 weakness maybe. But I would help guide even the most
25 angry litigants, but it's being able to see both

1 sides. And what I try to do in my practice now is
2 put myself in the other party's shoes, put myself in
3 the other attorney's shoes. What is it out there
4 that I need to see? So I want to be able to help
5 both sides, but with a firm hand and a steady hand,
6 and help guide everyone that's involved in the case.

7 MR. SAFRAN: Thank you.

8 MR. BUXTON: Yes, sir. Thank you.

9 CHAIRMAN RANKIN: All right, Mr. Buxton. Any
10 questions you have of your neighbor or your
11 classmate from law school? You can't ask
12 questions. Let me interrupt.

13 MR. BUXTON: I can think of many, but I won't ask
14 any.

15 CHAIRMAN RANKIN: Ms. Buxton, any questions you'd
16 like me to ask of your husband while he's under
17 oath? Very well. All right, thank you so much.
18 And this will conclude this portion of the
19 screening. As you have read, don't know it
20 firsthand, but we do guard very seriously the
21 ethics laws. Any violation of the letter or the
22 spirit of the ethics laws would be considered
23 very serious by us. We don't anticipate that
24 occurring, but you need to know and acknowledge
25 that this record is not closed until the formal

1 release of the report of qualifications. You
2 understand that, right?

3 MR. BUXTON: Yes, sir.

4 CHAIRMAN RANKIN: Thank y'all very much for being
5 here right on time. And y'all have a safe trip
6 back home.

7 MR. BUXTON: And I thank y'all for what you do.

8 REPRESENTATIVE RUTHERFORD: All of us, really? Him
9 too?

10 MR. BUXTON: I do.

11 CHAIRMAN RANKIN: All right, we're off the record.
12 We're off the record.

13 (Off the record)

14 CHAIRMAN RANKIN: Good morning, sir.

15 MR. KINNEY: Good morning.

16 CHAIRMAN RANKIN: If you will, please raise your
17 right hand.

18 EDWIN KINNEY, having been first duly sworn, was
19 examined and testified as follows:

20 CHAIRMAN RANKIN: State your name for the record,
21 please.

22 MR. KINNEY: My name is Edwin Thompson Kinney.

23 CHAIRMAN RANKIN: Very well. And you have some folks
24 that you brought with you. Would you like to
25 introduce them now?

1 MR. KINNEY: Yes, sir. This is my wife, Ashley. And
2 this is my brother, Will Kinney.

3 CHAIRMAN RANKIN: Seems like we've seen that guy
4 before.

5 MR. KINNEY: You may have seen him around the state
6 house before, yes. Yes, sir.

7 CHAIRMAN RANKIN: Very well. You have two documents,
8 the PDQ and the sworn statement. Are those
9 ready to come into the record without objection?

10 MR. KINNEY: Yes, sir. Yes, sir, Mr. Chairman.

11 (EXHIBIT NO. 3 MARKED FOR
12 IDENTIFICATION PURPOSES (19
13 pages) PDQ)

14 (EXHIBIT NO. 4 MARKED FOR
15 IDENTIFICATION PURPOSES (2 pages)
16 Amendment)

17 (EXHIBIT NO. 5 MARKED FOR
18 IDENTIFICATION PURPOSES (7 pages)
19 Sworn Statement)

20 CHAIRMAN RANKIN: Very well. Thank you. You have
21 screened before? Never?

22 MR. KINNEY: No, sir. This is my first time.

23 CHAIRMAN RANKIN: Correct. And so you've not seen
24 this process. You've read about it, perhaps.
25 But we, in our vetting of your candidacy,

1 Representative Safran over there, makes us do a
2 lot of work. And that includes the nine
3 evaluative criteria, which includes, as you
4 know, the ballot box survey, a thorough study of
5 your application materials, a check for economic
6 conflicts of interest, search of newspaper
7 articles in which your name appears, and a
8 verification of your compliance with the state
9 ethics laws. You have no one here filing an
10 affidavit or complaint in opposition to your
11 campaign or your candidacy. And so we're going
12 to turn it over to Ms. Trask for questions.
13 We'll be as brief as we can and as thorough as
14 we need to be. And I look forward to your
15 testimony. And Ms. Trask, take it away.

EXAMINATION

16
17 MS. TRASK:

18 **Q. Good morning, Mr. Kinney.**

19 A. Good morning.

20 **Q. Please state for the record the city and circuit in**
21 **which you reside.**

22 A. So currently I reside in Richland County in Columbia,
23 but I'm running for a seat in Sumter in the Third
24 Judicial Circuit.

25 MS. TRASK: Mr. Chairman, for purposes of the record,

1 this seat is located in the Third Circuit, which
2 incorporates the following counties, Clarendon,
3 Lee, Sumter, and Williamsburg. Under South
4 Carolina Code Section 63-3-30, no person shall
5 be eligible to the office of family court judge
6 who is not at the time of his assuming the
7 duties of such office a citizen of the United
8 States and of this state, and has not attained
9 the age of 32 years, has not been a licensed
10 attorney at law for at least 8 years, and has
11 not been a resident of this state for 5 years
12 next preceding his election, and is not a
13 resident of the circuit wherein the family court
14 of which he is a judge is located.

15 **Q. Mr. Kinney, please share with the commission what**
16 **your intentions are in applying for this seat and**
17 **what you have done at this point to comply with this**
18 **statute.**

19 A. Yes, I'm born and raised in -- born and raised in
20 Sumter, and I work in Sumter now. That's where I
21 operate my law firm. I've been back there full-time
22 working since 2020. I have -- now I'm under contract
23 on a home in Sumter. When I started this process, it
24 was always my intention to move back if I was
25 elected, of course. But now, with my wife's support,

1 we've decided as a family that we're moving no matter
2 what. As of about a week ago, we're under contract
3 on a house downtown Sumter, so we're really, really
4 excited about moving back. So this process has sort
5 of crystallized our intention as a family, and I'm
6 really excited about the opportunity to move home.
7 It's where my father lives, my sister, where my
8 wife's family lives as well. So Sumter is my home,
9 and we are moving back.

10 **Q. Thank you.**

11 MS. TRASK: Mr. Chairman, I note for the record that
12 based on the testimony contained in the
13 candidate's PDQ, which has been included in the
14 record with the candidate's consent, Edwin
15 Thompson Kinney meets the statutory requirements
16 for this position regarding age, residence, and
17 years of practice.

18 **Q. Mr. Kinney, why do you want to serve as a family**
19 **court judge, and why do you feel that your legal and**
20 **professional experience qualify and will assist you**
21 **to be an effective judge?**

22 A. Well, I want to serve as a family court judge because
23 I really feel called to serve my community, our
24 state, and the legal community. When this came open
25 -- you know, I had thought about it in the past, but

1 it wasn't something that really was on my radar until
2 I found out that Judge Bultman's seat was coming open
3 because of his retirement. And I -- you know, I
4 really felt called to put my hat in the ring and to
5 offer myself for service, and I'm very excited about
6 the opportunity. I feel like I have really broad
7 experience in family court. I've done pretty much
8 everything there is to do in family court. You know,
9 private cases, divorces, child custody. I've
10 represented a lot of litigants in family court. I
11 serve as a guardian ad litem in a lot of contested
12 custody cases. I'm a certified family court
13 mediator, and I've done a lot of mediations. I have
14 a lot of experience in DSS cases. For five years I
15 was a contract attorney where I represented parents -
16 - appointed to represent parents in abuse and neglect
17 and TPR cases. And also I was a former criminal
18 defense attorney. I did contract cases and criminal
19 defense, including juveniles. And now I'm the
20 juvenile prosecutor in Sumter on a part-time basis.
21 So I run the juvenile docket in Sumter and now
22 Clarendon County as of a month ago. I run the
23 juvenile docket. I prosecute all cases in juvenile
24 court for about a year now in Sumter County. So I
25 really feel like I have a wide experience in family

1 court, and I've really done everything there is to do
2 in family court. And lastly, I feel like I have the
3 temperament to be a judge. You know, I'm really
4 excited about the opportunity. And even though I
5 wasn't looking for this job, I really felt called for
6 the opportunity. And I think it's a vocation and a
7 career where it would be very fulfilling. And it's
8 something that I could devote myself to and become
9 the best family court judge that I could be.

10 **Q. Mr. Kinney, are there any areas of the law for which**
11 **you would need additional preparation in order to**
12 **serve as a family court judge? And how would you**
13 **handle that additional preparation?**

14 **A.** Well, as I said before, you know, I've been fortunate
15 to have experience in all areas of family court. But
16 one area where I don't do as much just because of my
17 geography being in Sumter, the high net worth
18 divorces. I've certainly handled some, but I haven't
19 had as much experience with those. However, I think
20 I have the knowledge of the law and the concepts to
21 divide, you know, property and debt, and I've done a
22 lot of that. But I think that's an area where, you
23 know, I would really rely on the litigants and the
24 attorneys appearing in front of me and would be able
25 to, you know, get up to speed and would be able to

1 serve, you know, those types of cases as well.

2 **Q. Please briefly describe your experience in handling**
3 **complex contested family court matters and**
4 **specifically discuss your experience with the**
5 **financial aspects of family court work.**

6 A. So I've been involved in a lot of really complex
7 child custody cases. I've been a -- you know, I've
8 been a guardian ad litem in several cases where
9 relocation was an issue, where people were trying to
10 relocate across the world, literally across the world
11 to Guam in one case, and, you know, relocate to
12 another state. And so those have been some very
13 contested cases I've been a part of. Also cases
14 where one parent is alleged to be unfit, and they're
15 dealing with psychological experts, custody
16 evaluators, and things like that. So I have a lot of
17 experience in custody, really complex custody cases.
18 I also have experience being in Sumter and dealing
19 with a lot of military divorces, where we're dealing
20 with division of military retirements, division of,
21 you know, thrift savings plans, and those cases also
22 bring a certain level of complexity, knowing that
23 families are going to get PCS'd to a new location in
24 a certain number of years. So those cases in
25 particular, in my practice, have been some of the

1 most complex that I've dealt with. And I feel like I
2 have really valuable experience in the military side
3 of things as well.

4 **Q. Mr. Kinney, the Commission received 153 ballot box**
5 **surveys regarding you with 22 additional comments.**
6 **The ballot box survey, for example, contained the**
7 **following positive comments. He is an outstanding**
8 **lawyer with the right blend of intelligence and**
9 **temperament to be an excellent family court judge.**
10 **And he has a reputation of being very fair and**
11 **trustworthy.**

12 MS. TRASK: I would note that the Pee Dee Citizens
13 Committee found Mr. Kinney qualified in the
14 evaluative criteria of constitutional
15 qualifications, physical health, and mental
16 stability. The committee found him well
17 qualified in the evaluative criteria of ethical
18 fitness, professional and academic ability,
19 character, reputation, experience, and judicial
20 temperament.

21 **Q. For some housekeeping matters. Mr. Kinney, are you**
22 **aware that as a judicial candidate, you are bound by**
23 **the Code of Judicial Conduct as found in Rule 501 of**
24 **the South Carolina Appellate Court Rules?**

25 **A. Yes, ma'am.**

1 Q. Since submitting your letter of intent, have you
2 contacted any members of the Commission about your
3 candidacy?

4 A. No, I have not.

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

8 A. Yes, ma'am.

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

13 A. No, ma'am.

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

18 A. No, ma'am.

19 Q. Have you reviewed and do you understand the
20 Commission's guidelines on pledging in South Carolina
21 Code Section 2-19-70E?

22 A. Yes, ma'am.

23 MS. TRASK: I would just note for the record that any
24 concerns raised during the investigation
25 regarding the candidate were incorporated into

1 the questioning of the candidate today. Mr.
2 Chairman, I have no further questions.

3 CHAIRMAN RANKIN: All right, questions by members of
4 the Commission? Senator Garrett.

5 EXAMINATION

6 BY SENATOR GARRETT:

7 Q. Thank you. Thank you for offering for this most
8 important job. What's your general thoughts about
9 joint custody, custody just generally? Tell me about
10 the statute first, and then tell me how you, in all
11 of your fights -- by now, I guess you've probably
12 got, what, 50 or so in custody battles under your
13 belt?

14 A. Yes, sir. You know, in my experience, I think, you
15 know, joint custody is something that people often
16 agree to, and that's sort of, in my experience, the
17 most common way it comes about by agreement. I know
18 there is case law out there and a feeling among many
19 judges that joint custody is not favored. And if you
20 go to a trial, that's a real risk that litigants
21 face, in that one parent is going to have -- the
22 Court is encouraged to give one parent, you know, the
23 final say on major decisions. And so I actually did
24 a mediation with a retired judge recently who had a
25 case overturned on that specific topic, and that is

1 an issue that I've dealt with a lot. And in my view,
2 I would be very careful to follow the law on that,
3 the statutory law and the case law. However,
4 oftentimes I do think when a case gets to trial and
5 it's not settled and there is that much conflict
6 between parents, you know, I think sometimes it is
7 prudent for one parent to have the authority, the
8 decision-making authority, and that is inherent in
9 sole custody. But I do think that oftentimes people
10 misunderstand the idea of custody and conflate it
11 with visitation. And so I think as a judge it's
12 important to keep those two issues separate. You
13 know, have the authority lane, which is custody, and
14 then a parenting plan and time with the child. But I
15 do -- it is something I see a lot, and I think it's
16 something that most of the time it comes out of an
17 agreement, frankly. That is my experience with --

18 **Q. Well, they're parents before they come to you, and**
19 **actually sometimes it's almost like judges don't need**
20 **to tell people how to raise their children, but you**
21 **have some situations where they're going to fight**
22 **about it regardless.**

23 **A. Yes, sir.**

24 **Q. And so you have to make decisions, of course, what's**
25 **in the child's best interest.**

1 A. Yes.

2 **Q. I'm working on some adoption things and otherwise,**
3 **and the first thing we do is we go to the natural**
4 **parents, then we go to biological, and then we go to**
5 **psychological.**

6 A. Yes, sir.

7 **Q. What's your thoughts about a psychological parent?**

8 A. Senator, I think there's certain -- I have come
9 across that in relative custody and grandparent
10 custody is the way that grandparents get custody
11 often.

12 **Q. Do they have rights, grandparents, in South Carolina?**

13 A. The grandparent rights are very limited, Senator. I
14 mean, there is a statute. However, it is, I know
15 from personal experience of a case I had recently,
16 that it is very hard for grandparents to get
17 visitation with a --

18 **Q. Once every 90 days, and then also if they fail, they**
19 **can get hit with attorney fees.**

20 A. Right. I believe the law -- the statutory law and
21 the case law is pretty clear that the grandparents,
22 in order to get court order visitation when there is
23 a fit parent, you have to meet a very, very high
24 burden. I've never seen it met, frankly, in my
25 experience. Grandparents have -- grandparents'

1 rights come through the parents, and that's really
2 the way it should be.

3 **Q. It's lineal, as they call it.**

4 A. Yes, sir. There's a constitutional right to raise
5 your children how you see fit, and including not
6 seeing your grandparents if that's the parent's
7 decision. I think there's very rare circumstances
8 where a grandparent would get court ordered
9 visitation.

10 **Q. Okay.**

11 A. Yes, sir.

12 **Q. And then we're trying to move the adoption thing a
13 little faster.**

14 A. Yes, sir.

15 **Q. We're trying to draw a law. Of course, you're not in
16 the position of legislating from the bench. You
17 recognize that.**

18 A. Yes, sir.

19 **Q. You have to follow the letter of the law. But I'm
20 just interested in the 50 or so cases that you've
21 probably tried. It's the question of we're trying to
22 speed up termination of parental rights, go to the
23 natural parent if at all possible,--**

24 A. Yes, sir.

25 **Q. -- then to the biological, either side --**

1 A. Yes, sir.

2 Q. -- of the biological parents, then go to a
3 psychological parent, and then also go to a
4 third-party adoption.

5 A. Yes, sir.

6 Q. And try to do these all on the same path. So when a
7 judge makes a decision that the parents aren't going
8 to get the child and then makes a decision that the
9 biological, there's nobody there, and then there's no
10 psychological parent.

11 A. Yes, sir.

12 Q. And then now we've got a third party. So if all that
13 was being done at the same time through the same
14 guardian ad litem, who has the first responsibility
15 to the child, --

16 A. Yes, sir.

17 Q. -- wouldn't that speed up the process?

18 A. Yes, sir. It sounds like it would.

19 Q. Okay. It's something that we're working on to try to
20 help. But, again, those of us who have been in the
21 trenches fighting these custody things. Thank you
22 for offering. Custody is a tough thing, and our
23 first responsibility is always, make sure you
24 remember this, is the best interest of those
25 children. I don't care about the parents when I'm in

1 the courtroom.

2 A. Yes, sir.

3 Q. I really care about the babies.

4 A. Yes, sir.

5 CHAIRMAN RANKIN: Mr. Safran.

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

7 EXAMINATION

8 BY MR. SAFRAN:

9 Q. Just very briefly. I've read the ballot boxes, and I
10 think they're really great.

11 A. Yes, sir.

12 Q. And it's also very telling when somebody who is
13 working in a position as DSS or an assistant
14 solicitor, is getting compliments from people who are
15 on the other side. Let's just be honest about that.

16 A. Yes, sir.

17 Q. And you seem to be very articulate. I mean, they
18 talk about your candor, your intelligence, and your
19 reasonableness, which are all positive. You can
20 check those boxes. I just have a question. You're
21 not even 40. You're practicing 11 years.

22 A. Yes, sir.

23 Q. Effectively, you're asking, eventually, for a job
24 that you'll effectively keep the rest of your working
25 life, okay.

1 A. Yes, sir.

2 **Q. Why should we do that?**

3 A. Well, Mr. Safran, I feel like I'm -- I felt called to
4 put myself out there. I felt like I would be -- I
5 love my law practice. I love running a law firm. I
6 love practicing law. But this is probably the one
7 thing that I would give that up for. And one of the
8 things I really would be able to focus, and not have
9 to worry about bringing in new clients and worry
10 about balancing the books and the staff. I just love
11 the idea of being able to devote myself into growing
12 into a role because I would have to grow into it.
13 You're right. I'm 38, and I'm on the younger end of
14 people seeking this job. But it really excites me to
15 be able to, you know, develop into a great family
16 court judge who could serve the rest of my career and
17 could make an impact on the legal community in our
18 state.

19 **Q. Let me ask you just -- I heard some comments during**
20 **this week that made it sound like I'm tired of the**
21 **pressure and the hullabaloo of doing the day-to-day**
22 **practice of law. Do you really envision that it's**
23 **going to be any easier once you get on the bench?**

24 A. I don't. I think it will be different. I think -- I
25 think there's a very real weight -- a weightiness, if

1 you will, and pressure that comes with being a family
2 court judge or any type of judge, but especially when
3 you see -- you know, when you deal with children. I
4 do think it will be a different type of work, which
5 excites me, but I agree with you. I don't think it's
6 going to be some break. I think it's just going to
7 be a different set of challenges, and that's exciting
8 to me at this point in my career. But, again, I
9 think I have two good outcomes, and I'm fortunate to
10 be in that position where I like what I do, but I
11 really want this as well.

12 **Q. Let me ask you lastly.**

13 A. Yes, sir.

14 **Q. And it's not about you per se. I have sat here as**
15 **somebody who dabbled in family court many years ago**
16 **and wouldn't be caught dead there now. Hearing from**
17 **family court judges who seem very, very regimented**
18 **and almost obsessed with the idea of the time**
19 **limitations that get put on the schedule.**

20 A. Yes, sir.

21 **Q. And at times I've asked them, well, I don't think I'm**
22 **that far removed, and I always understood that that**
23 **first hearing, for instance, that temporary hearing**
24 **is likely going to set 95 percent of the tone of**
25 **what's going to happen at the end, okay.**

1 A. Yes, sir.

2 Q. And yet we're looking at the clock.

3 A. Right.

4 Q. We're not even letting lawyers, some of these judges,
5 open their mouths to even make an argument. That's
6 what they're being paid for.

7 A. Yes, sir.

8 Q. That's what they're hired for. And effectively it
9 may boil down to who's got the best ability to write
10 a good affidavit.

11 A. Yes, sir.

12 Q. I mean, what do you think in terms of priority? I
13 mean, is it a matter of making sure the train runs on
14 time, or is it a matter of saying, no, I'm here to
15 try to be fair and do some justice today, knowing the
16 implications that are going to come from this first
17 hearing?

18 A. Yes, sir, I think you're exactly right. I think
19 there's a balance there. I mean, there's one thing
20 to be on time -- start on time and try to keep on
21 schedule. But I agree with you that -- the way I
22 would like to think I would operate is that I would
23 prioritize the serious issues of the day. And one
24 thing I've seen done is schedule it for later that
25 week. Reset -- like we're going to take it -- we're

1 going to stop right now, and y'all come back on
2 Friday. You know, family court has a -- especially
3 in my home county, you know, there's not a lot done
4 on Friday afternoons, and that's not the world I live
5 in now, and I'd be willing to come back. So I think
6 that's one, being flexible with the schedule as a
7 judge, saying that oh, if we don't finish right now,
8 but y'all come back later and we'll argue. Or
9 setting another temporary hearing. Judge Jarrett,
10 who's a sort of mentor of mine, he does this thing
11 where on a super contested custody case, he'll
12 appoint a guardian ad litem and he'll set another
13 supplemental hearing within 45 days where it's not
14 like this oh, y'all come back if you want to, but
15 it's like no, we're doing it in 45 days. He'll call
16 the guardian, and he's called me on my cell phone and
17 said can you do this? Do a preliminary investigation
18 and we'll come back. So I think that's a way to
19 alleviate that is to sort of, for a judge to be aware
20 when this -- because I agree with you that temporary
21 hearings can set the tone for a case. And giving
22 them 15 minutes cut off, you know, read these
23 packets, where people are saying completely opposite
24 things, I don't -- I don't like -- think that's a
25 great way to do things. So I think there's ways that

1 the judge can help solve that problem.

2 Q. And what struck me when we went through this process
3 some years ago, it seems like this year is when all
4 of the family court judges are coming back through.

5 A. Yep.

6 Q. And I asked the question a lot. Candidly, the judges
7 who gave me the response similar to what you're
8 saying are the ones that are pretty well held out as
9 being the best.

10 A. Yes, sir.

11 Q. They say, you know what, I don't care about the time.

12 A. Right.

13 Q. We'll do what we have to do. If we've got to come
14 back, we come back. But, I mean, I think they looked
15 at it as a matter of saying hey, I'm here to deal
16 with the substance of the litigation as opposed to
17 making sure, you know, that I'm walking out of here
18 at a certain hour.

19 A. Yes, sir. I know different counties are different
20 with -- I mean, Greenville, probably from 9:30 to
21 5:00, there's a hearing schedule with an hour for
22 lunch. But luckily in our circuit, time is a little
23 more flexible. So there's really no excuse in my
24 opinion for, you know, cutting it off when serious
25 issues are being -- need to be considered.

1 Q. Last question. You seem to be a very caring person.
2 You seem to be thoughtful. I seem to get the
3 impression in listening, some of these people come
4 out of a family court situations and they're upset,
5 and necessarily somebody is not going to get what
6 they want in there often. But I think what makes it
7 worse is they don't feel like somebody is really kind
8 of listening. They don't feel like somebody is
9 really hearing hey, this is the worst of my life is
10 going on right now.

11 A. Yes, sir.

12 Q. At least showing some level of concern.

13 A. Yes, sir.

14 Q. And I understand when you've got 20 cases that are
15 set. You know, there's a tendency and a temptation,
16 you know, to make it like next in line, next in line.

17 A. Yes, sir.

18 Q. But that's not the role of family court judges.

19 A. No, sir. I think it's very important to remember
20 these are real people. And, you know, the ultimate
21 responsibility is to apply the law fairly and do
22 justice, but it doesn't mean you can't be kind to
23 people and treat them with respect.

24 Q. At least let them know that you understand what's at
25 stake.

1 A. Yes, sir.

2 MR. SAFRAN: Thank you.

3 CHAIRMAN RANKIN: Ms. McIver.

4 MS. MCIVER: Thank you, Mr. Chairman. I don't know
5 Mr. Kinney as well as some of his older
6 siblings. I'm a good bit older, but I am from
7 the same hometown, and I have asked his mother
8 and father before if they could please give me
9 the manual for what they did to raise such
10 outstanding children. All of these Kinney
11 children are just outstanding. Thompson's older
12 sister taught my children at the school where
13 they go, coached basketball, and they really are
14 just excellent leaders. I'm thrilled to hear
15 you're moving back to Sumter. That's wonderful
16 news. And I did want to point out some of your
17 letters of recommendation that I saw. You had
18 one from Joe McElveen, who is a former mayor in
19 Sumter. His son served in the Senate, Thomas
20 McElveen, for quite some time. Mayor McElveen
21 had wonderful things to say about you, as did
22 Brian McLeod, who is with John McDougall's
23 practice over in Sumter, and he is a very
24 well-thought-of attorney in the Sumter
25 community. Eddie Donald, who is the public

1 defender. He and I actually practiced in the
2 family court together before I ran, like Mr.
3 Safran did, away from the family court. But I
4 know that Eddie knows what it takes to be a good
5 family court lawyer and a good family court
6 judge, and so I want to commend you for the work
7 that you've done. Thank you for coming back to
8 Sumter.

9 MR. KINNEY: Yes, ma'am.

10 MS. MCIVER: We need -- we need good lawyers and good
11 judges and good families, so I look forward to
12 having y'all back in the Sumter community, and I
13 want to thank you for running.

14 MR. KINNEY: Thank you so much.

15 CHAIRMAN RANKIN: All right. Unless there are any
16 other questions, this will close this portion of
17 the screening process. Mr. Kinney, you, having
18 not done this before, surely know what is
19 required, though, and you understand that we
20 could call you back if there was any question of
21 a violation or the appearance of impropriety
22 regarding our ethics laws in our state.

23 MR. KINNEY: Yes, sir.

24 CHAIRMAN RANKIN: The formal release of the report of
25 qualifications does not come out until later.

1 The record will remain open, and I need you to
2 affirmatively state that you do understand that.

3 MR. KINNEY: Yes, Mr. Chairman, I understand.

4 CHAIRMAN RANKIN: Very well. All right, thank you so
5 much for offering.

6 MR. KINNEY: Thank you.

7 CHAIRMAN RANKIN: And nice to meet your wife and then
8 that other guy. That would be your brother.

9 MR. KINNEY: Yes, sir.

10 CHAIRMAN RANKIN: We've seen him before. Also a nice
11 guy.

12 MR. KINNEY: Yes, sir.

13 CHAIRMAN RANKIN: Y'all have a great day.

14 MR. KINNEY: Thank you so much. Thank y'all.

15 CHAIRMAN RANKIN: We'll go off the record for Judge
16 Khoury, I believe, is next.

17 (Off the record)

18 CHAIRMAN RANKIN: Judge, good morning.

19 JUDGE KHOURY: Good morning.

20 CHAIRMAN RANKIN: Please raise your right hand.

21 COREEN KHOURY, having been first duly sworn, was
22 examined and testified as follows:

23 CHAIRMAN RANKIN: Thank you. State your name for the
24 record.

25 JUDGE KHOURY: My name is Coreen Khoury.

1 CHAIRMAN RANKIN: Welcome back. You brought a guest
2 with you today.

3 JUDGE KHOURY: I did. My husband, Jeff Hammond.

4 CHAIRMAN RANKIN: Nice seeing you again, sir. Thank
5 you so much.

6 MR. HAMMOND: Good to see you.

7 CHAIRMAN RANKIN: You have the PDQ and the sworn
8 statement. Are those ready to be introduced
9 into the record?

10 JUDGE KHOURY: Yes, sir.

11 (EXHIBIT NO. 6 MARKED FOR
12 IDENTIFICATION PURPOSES (15
13 pages) PDQ)

14 (EXHIBIT NO. 7 MARKED FOR
15 IDENTIFICATION PURPOSES (6 pages)
16 Sworn Statement)

17 CHAIRMAN RANKIN: Very well. They will be marked and
18 introduced. You know this process, and you know
19 what we do, what we try to do, and how we try to
20 improve and make the bench a better bench. We
21 have to focus on these nine evaluative criteria,
22 which includes the ballot box survey, thorough
23 study of your application materials, the
24 verification of your compliance with the state
25 ethics laws, search of newspaper articles in

1 which your name appears, check for economic
 2 conflicts of interest, and previous screenings.
 3 The process involves all these touches. Ms.
 4 Baker has been your attorney shepherding you
 5 through this, so I'm going to turn it over to
 6 her for questions and then any members of the
 7 commission that would like to ask questions
 8 themselves. No objections, no complaints have
 9 been filed, and thus your husband is the only
 10 witness here today to this proceeding. Thank
 11 you, Ms. Baker.

12 MS. BAKER: Thank you, Mr. Chairman.

13 EXAMINATION

14 MS. BAKER:

15 **Q. Judge Khoury, after serving over ten years on the**
 16 **family court, why do you want to continue serving as**
 17 **a family judge?**

18 **A.** I feel like I have the skill set, the experience now,
 19 and also the temperament to be able to continue to do
 20 the things that I've done over the last ten years and
 21 will continue to do my best over the next six,
 22 hopefully.

23 **Q. Thank you, Judge. Judge Khoury, in your previous**
 24 **screenings, you have been asked if there are any**
 25 **concerns or conflicts with your husband serving as**

1 the clerk of court, and you informed the commission
2 that there had not been any issues and no one had
3 raised any concerns. Since your last screening, have
4 you encountered any concerns or conflicts related to
5 your position as a judge and your husband's position
6 as clerk of court?

7 A. The only thing that I've had over the last six years,
8 I did have a lawyer come in who had indicated that
9 the opposing attorney had the last name of Hammond,
10 and the only thing they asked was were they related.
11 That attorney was from Greenville. We were not
12 related in any fashion whatsoever. But that is the
13 only comment, and Jeff has the great fortune this
14 year of retiring in December, so he did not have to
15 go through an election. So for the next six years,
16 he won't even be the clerk anymore.

17 Q. Thank you, Judge. Judge Khoury, you've indicated in
18 your PDQ that since your last screening, a lawsuit
19 was filed against you in 2023 in the Court of Common
20 Pleas Sixth Judicial Circuit by Jovan Keaton. Can
21 you please explain the nature and disposition of the
22 suit?

23 A. Yes. That was a litigant who filed a lawsuit because
24 I set child support. He did not believe I had the
25 authority to set child support, and then it indicated

1 that he had lost some land deal because of having to
2 pay child support. The case was actually dismissed
3 on a motion.

4 **Q. And Judge Khoury, you've also indicated in your PDQ**
5 **that since your last screening, a lawsuit was filed**
6 **against you in 2024 in the U.S. District Court by**
7 **Stephen Santos. Please explain the nature and the**
8 **status of the suit.**

9 A. That is a lawsuit in federal court where the litigant
10 believes that the best interest of the child standard
11 is not the standard that should be used but should
12 instead consider the fitness of the parent.
13 Currently, that action is still pending, and there
14 are motions to dismiss not only my case but the three
15 other defendants in that matter also. So it's still
16 pending.

17 **Q. Thank you. And, Judge, what do you think your**
18 **reputation is among the attorneys that practice**
19 **before you?**

20 A. I think that I have a good reputation. I think they
21 consider me to be fair. I think they consider my
22 temperament to be okay. The only really sort of
23 complaints I've gotten is sometimes I let things go
24 on a little bit too long, maybe overly nice at times,
25 but I sort of err on the side of caution. I'd rather

1 be overly nice than cutting off people and thinking
2 they may not have their day in court.

3 Q. Judge Khoury, the commission received 320 ballot box
4 surveys regarding you with 42 additional comments.
5 The ballot box survey, for example, contained the
6 following positive comments. Judge Khoury is an
7 excellent judge. While she runs in no-nonsense
8 courtrooms, she does it in a respectful and courteous
9 manner. Great judicial temperament, she's simply an
10 outstanding person and judge. None of the written
11 comments expressed concerns. They were all positive.

12 MS. BAKER: I would note that the Piedmont Citizens
13 Committee found Judge Khoury qualified in the
14 evaluative criteria of constitutional
15 qualifications, physical health, and mental
16 stability. The committee found her well
17 qualified in the evaluative criteria of ethical
18 fitness, professional and academic ability,
19 character, reputation, experience, and judicial
20 temperament. The committee stated in summary,
21 Judge Khoury is a conscientious, dedicated
22 public servant who brings a wealth of family law
23 experience to the family court bench. The
24 committee strongly recommends that she be
25 reelected to another term of service.

1 Q. Judge, I just have a few housekeeping questions for
2 you.

3 A. Yes, ma'am.

4 Q. Since submitting your letter of intent, have you
5 contacted any members of the commission about your
6 candidacy?

7 A. I have not.

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

11 A. I am.

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

16 A. I have not.

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

21 A. I have not and I'm not aware.

22 Q. Have you reviewed and do you understand the
23 commission's guidelines on pledging in South Carolina
24 Code Section 2-19-70(E)?

25 A. I do.

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

6 CHAIRMAN RANKIN: Okay. Members of the commission?
7 Mr. Strom?

8 MR. STROM: Thank you, Mr. Chairman. Good morning,
9 Judge.

10 JUDGE KHOURY: Good morning.

11 MR. STROM: Judge, we've spent a lot of time this
12 week with judges who have deficiencies. We were
13 here until 7:30 last night and I want to report
14 to you, I don't see deficiencies. You're doing
15 an excellent job. As far as I'm concerned, I
16 don't have any questions, and all I have to say
17 is keep up the good work.

18 JUDGE KHOURY: Thank you. Appreciate it.

19 MR. STROM: And we want to save our time for others
20 we need to focus on.

21 JUDGE KHOURY: Thank you.

22 MR. STROM: Thank you.

23 JUDGE KHOURY: Yes, sir.

24 CHAIRMAN RANKIN: Mr. Safran.

25 MR. SAFRAN: Thank you, Mr. Chairman. Let me echo

1 what Mr. Strom said. I want to tell you this.
2 He and I both sat through a number of these
3 things over a lot of years, and what we see when
4 we see your resume, your record, is phenomenal,
5 okay? High praise when people don't say
6 anything negative, when they have every
7 opportunity to do it and nobody knows, okay?
8 You're doing a super job. And you are really
9 comparatively, when you see what other people
10 say about some of the other judges, you are
11 standing out in a way that very few do. So I
12 don't think you might truly appreciate it
13 because you're kind of humble anyway, but
14 understand this. It's real, and you should be
15 very proud of yourself, and I'm sure you are,
16 because what you're doing sets an example.

17 JUDGE KHOURY: Thank you.

18 MR. SAFRAN: And keep doing it.

19 JUDGE KHOURY: Thank you.

20 CHAIRMAN RANKIN: Ms. Blackley.

21 MS. BLACKLEY: Good morning.

22 JUDGE KHOURY: Good morning.

23 MS. BLACKLEY: So good to see you.

24 JUDGE KHOURY: You too.

25 MS. BLACKLEY: I want to echo what Andy just said. I

1 know I've had the pleasure of working with you
2 directly and it was always a pleasure. Your
3 ballot box comments are just wonderful. But I
4 would have to say, personally, you're just an
5 impeccable woman for putting up with him. I do
6 want to -- it's good to see you, Jeff.

7 MR. HAMMOND: Good to see you.

8 MS. BLACKLEY: Great counterpoint. I learned a lot
9 from him when I was working with him. Thank you
10 for coming back and offering yourself up again.

11 JUDGE KHOURY: Thank you.

12 CHAIRMAN RANKIN: All right, Judge, you can't get
13 much better.

14 JUDGE KHOURY: Okay.

15 CHAIRMAN RANKIN: Except out of here.

16 JUDGE KHOURY: Thank you.

17 CHAIRMAN RANKIN: But you can't leave yet. You know
18 the process here includes our adherence to both
19 the letter and the spirit of ethics law. Any
20 violation on your part or the appearance of
21 impropriety would warrant us calling you back,
22 because you know that the record is not closed
23 until the formal release of the report of
24 qualifications, correct?

25 JUDGE KHOURY: Correct.

1 CHAIRMAN RANKIN: Thank you for being here early.

2 JUDGE KHOURY: Thank you.

3 CHAIRMAN RANKIN: And thank you for your service with
4 a smile. And I can't help but believe all these
5 folks are saying all these kind of things about
6 you. If they were thinking them, that smile
7 just melts them into contentment, peace, and
8 acceptance of what you're doing in that
9 courtroom.

10 JUDGE KHOURY: Thank y'all.

11 CHAIRMAN RANKIN: Take care. Y'all have a great day.

12 JUDGE KHOURY: Bye-bye. Appreciate it.

13 (Off the record)

14 CHAIRMAN RANKIN: Good morning.

15 JUDGE MOSS: Good morning.

16 CHAIRMAN RANKIN: Judge, how are you today?

17 JUDGE MOSS: Good, thank you.

18 CHAIRMAN RANKIN: We so thank you for being here
19 early and appreciate your running for
20 re-election. Let me start by having you raise
21 your right hand.

22 ANGELA MOSS, having been first duly sworn, was
23 examined and testified as follows:

24 CHAIRMAN RANKIN: You have two documents ready to
25 enter into the record, the PDQ and the sworn

1 statement.

2 JUDGE MOSS: Yes, sir.

3 CHAIRMAN RANKIN: Any objections for us including
4 them?

5 JUDGE MOSS: No, sir.

6 (EXHIBIT NO. 8 MARKED FOR
7 IDENTIFICATION PURPOSES (14
8 pages) PDQ)

9 (EXHIBIT NO. 9 MARKED FOR
10 IDENTIFICATION PURPOSES (6 pages)
11 Sworn Statement)

12 CHAIRMAN RANKIN: As a prior candidate and a sitting
13 judge, you know our process here by which we
14 look at your candidacy and the nine evaluative
15 criteria that we followed, which includes a
16 ballot box survey, thorough study of your
17 application materials, verification of your
18 compliance with the state ethics laws, a search
19 of previous screenings, search of newspaper
20 articles in which your name appears, and a check
21 for economic conflicts of interest. No
22 complainants and therefore no affidavits and
23 therefore no witnesses are here to testify
24 against you. You have met Ms. Baker, know Ms.
25 Baker. She's going to ask some questions and

1 perhaps other members of the commission, and so
2 we're going to turn it over to her. But thank
3 you for being here this morning.

4 JUDGE MOSS: And thank you for all that good news you
5 just gave me too. Yes, ma'am.

6 MS. BAKER: Thank you, Mr. Chairman.

7 EXAMINATION

8 MS. BAKER:

9 **Q. Good morning, Judge Moss. After serving for three**
10 **years on the family court bench, why do you want to**
11 **continue serving as a family court judge?**

12 A. I consider it an honor and a privilege to serve as a
13 family court judge. It has been such a meaningful
14 and challenging role. Every day I go to work, I'm
15 excited to go to work. It's never dull, as you
16 probably can imagine. It's never dull, and the
17 effects of family court are far-reaching, and I do
18 not take that responsibility lightly. The things
19 we're dealing with in family court are things that
20 are most precious to people. We're dealing with
21 their children, their hearts, and their money, and
22 those are so important and so precious to people, and
23 I do not take that lightly at all. And I do
24 appreciate the opportunity and would like to continue
25 if you see fit.

1 Q. Thank you, Judge Moss. Your SLED report listed
2 several lawsuits for another individual named Angela
3 Moss. You shared with the commission that out of the
4 matters listed, there was only one suit within the
5 packet in the U.S. District Court filed by Jerry
6 Wayne Smith, and that you and the law partner you
7 worked for at the time were listed as attorneys in
8 the matter. Is that a correct description of your
9 SLED report at this point?

10 A. Yes. Yes, it is.

11 Q. Thank you. Judge Moss, what do you think your
12 reputation is among the attorneys that practice
13 before you?

14 A. Well, I would hope that people would see me as
15 empathetic, unbiased, even-tempered, and
16 approachable, and that's what I would hope my
17 reputation would be.

18 Q. Judge Moss, the Commission received 272 ballot box
19 surveys regarding you with 33 additional comments.
20 The ballot box survey, for example, contained the
21 following positive comments. Judge Moss listens
22 carefully and rules with wisdom and compassion. She
23 clearly cares for children, gives excellent guidance
24 to parties, and never yells at lawyers. Judge Moss
25 is thoughtful and deliberate. She is well-suited for

1 the bench. Four of the comments expressed concern.
2 The comments indicated that you made orders that
3 maybe contradict the law or the facts within a case.
4 How would you respond to that concern?

5 A. Well, I'm not going to say I'm perfect. However, I
6 do my very best to follow the law. My job is to put
7 on a lens and a filter of the law and filter the
8 facts through that and come to a decision. I don't
9 know at this point of any cases of mine that have
10 been reversed. I only know of one that's been
11 affirmed. If I do make a mistake, that's why we have
12 the Court of Appeals, and that gives me a lot of
13 comfort to know that if I miss it, they're my
14 backstop. They're going to fix it. But at this
15 point, I've not had any that have been reversed. And
16 so I do try my very best to do the right thing and
17 follow the law.

18 MS. BAKER: I would note that the Upstate Citizens
19 Committee found Judge Moss qualified in the
20 evaluative criteria of constitutional
21 qualifications, physical health, and mental
22 stability. The committee found her
23 well-qualified in the evaluative criteria of
24 ethical fitness, professional and academic
25 ability, character, reputation, experience, and

1 judicial temperament.

2 Q. Judge Moss, I just have a few housekeeping questions.

3 A. All right.

4 Q. Since submitting your letter of intent, have you
5 contacted any members of the Commission about your
6 candidacy?

7 A. No.

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

11 A. Yes.

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

16 A. No.

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

21 A. No, I'm not.

22 Q. Have you reviewed and do you understand the
23 commission's guidelines on pledging in South Carolina
24 Code Section 2-19-70, subsection E?

25 A. Yes.

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

6 CHAIRMAN RANKIN: Okay. Senator Garrett.

7 EXAMINATION

8 BY SENATOR GARRETT:

9 Q. Thank you for agreeing to continue to serve. You
10 have an excellent record.

11 A. Thank you.

12 Q. One thing that I see that's out here that's important
13 to some members of this body is temporary hearings.
14 And one of the comments was that you don't make snap
15 judgements. You read the material, you know. And
16 I'm assuming that you try to maintain the status quo,
17 if in any way possible, right there at the end.

18 A. Yes, sir. Unless there's a danger to the children or
19 unless there's some unusual circumstance, I do try to
20 keep things as calm and as peaceful for the children
21 as I can.

22 Q. And you've made clear that if someone disagrees with
23 your findings of fact or conclusions of law, they
24 have an opportunity to take it up on appeal.

25 A. Yes, sir. And I would welcome that because I am not

1 perfect, and I'm likely to make a mistake. And so
2 that does give me comfort knowing that there's a
3 whole appellate division waiting to fix any mistakes.
4 But I will not make mistakes intentionally. That
5 will be definitely unintentional.

6 Q. Well, the most important mistake that you can make in
7 family court, of course, there's children, and
8 custody, and visitation, and protecting. And
9 everything that I've read says that that has been
10 your exclusion of all others.

11 A. That's my goal.

12 Q. That's your job.

13 A. That's my goal. Yes, sir.

14 SENATOR GARRETT: Thank you for doing it and doing it
15 so well.

16 JUDGE MOSS: Thank you. Thank you so much.

17 EXAMINATION

18 BY SENATOR RANKIN:

19 Q. Real quick, Judge. And we all look at various
20 things. Obviously, you have, as Senator Garrett said,
21 a great reputation, overwhelming support of those who
22 have taken the time to anonymously say things about
23 you. Only two negative, which is a pretty good day
24 in court and a pretty good term of service thus far.
25 And so very quickly, you've listed five cases that

1 are most important to you. I don't want you to
2 diminish the other four, but Senator Saab asked this
3 of someone earlier this week. Those five, what was
4 it about them, not the facts of each, but what about
5 those five speaks to you that says, other than being
6 affirmed on appeal, that these are important to me?

7 A. I'm going to point out the Flowers case. I've
8 pointed that one out and then I can address the
9 others as well. But the Flowers case was a temporary
10 hearing where the mother of the child did not want
11 the father to have any contact with the child, but we
12 were able to fashion a visitation schedule where he
13 could work up to standard visitation. They ended up
14 co-parenting well together. It was beautiful, and
15 they ended up getting along great. They're raising
16 the child together. And so it reminded me that every
17 stage of our process is important. A temporary
18 hearing is not something to be overlooked. You set
19 the tone. You can set the trajectory of that case
20 from the very beginning, and it makes a difference.
21 And so when this father was given a chance, he was
22 able to prove himself, and that child is benefitting
23 from both parents. And then the other cases, there
24 was a couple of that -- there was one with an unusual
25 jurisdictional issue that made me dig in and really

1 research. It reminded me I do not know everything.
2 I have lots to learn. And so that helped me remember
3 that. The other case is dealing with a lot of pro se
4 clients -- pro se litigants, and that is a different
5 situation, a different experience, and that's just
6 really good to help me remember everybody is not
7 familiar with the law and that we need to make it
8 accessible to as many people as we can. And it was
9 just really good for me to be in a four day trial
10 with a pro se litigant. That was really good for me
11 as a judge to help me grow and learn and develop, and
12 I hope she felt that she was heard and seen in that
13 case.

14 **Q. You described Flowers as setting the tone and the**
15 **tenor and the trajectory of great parenting. What if**
16 **the parents aren't so receptive to peace. And you**
17 **have to speak to the parents when children are**
18 **involved, and I don't want to hear the spiel, but if**
19 **tone and tenor aren't received, how do you**
20 **communicate to a parent to look out for the kids in**
21 **terms of how you speak of and treat your ex-wife or**
22 **ex-husband after they leave your courtroom and pray**
23 **never to be seen again?**

24 **A. Oftentimes I remind them, and I'll look to the man**
25 **and say Sir, out of all the women in the world, this**

1 is the woman you chose to be the mother of your
2 children. And ma'am, out of all the men in the
3 world, if you could have chosen any of them, this is
4 the man you chose to be the father of your children.
5 So if you have a problem with each other, look in
6 the mirror, because you made that decision. And I
7 try to help them remember that so that they will see
8 that they do bear some responsibility and that they
9 do need to think about their own actions in order to
10 do the best for the children. And I remind them,
11 this is their children. This is their only
12 childhood. This is the only chance they have to get
13 it right, and you only get one chance at this
14 childhood. Let's make it a memorable and wholesome
15 and good childhood for these children. You can
16 co-parent separately well. You can do it. It's done.
17 And we don't see a lot of those in our courts because
18 they're not there. They're not the ones with the
19 problems. But it's done every day across our state,
20 and people can do that well. And so I try to
21 encourage them to remember that. At one point, you
22 did see something good in that other party. At one
23 point, you saw something good. Dig in, remember
24 that, and do that. Look for the good for the good of
25 your children.

1 CHAIRMAN RANKIN: That's beautiful. All right, any
2 other questions?

3 MR. STROM: Thank you, Mr. Chairman. And you don't
4 need to respond to this. I just want to point
5 out, and I'm doing this to a lot of the family
6 court judges, the two issues I hear more about
7 as far as complaints about family court judges
8 are not allowing them to speak at temporary
9 hearings, the client's paid, or it's a lot of
10 money to put these packets together and they
11 come to court and then the lawyers don't have an
12 opportunity to say anything and the clients
13 don't feel well served, feel like they've
14 overpaid. Why is my lawyer here if he doesn't
15 have an opportunity or she doesn't have an
16 opportunity to say anything. And the other
17 issue is the clock is always tight. Everything
18 is scheduled, and one lawyer will speak longer
19 than the other, and will run out of the clock,
20 and then the motion has to be continued. And,
21 you know, those are issues that I think need to
22 be monitored, and I encourage you to think about
23 both of those as you move forward.

24 JUDGE MOSS: Yes, sir, and I do try to allow for
25 that. Thank you.

1 MR. STROM: Thank you, Mr. Chairman.

2 CHAIRMAN RANKIN: Ms. Blackley.

3 MS. BLACKLEY: Good morning.

4 JUDGE MOSS: Good morning.

5 MS. BLACKLEY: I don't have any questions. I just
6 want to make a remark in regards to Judge Moss
7 and I used to work together prosecuting people
8 who harm children --

9 JUDGE MOSS: That's right.

10 MS. BLACKLEY: -- when she was assistant solicitor.
11 So I know -- I know her heart, especially when
12 it comes to children and family. And I just
13 wanted to say thank you for bringing yourself up
14 again. Thank you.

15 JUDGE MOSS: Thank you. Thank you. I appreciate
16 that.

17 CHAIRMAN RANKIN: All right, Judge, thank you so
18 much. This will conclude this portion of the
19 screening process. You know that we are
20 sticklers for both adherence to the letter and
21 spirit of the state ethics law. Any violation
22 or the appearance of impropriety on your part
23 would warrant us calling you back because, as
24 you know, the record is not closed until the
25 formal release of the qualifications. Is that

1 correct?

2 JUDGE MOSS: Yes, sir.

3 CHAIRMAN RANKIN: Thank you.

4 JUDGE MOSS: Thank you.

5 CHAIRMAN RANKIN: Thank you for being early, and God
6 speed to you traveling back up towards
7 Spartanburg.

8 JUDGE MOSS: Thank you very much. It's good to see
9 all of you. Thank you.

10 (Off the record)

11 CHAIRMAN RANKIN: Good morning, Judge.

12 JUDGE THIGPEN: Good morning.

13 CHAIRMAN RANKIN: Thank you for being here early.
14 We're going to do your temporary hearing out of
15 order, and I say that in jest. Judge, you have
16 the PDQ and the sworn statement. Are those
17 ready to be entered into the record?

18 JUDGE THIGPEN: Yes, sir.

19 (EXHIBIT NO. 10 MARKED FOR
20 IDENTIFICATION PURPOSES (16
21 pages) PDQ
22 (EXHIBIT NO. 11 MARKED FOR
23 IDENTIFICATION PURPOSES (7 pages)
24 Sworn Statement)

25 CHAIRMAN RANKIN: Very well. And, truly, we

1 appreciate your being here early. So, Judge,
2 let me first have you raise your right hand.
3 TODD THIGPEN, having been first duly sworn, was
4 examined and testified as follows:

5 CHAIRMAN RANKIN: You know in this process that we
6 look at the nine evaluative criteria in terms of
7 vetting your candidacy for continuing to serve.
8 Those include the ballot box survey, thorough
9 study of your application materials,
10 verification of compliance with the state ethics
11 laws, search of newspaper articles in which your
12 name appears, study of the previous screenings,
13 and check for economic conflicts of interest.
14 No affidavits or complaints have been filed in
15 opposition to your election. No witnesses are
16 present to testify. The floor is yours, and Mr.
17 Breeden John will be asking questions, members
18 of the commission, and then we'll turn it over
19 to you if you'd like to make a closing statement
20 at that point. So welcome. Thank you so much.

21 JUDGE THIGPEN: Thank you.

22 CHAIRMAN RANKIN: Mr. John.

23 EXAMINATION

24 MR. JOHN:

25 **Q. Morning, Judge Thigpen. After serving five years on**

1 **the family court, why do you want to continue**
2 **servicing?**

3 A. I practiced law for 22 and a half years before I was
4 fortunate enough to get this position. I will say, I
5 qualify this by saying other than during COVID, I
6 have truly enjoyed serving on the bench. I believe
7 that I've helped many people, and that's part of the
8 reason I asked to take this job, so I'd like to
9 continue serving the public.

10 **Q. Thank you. What do you think your reputation is**
11 **among attorneys that practice before you?**

12 A. If you're prepared and you follow the rules, I
13 believe the lawyers love me. If you don't follow the
14 rules, you come into court unprepared, you probably
15 don't like me all the time. Short and sweet.

16 **Q. That's a good answer. The Commission received 297**
17 **ballot box surveys regarding you, 34 additional**
18 **comments, the majority of which were positive.**
19 **Respondents noted that you are hardworking,**
20 **professional, thoughtful, excellent temperament on**
21 **the bench, and very knowledgeable about the law.**
22 **There were just a few comments in there that could be**
23 **considered negative. Some expressed concerns**
24 **regarding your vision and, for example, potential**
25 **impacts on your ability to assess a witness's**

1 demeanor or credibility. We discussed this before,
2 but for the commission, does your vision have any
3 substantial impact on your ability to perform your
4 job with or without reasonable accommodations?

5 A. No, sir. I'll give you an example. The witness is
6 probably not further than this lady in my courtroom,
7 so I can see the witness perfectly clear. I will be
8 quite frank, though. To have the newest courthouse
9 in the state, the lighting in our courtroom is not
10 great. They put in recessed lights, which cause
11 shadows. And it's not just me with my vision. I've
12 talked to every other judge that's been in that
13 courthouse. We're having trouble seeing people at
14 counsel table. You can see their faces, but you
15 can't really see them, but the witness is right under
16 basically a spotlight. The only accommodation I use
17 is when I get these temporary hearing packets and I
18 have these screenshots of text messages about that
19 big in a little box, I do have a magnifying glass
20 that I use. But other than that, I practiced law 22
21 and a half years before I got this job and sat in
22 every chair in the courtroom, so I don't believe it
23 affects my ability to be a judge.

24 Q. Yes, sir. Thank you. Then just a couple other
25 concerns noted your demeanor. Please describe what

1 you would consider to be appropriate judicial
2 temperament for a family court judge.

3 A. Our legal system is based on the fact that -- or
4 based on the longstanding principle that judges are
5 independent, fair, impartial, and competent to
6 interpret and apply the law. Therefore, to uphold
7 that principle, my philosophy is that I myself as a
8 judge and all judges should always strive to be fair,
9 just, impartial, kind, and patient to not only the
10 litigants and lawyers, but also the staff, court
11 personnel, and the general public.

12 **Q. Very good.**

13 MR. JOHN: I would note that the Upstate Citizens
14 Committee found Judge Thigpen qualified in the
15 evaluative criteria of constitutional
16 qualifications, physical health, and mental
17 stability, well qualified in the evaluative
18 criteria of ethical fitness, professional and
19 academic ability, character, reputation,
20 experience, and judicial temperament.

21 **Q. Just a few items as we wrap up, Judge Thigpen. Since**
22 **you submitted your letter of intent, have you**
23 **contacted any members of the Commission about your**
24 **candidacy?**

25 A. No, sir.

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

4 A. Yes, sir.

5 Q. Have you sought or received the pledge of any
6 legislator either prior to this date or pending the
7 outcome of your screening since you submitted your
8 letter of intent?

9 A. No, sir.

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

13 A. No, sir.

14 Q. Have you reviewed and do you understand the
15 commission's guidelines on pledging in SEC Code 2002
16 -- excuse me, Section 2-19-70E?

17 A. Yes, sir.

18 MR. JOHN: I would note for the record that any
19 concerns raised during the investigation
20 regarding Judge Thigpen were incorporated into
21 the questioning of the candidate today, and I
22 have no further questions.

23 CHAIRMAN RANKIN: Mr. Safran.

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

25 EXAMINATION

1 BY MR. SAFRAN:

2 Q. Judge Thigpen, you practiced a long time before you
3 got on the family court bench, didn't you?

4 A. Yes, sir.

5 Q. And you went in front of a variety of judges during
6 that time, didn't you?

7 A. Yes, sir.

8 Q. Do you think you've treated anybody any worse than
9 you ever got treated by judges?

10 A. Not naming names?

11 Q. You don't have to.

12 A. I don't think that some judges would get it through
13 the screening process at this point, that I appeared
14 in front of. And I'll be quite frank with you. One
15 lady who ran with me when I ran last time said, based
16 on two judges out of Greenville said, I think these
17 lawyers need to get thicker skin. I grew up under
18 such and such and such and such. I mean, there were
19 judges that a lot -- I mean, were they called rude?
20 I mean, I always took it as a learning thing. I
21 always said if they're hard on me and they're trying
22 to teach me a lesson, just don't make that mistake
23 again. And I think that's the problem we have now
24 with the younger members of the bar. They come in
25 and do the same thing over and over again.

1 Q. And I tend to agree with you. I mean, I don't think
2 a lot of times back in my time, and I share some of
3 that time with you, and I can think of one
4 particularly from Spartanburg, who you probably were
5 alluding to, who I had my experience with also. I
6 don't think it was just necessarily just because they
7 wanted to make your life miserable. I think they
8 wanted you to remember don't do this again or next
9 time do it the right way and you'll make sure that
10 you don't forget. I mean, is that your perception of
11 it?

12 A. That's the way I viewed it. I mean, I had judges
13 that I guess some people would call them a tyrant. I
14 didn't look at it that way. Well, I will name a
15 name. I sat with Judge Creech at my request my
16 second week on the bench for training. I told Judge
17 Creech, I said, I asked to sit with you because when
18 I first started appearing in front of you, you were
19 intimidating, somewhat intimidating, because he's
20 very -- he's not rude or anything, he's just very
21 firm. I said but then once I learned what you
22 wanted, I used it to my advantage. You wanted the
23 lawyers to be prepared, follow the rules. He said
24 you're not the first person that told me that. He's
25 trained a lot of -- I mean, a lot of judges sat with

1 him prior to his mandatory retirement.

2 Q. Well, and the other thing is this. During all that
3 time you were a lawyer, you had issues in terms of,
4 you know, your vision or at least it built up that
5 way, didn't it?

6 A. Yes, sir.

7 Q. You didn't have any problem being able to be a
8 competent and capable lawyer, did you?

9 A. No, sir.

10 Q. And so when I see these references, I mean, I tend to
11 think that's a cop-out. Just somebody's got, you
12 know, something they didn't like, and it's just an
13 easy shot to take. So I certainly wouldn't put any
14 stock in it myself, and I would ask -- you probably
15 need to just ignore it, too.

16 A. Okay.

17 MR. SAFRAN: Appreciate it.

18 CHAIRMAN RANKIN: Judge -- Senator Garrett.

19 EXAMINATION

20 BY SENATOR GARRETT:

21 Q. I just want to thank you for agreeing to continue to
22 serve. We need tough judges. We don't need Baby
23 Ruth judges. We don't. We need tough judges. As
24 far as my responsibility here, I want a judge who
25 knows the law. I want a judge who makes sure that

1 the lawyers are well-respected. However, if they
2 come in unprepared, they need to be called on it.
3 Now, there's ways you can call them and not embarrass
4 them, but the next time they come in your courtroom,
5 they need to be aware that they need to be prepared.
6 This idea of not giving up financial declarations or
7 not following and giving you the things that are
8 required in contested custody cases that now our law
9 requires, that's the law. Those lawyers need to do
10 exactly that. We need judges like you who call them
11 when they -- who call them out when they need to be
12 called out. I think it's a disservice to our bar if
13 you don't do that. You have to be as nice as you can
14 be, but that is friendly, fair, but firm is probably
15 something that we need to adhere to. Do you want to
16 comment on that?

17 A. Yes, sir. One thing I thought about is I know this
18 Commission has put our temperament probably above
19 all, which it probably should be to some extent. But
20 on the other hand, don't embarrass lawyers. That's
21 what we interpret. Well, when I'm in family court
22 with a pro se litigant and the lawyer doesn't follow
23 the rules, I can't call them in chambers and talk to
24 them. I've got to call them out on the record. But
25 to your other point, as far as financial

1 declarations, my predecessors would waive them.
2 Judge Bridges would not, and Judge Sinclair got to
3 the point where he would not. So I basically made my
4 decision when I took the bench was we need to be
5 consistent, especially in one circuit. Judges don't
6 need to be doing things different ways. So
7 everything we try to do, the three -- well, now four
8 of us since Judge Diamaduros got elected, we try to
9 be exactly the same. I had to send a lawyer out
10 yesterday with a pro se litigant, go downstairs, get
11 him a financial declaration. In that lawyer's
12 defense, he had sent it to him, but the guy didn't
13 fill it out and bring it to court. And I'm like I
14 can't approve this agreement unless everybody has a
15 financial declaration. But I took a break. I didn't
16 continue the case. I took a break, worked them back
17 into my docket later that morning, and got the case
18 done.

19 SENATOR GARRETT: Well, consistency is absolutely, as
20 been stated before, for litigants to go before
21 the judge is consistency. So thank you for
22 recognizing that thing as well. Thank you, Mr.
23 Chairman.

24 CHAIRMAN RANKIN: Representative Jordan.

25 REPRESENTATIVE JORDAN: Thank you, Mr. Chairman.

EXAMINATION

1
2 BY REPRESENTATIVE JORDAN:

3 Q. I just want to make sure I'm clear because I agree
4 with consistency, and thank you for your service,
5 Judge, and appreciate you being back here again. But
6 I also want to make sure I'm understanding you agree
7 with me that every situation is different? While we
8 have similarities certainly that flow, the people
9 that come before you bring different circumstances,
10 different issues, and you have to -- part of your
11 responsibility and job is to handle those on their
12 individual basis, correct?

13 A. Yes, sir. And I totally agree with that. I was
14 talking about consistency and following the rules of
15 the court, the family court rules particularly.

16 Q. Well, and I agree with that except to say I'll go
17 back to an example I used I think yesterday or the
18 day before. The days run together up here sometimes.

19 A. I heard y'all worked late last night.

20 Q. The financial declarations. So if you have a
21 situation where you have very short-term marriage,
22 the parties are both represented, they both agree
23 that a financial declaration is not necessary, it's a
24 non-alimony case, you don't need to spend a
25 tremendous amount of time on that. Can you not just

1 waive the financial declaration just as a -- I'm
2 giving you a very specific example, but is that not a
3 situation where every case is --

4 A. You have an uncontested divorce with no property or
5 debt to divide, alimony is waived, no children
6 involved. The rule says you shall file -- it doesn't
7 give us discretion. It says you shall file if there
8 are financial issues in the case. That example you
9 gave, there's no financial issues. I don't want
10 require them.

11 Q. And that gets to the root of my question. While I'm
12 100 percent in favor of consistency and when I go --
13 if I go in family court, which I try not to, but when
14 I go in family court in front of Judge McGee and then
15 I go the next week in front of Judge McEachin in
16 Florence, I should get consistency. I think that the
17 system thrives on that consistency, but I also want
18 to hear what you just said, which was I have to take
19 every case on its face and every piece of the case to
20 be able to determine what needs to happen in that
21 particular case as well.

22 REPRESENTATIVE JORDAN: Thank you, Judge.

23 JUDGE THIGPEN: As a practicing lawyer, what I did
24 was I knew if there were no financial issues in
25 my case, I didn't have to have it, but I had it

1 in the file in case the Court asked for it. But
2 I agree with you that if there are no financial
3 issues in the case, the rule doesn't apply, you
4 don't have to file one.

EXAMINATION

BY CHAIRMAN RANKIN:

7 Q. Judge, I'm chasing a rabbit. You said something
8 about -- maybe I misheard, but the sense was that
9 this commission did not want to hurt lawyers -- did
10 not want judges to hurt lawyers' feelings. Did I
11 hear that wrong in terms of the perception of what we
12 want y'all to do?

13 A. Chairman Rankin, I hope I'm not misquoting you, but
14 what I've read in transcripts is I've heard the term,
15 and I'm not sure it's you, to be a lawyer's judge, to
16 not embarrass lawyers. I've read it -- and I'm not
17 saying it's you, but it may be previous members of
18 the commission. That's what I was referring to. And
19 I try not to -- I try not to call anybody out. If I
20 can call a lawyer in chambers, especially a young
21 lawyer, and I can help them learn about service or
22 some other issue, I try to do it. But my point was,
23 if you've got a pro se litigant defendant on one side
24 of the case, you've got to do everything on the
25 record, otherwise it's ex parte. That's all I was

1 referring to.

2 Q. And, sir, I appreciate that because that is not the
3 sense of mine, or I think corporately. If there's an
4 attorney who is acting like some of the judges that
5 you said used to serve acting that way in a
6 courtroom, hold them to -- put the feet to the fire.

7 A. Yes, sir.

8 Q. If that attorney does not provide discovery timely or
9 does not do something, and that person is not green,
10 newbie, but has a history of that, hold their feet to
11 the fire. So I hope that me, one of 170 folks who
12 get to vote on judges that this commission screens
13 out, I'm certainly not wanting some judge to coddle a
14 lawyer if they need to be shaken to get their
15 attention. So I'm with Senator Garrett on that. I
16 hope -- take that back to Spartanburg, if you will.
17 If you will, please.

18 A. Yes, sir.

19 Q. Do I have a witness?

20 A. Yes, sir.

21 Q. All right. Two quick things. And Senator Talley
22 used to serve with us, and he has wisely moved on out
23 of politics. But I recall his line of questions of
24 all family court judges, and I think he spoke highly
25 of you when you came through. But docket management,

1 how -- in a big county, how is it done well? How can
2 it be done better? And is it each individual
3 circuit, or do you need help from Columbia? How does
4 it work best, and what can we do to help you if it
5 isn't working well?

6 A. I think docket management in Spartanburg and Cherokee
7 Counties, which is the two counties in the 17th
8 Circuit where I'm at, as evidenced by the numbers,
9 are working fine. I became the administrative judge
10 for the first time on January 1, 2021. About five
11 days later, the Chief Justice, Chief Justice Beatty,
12 catches me in the hall and says let me talk to you.
13 Well, am I in trouble? I mean, I've known him for 25
14 years at that point. No. What can't you do
15 virtually? So we got shut down, but we worked. We
16 did as much as we could. As long as he let us have
17 live hearings, we had live hearings. We never got --
18 you know, the goal is 80 percent finished within 365
19 days. We were at the judicial conference that
20 October. We were -- everybody was -- nobody was
21 meeting the threshold. We were at 75 percent. We
22 never dropped. The last numbers I heard, and I was
23 also administrative judge last year, the end of the
24 year we were number one in the state as far as the
25 365 rule. The last report I saw, we're still number

1 one under Judge Moss. We all worked together to make
2 sure the docket runs smoothly. To catch up from
3 COVID, we started what we call on trial docket. We
4 do A, B, C, D, E docket when we have cases to set.
5 As y'all know, most trials settle. That way we get
6 trial cases tried. I think our docket's working
7 fine. I don't know that we need any help from --
8 another thing we've done is we've gone to -- I guess
9 you'd call it a mandate from Chief Justice Beatty,
10 but we went to one case, one judge on DSS, and all
11 the reports I'm getting back are that our numbers are
12 better than anybody in the state. You get to know
13 your cases. All the lawyers I've talked to, and one
14 of them's the attorney for the Guardian, said when
15 y'all mentioned this, they said, y'all we're going to
16 do it. I was a naysayer. I said it's not going to
17 work. It's going to delay cases. She said, but now
18 I'm your biggest proponent. And I had that
19 conversation when I came down to meet with Mr. John
20 on the way back from the Spartanburg. So I think the
21 docket's working great. In the counties where all
22 the judges work together, I think ours are doing
23 better than anybody elses.

24 **Q. Very well.**

25 **A.** As Ms. Blackley remembers, it used to be a race

1 between Greenville and Spartanburg, who was number
2 one, who was number two. That's not the case
3 anymore. We're basically arguing with the First
4 Circuit, trying to one and two.

5 CHAIRMAN RANKIN: Super. Well, hey, thank you very
6 much.

7 MS. BLACKLEY: I couldn't let you get out of here
8 without saying thank you for offering up, and
9 you're right, I was going to brag on
10 Spartanburg. That whole one judge assigned to
11 the DSS cases started when I was there, and I
12 know there were a lot of comments about it, but
13 I keep up with the numbers, and it's going
14 really well. I do think that the judges in
15 family court in Spartanburg do work very well
16 together. They did before, but definitely now.
17 And I just have to comment one of the best hires
18 I ever hired, wrote you a letter, a reference
19 letter, that's Sheeba Browning, a family court
20 supervisor, glowing. We don't normally see
21 letters like this. I haven't seen letters like
22 this from staff. But I want to applaud you for
23 what she acknowledges you and your work as judge
24 in the First Circuit. So thank you.

25 JUDGE THIGPEN: I'll let her know you put her name on

1 the record.

2 CHAIRMAN RANKIN: Senator Sabb.

3 EXAMINATION

4 BY SENATOR SABB:

5 Q. Thank you, Mr. Chairman. Your Honor, I did want to
6 chime in on the conversation that was being had
7 relative to dressing lawyers down. One of the things
8 that we have said in the record, and we have
9 encouraged, is situations where lawyers go afoul, and
10 there's a question about -- or shall I say there's an
11 opportunity to bring them back in chambers as opposed
12 to dressing them down in front of their clients. And
13 we have encouraged members of the judiciary to
14 consider in their judgment whether or not it's better
15 served to take them in chambers as opposed to
16 dressing them down in front of their clients. Never
17 have we taken the position that a lawyer ought not be
18 dressed down. The question has always been do you
19 dress them down in public, or do you dress them down
20 in chambers? Y'all mentioned Judge Beatty, and I
21 recall -- you know, I was trying a case in criminal
22 court against Attorney Charles David Barr. And
23 Charles and I have always been friends. We've always
24 been neighbors. But in the courtroom, if you saw us,
25 you wouldn't think that. You'd think that we were on

1 the opposite side of everything. But quite frankly,
2 our goal was to control the courtroom, to be the one
3 that the jury will look to for direction. And that's
4 just how we tried cases. But Judge Beatty didn't
5 think so when he came to town. But he didn't yell at
6 either of us in the courtroom. He took us in
7 chambers and had a quiet conversation with us. And
8 we got the message. And, of course, the atmosphere
9 changed in the courtroom. So I just wanted to throw
10 that out there. You can put it in the for what it's
11 worth column. But those are some of the things that
12 we've --

13 A. And Senator Saab, I'm glad you mentioned that. I
14 guess I would have considered myself -- I was kind of
15 complimented by the fact what -- the comments lawyers
16 made on me last time, when I was still a lawyer
17 running to be a judge again. I said how did I do
18 that? I was aggressive. I was very -- I mean, I
19 wanted to win. I wanted my client to win. But I
20 guess at the end of the day, what I did was I shook
21 their hand after the case. We went and had a drink
22 or had a lunch. I mean, I think you can be the -- I
23 would not call lawyers out for being aggressive in
24 the courtroom because, quite frankly, I'm a little
25 saddened that more lawyers aren't more aggressive in

1 the courtroom these days.

2 SENATOR SABB: Thank you, Judge. Thank you, Mr.
3 Chairman.

4 CHAIRMAN RANKIN: All right, Judge, thank you. This
5 will conclude this portion of the screening
6 process. And as you know, we're very strict in
7 terms of applying the state ethics law. Any
8 violation or appearance of impropriety would be
9 deemed very serious by us. You understand that
10 the record is not closed until the formal
11 release of the report of qualifications, and we
12 could call you back in the very unlikely event
13 there would be a question about your conduct.
14 You understand that, correct?

15 JUDGE THIGPEN: Yes, sir.

16 CHAIRMAN RANKIN: Judge, thank you so much for being
17 early and being firm, fair. What was the first
18 one, Billy?

19 SENATOR GARRETT: Friendly.

20 CHAIRMAN RANKIN: And friendly. Pick the order, but
21 being all of those can be done with a smile.

22 JUDGE THIGPEN: All right. Thank y'all for your
23 service. I know just like judges, y'all have
24 been under attack in the last decade too. So I
25 appreciate what y'all do. Thank y'all.

1 CHAIRMAN RANKIN: Bless you. Thank you.

2 (Off the record)

3 CHAIRMAN RANKIN: Judge Able, welcome. Good morning.

4 JUDGE ABLE: Thank you, sir.

5 CHAIRMAN RANKIN: And thank you for being early, and
6 we're going to try to reward your early
7 promptness with a quick and thorough but
8 efficient examination. First, let me get you to
9 raise your right hand.

10 BRYAN ABLE, having been first duly sworn, was
11 examined and testified as follows:

12 CHAIRMAN RANKIN: You have with you somebody, I
13 believe. Would you like to introduce your
14 guest?

15 JUDGE ABLE: Yes, sir. Mr. Chairman, this is my
16 lovely wife, Toni. Her real name is Esther, but
17 she has a nickname of Toni. We've been married
18 20 years. We have three beautiful children and
19 three more beautiful grandchildren.

20 CHAIRMAN RANKIN: Bless you. Bless you. Forgive me.
21 They know I'm going to chase a rabbit, but
22 Esther is a beautiful name.

23 MS. ABLE: Thank you.

24 CHAIRMAN RANKIN: And for such a time as today, Judge
25 Able is here. Forgive me for that. I love that

1 story.

2 MS. ABLE: Thank you, sir.

3 CHAIRMAN RANKIN: All right, Judge, you've got two
4 documents, the PDQ and the sworn statement. Are
5 those ready to be introduced into the record?

6 JUDGE ABLE: Yes, sir, they are.

7 (EXHIBIT NO. 12 MARKED FOR
8 IDENTIFICATION PURPOSES (17
9 pages) PDQ)

10 (EXHIBIT NO. 13 MARKED FOR
11 IDENTIFICATION PURPOSES (7 pages)
12 Sworn Statement)

13 CHAIRMAN RANKIN: All right, and we'll put them in.
14 You know this process well.

15 JUDGE ABLE: Yes, sir.

16 CHAIRMAN RANKIN: And you know our focus is on the
17 nine evaluative criteria as we investigate your
18 candidacy, which includes a ballot box survey, a
19 thorough study of your application materials,
20 verification of your compliance with state
21 ethics laws, searches newspaper articles in
22 which your name appears, study the past previous
23 screenings that you've done, and then check for
24 economic conflicts of interest. Nothing there,
25 no complaints, no affidavits filed in

1 opposition. Other than Esther, Toni Able with
2 us here today, we're not going to put her under
3 oath to ask her any questions.

4 JUDGE ABLE: That's good.

5 CHAIRMAN RANKIN: And so turn it over to Mr. Triplett
6 for questions and then members of the commission
7 that may have some themselves. Thank you.

8 JUDGE ABLE: Yes, sir, thank you.

9 EXAMINATION

10 MR. TRIPLETT:

11 **Q. Good morning, Judge.**

12 A. Thank you.

13 **Q. Judge Able, please state for the record the city and
14 circuit in which you reside.**

15 A. It's the 8th Judicial Circuit. I live in Laurens,
16 South Carolina.

17 **Q. Thank you.**

18 MR. TRIPLETT: Mr. Chairman, I note for the record
19 that based on the testimony contained in the
20 candidate's PDQ, which has been included in the
21 record for this candidate's consent, Judge Able
22 meets the statutory requirements for this
23 position regarding age, residence, and years of
24 practice.

25 **Q. Judge Able, why do you want to serve as a family**

1 court judge and why do you feel that your legal and
2 professional experience will qualify you and will
3 assist you to be an effective judge?

4 A. All right, sir. And that's the first question
5 everybody always asks, why do you want to do this
6 job? Well, I've seen this job done for 37 years.
7 I've been practicing law primarily in the family
8 court, primarily in the 8th Circuit for 37 years now.
9 I've seen some very good judges that we've had in our
10 -- a resident of Laurens County. Judge Bill Crane
11 was when I started, Judge Saunders, and I've always
12 thought that I would be good at it. I always thought
13 I would be interested in doing it. I had originally
14 thought about running for family court judge back in
15 the late '90s, but at that time my first wife, Mary,
16 had been diagnosed with breast cancer, and I did not
17 think it was a wise thing for me to do with two
18 little ones to try to be elected judge, because that
19 was during the time they might send you to Horry
20 County for six months or something like that, and I
21 had more important things to do at home. But I've
22 always thought I'd be good at it. I think the
23 experience I have over the last 37 years has prepared
24 me for this job, and I think I would enjoy it.

25 Q. All right, thank you. Judge Able, are there any

1 areas of the law for which you would need additional
2 preparation in order to serve as a family court
3 judge, and how would you handle that additional
4 preparation?

5 A. Well, over the last 37 years I have, I would think,
6 handled just about every kind of case there is that
7 appears in front of a family court judge. I was a
8 contract attorney for 12 years. Well, let me start
9 back. My practice has always been private. For the
10 last 22 years I've been in private practice by
11 myself, and for 12 years of the 37 years I was a DSS
12 contract attorney. I handled all of DSS's cases for
13 the Eighth Circuit, the four counties in the Eighth
14 Circuit, Abbeville, Greenwood, Newberry, and Laurens.
15 As far as your question being would I need any
16 additional preparation to handle the position of a
17 family court judge, I really don't believe that I
18 would. I think I would be prepared to start day one.

19 Q. Judge Able, please briefly describe your experience
20 in handling complex, contested family court matters,
21 and specifically discuss your experience with the
22 financial aspects of family court work.

23 A. All right. Well, of course, I'm not a CPA, I'm not
24 an economist, so a lot of times in the more
25 complicated family court cases where it's involving

1 division of marital property, businesses, retirement
2 accounts, things of that nature, you often have to
3 hire an expert, and that's what I've done in the
4 past. I've found it necessary to hire experts in a
5 lot of the cases I handle. Again, going back to my
6 experience, I believe that I have the experience to
7 hold the job of family court judge and to handle
8 those type cases.

9 Q. Thank you. Judge Able, the Commission received 186
10 ballot box surveys regarding you with 19 additional
11 comments. The ballot box survey, for example,
12 contained the following positive comments. I have
13 nothing but good things to say about Bryan Able.
14 He's a kind-hearted, respectable, and level-headed
15 individual. Mr. Able would make a fantastic family
16 court judge. He has all the necessary empathy,
17 patience, and understanding to treat all parties
18 fairly and rule justly. Mr. Able is one of the
19 finest legal minds I know. He possesses all the
20 traits that make a great judge. Of the candidates
21 running for this position, Mr. Able is far and away
22 the most capable, appropriate, and knowledgeable. My
23 experiences with Mr. Able have proven to be fair and
24 honest. He treats everyone with respect. The Eighth
25 Circuit would be blessed to have this man on the

1 bench. While the majority of the comments spoke very
2 highly of you, four of the written comments expressed
3 concerns regarding your temperament on the bench, and
4 specifically that you appeared disinterested while
5 presiding over your courtroom. What response would
6 you offer to that concern?

7 A. Well, I don't like to stand behind the podium. Can
8 you still hear me?

9 CHAIRMAN RANKIN: Put the mic -- just for the record.

10 A. Well, I'm sorry. Anyway, temperament, as far as my
11 position as probate judge, associate probate judge in
12 Laurens County, and specifically saying I appear
13 disinterested, really I'm taking a lot of notes. I
14 take voluminous notes when I'm hearing a case. So a
15 lot of the time I'm looking down. I'm not looking at
16 the parties and I'm not looking at the lawyers. I
17 believe it's a good thing for a judge to appear kind
18 of where he doesn't show a lot of emotion, he doesn't
19 show a lot of facial expression, because somebody
20 might read something into that as far as, you know,
21 what the testimony is or anything else before the
22 Court. So the first answer I would have is that I'm
23 usually looking down. I'm taking a lot of notes.
24 And when I do look up, though, I don't want to show a
25 lot of expression on my face to give anybody the idea

1 of how I might rule in the case. So I don't think I
2 would appear disinterested. I think I appear as I
3 should because I'm working and taking notes and
4 listening to the parties. I'm not trying to express
5 any kind of opinion just with my facial expressions.

6 **Q. Thank you. And you may have touched on this, but the**
7 **second concern was with your work ethic. What**
8 **response would you offer to that concern?**

9 A. As a judge?

10 **Q. Yeah.**

11 A. My work ethic, that's something that really concerns
12 me. I pretty much am available to the probate court.
13 And the lawyers within the circuit where I practice,
14 they know that if they need a hearing in front of me,
15 we'll get them a hearing date, we'll get them a
16 hearing time. I'm at court when I have a hearing. I
17 usually -- after a hearing, I'm usually available to
18 get an order prepared, or if I need to prepare the
19 order within just a couple days, if I need to give
20 directions to someone or give information to either
21 or both of the lawyers as to preparation of an order.
22 It's usually done from the bench or within the next
23 day. So the job isn't full-time. It's a part-time
24 job. And I'm there on an as-needed basis. I hear
25 all the contested cases in Laurens County Probate

1 Court. And so my response to that would basically be
2 I'm there when I'm told to be there, when the court
3 is supposed to be held, and I'm there until I have to
4 go home, until I'm done.

5 **Q. All right, thank you. Since your last screening,**
6 **have you been a party to any lawsuit?**

7 A. No, sir, I don't believe so.

8 **Q. All right, thank you, Judge Able.**

9 MR. TRIPLETT: I would note that the Piedmont
10 Citizens Committee found Judge Able qualified in
11 the evaluative criteria of constitutional
12 qualifications, physical health, and mental
13 stability. The committee found Judge Able well
14 qualified in the evaluative criteria of ethical
15 fitness, professional and academic ability,
16 character, reputation, experience, and judicial
17 temperament. The committee stated of all the
18 candidates for this seat, Judge Able offers the
19 widest and deepest experience. He has a
20 judicial experience as an associate probate
21 judge, and his compassion, commitment, service,
22 and humility are remarkable. The committee
23 strongly commends him for the Commission's
24 consideration.

25 **Q. Just a few housekeeping issues, Judge Able.**

1 A. Yes, sir.

2 Q. Are you aware that as a judicial candidate, you're
3 bound by the Code of Judicial Conduct as found in
4 Rule 501 of the South Carolina Appellate Court Rules?

5 A. Yes, sir, I am.

6 Q. Since submitting your letter of intent, have you
7 contacted any members of the commission about your
8 candidacy?

9 A. No, sir.

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

13 A. I read it again last night, yes, sir.

14 Q. Since submitting your letter of intent, have you
15 sought or received a pledge of any legislator either
16 prior to the state or pending the outcome of your
17 screening?

18 A. No, sir, I have not.

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

23 A. No, sir, I have not.

24 Q. Have you reviewed and do you understand the
25 commission's guidelines on pledging and South

1 **Carolina Code Section 2-19-70E?**

2 A. Yes, sir.

3 MR. TRIPLETT: I would note for the record that any
4 concerns raised during the investigation
5 regarding this candidate were incorporated into
6 the questioning of the candidate today. With
7 that, Mr. Chairman, I have no further questions.

8 CHAIRMAN RANKIN: All right, questions of Judge Able.
9 Let me, Judge -- I mean, Senator Garrett, excuse
10 me.

11 JUDGE ABLE: Yes, sir.

12 SENATOR GARRETT: Thank you, Bryan, for offering.

13 JUDGE ABLE: Thank you, sir.

14 SENATOR GARRETT: I've known Bryan for a number of
15 years. I've litigated against him. He is an
16 excellent lawyer, cares about his children,
17 cares about his family. He's great with
18 barbecue, by the way, when he's not -- when he's
19 not working as a judge. And I've litigated, and
20 he and I have gotten to some hard fights in the
21 courtroom, and that's where you really learn
22 about another lawyer and what they're abilities
23 are. And even after the fights, and they
24 sometimes were very hard, we were always friends
25 afterwards.

1 JUDGE ABLE: Yes, sir.

2 SENATOR GARRETT: Nothing ever personal about it.

3 And if he didn't do his job, I'd get on to him,
4 and if I wasn't doing my job well, he'd get on
5 to me. So, I mean, we literally believe that
6 the adversarial system is such that through
7 that, you get to the truth and help our judges.
8 And you mentioned some fine judges that we got
9 to work on.

10 JUDGE ABLE: Yes, sir.

11 SENATOR GARRETT: And Brian may not know this, but
12 his mother and I were friends. She worked at
13 the post office. And I tried to get him to come
14 to Greenwood as opposed to going across the
15 river to go to Laurens because I wanted him in
16 Greenwood. But he decided to go to Laurens, and
17 he's made a tremendous judge. He does have the
18 experience, and because you live in a small
19 town, you do a little bit of everything. So
20 I've seen Bryan in the criminal courtrooms.
21 I've seen him in the domestic courtrooms. He's
22 going to know his juvenile work, know it well.
23 He loves family. He's going to be a great
24 steward in the event that he's chosen as the
25 judge for this area. And I have nothing but

1 just wonderful things to say about him. This
2 idea about temperament. He's tough, but I've --
3 I've heard him say, I want a tough judge. I
4 don't necessarily want a Baby Ruth judge. I
5 want somebody who's friendly, fair, firm. So
6 thank you for offering.

7 JUDGE ABLE: Thank you, sir.

8 SENATOR GARRETT: I look forward to seeing you
9 through.

10 JUDGE ABLE: Thank you, sir.

11 CHAIRMAN RANKIN: Other questions? Judge, you and I
12 were two of the most distinctive law students in
13 our day.

14 JUDGE ABLE: You may have been. I was not. I
15 promise you.

16 CHAIRMAN RANKIN: And that distinction is not
17 necessarily complimentary of me.

18 JUDGE ABLE: I've always prided myself on the fact
19 that I believe I'm a better lawyer than I was a
20 law student. I was not a very good law student.

21 CHAIRMAN RANKIN: Do you need another witness?
22 Hallelujah.

23 JUDGE ABLE: It was hard.

24 CHAIRMAN RANKIN: Amen. Amen. I want to thank you
25 for offering. Thank you for serving in the

1 probate capacity. Like Billy -- like Senator
2 Garrett, rather, you are doing a lot of things
3 in terms of touching the law, all of which, in
4 my view, based on what folks are saying about
5 you as well, equip you to be a judge ready to go
6 on day one if you're so lucky or successful in
7 getting the election. So congratulations for
8 offering this.

9 JUDGE ABLE: Thank you, sir.

10 CHAIRMAN RANKIN: Unless there are other questions,
11 this will close this portion of the screening
12 process, whereby we want you to know that the
13 record does remain open until the formal release
14 of the report of qualifications.

15 JUDGE ABLE: Yes, sir.

16 CHAIRMAN RANKIN: The ethics law we deem very
17 important in violation of or appearance of
18 impropriety of the state ethics law would
19 warrant us calling you back. You understand
20 that?

21 JUDGE ABLE: Yes, sir. I understand that completely.

22 CHAIRMAN RANKIN: Judge, thank you.

23 JUDGE ABLE: Thank you. Thank you, everyone, for
24 having me this morning.

25 CHAIRMAN RANKIN: And y'all have a great trip out.

1 And thank y'all for being early. And, Esther,
2 thank you for coming. Take care. We're off the
3 record now.

4 (Off the record)

5 MR. CONE: Good afternoon.

6 CHAIRMAN RANKIN: We're back on the record and for
7 the record during executive session, no votes
8 were taken, no decisions were made. We are back
9 on the record. Judge candidate, correct?

10 MR. CONE: Yes, sir.

11 CHAIRMAN RANKIN: First time coming through the JMSC?

12 MR. CONE: No, actually, this is my third time coming
13 through.

14 CHAIRMAN RANKIN: Very well. So the point of that is
15 you understand how this process works. First,
16 let me start by having you raise your hand.

17 ROBERT CONE, having been first duly sworn, was
18 examined and testified as follows:

19 CHAIRMAN RANKIN: The PDQ the sworn statement that
20 you prepared are they ready to be introduced
21 into the record?

22 MR. CONE: Yes, they are.

23 (EXHIBIT NO. 14 MARKED FOR
24 IDENTIFICATION PURPOSES (20
25 pages) PDQ)

1 (EXHIBIT NO. 15 MARKED FOR
2 IDENTIFICATION PURPOSES (6 pages)
3 Sworn Statement)

4 CHAIRMAN RANKIN: Very good. Again, you know this
5 process, our effort in terms of vetting
6 candidates is the nine evaluative criteria that
7 we look at, which includes a ballot box survey,
8 thorough study of your application materials,
9 verification of your compliance from the state
10 ethics law, search of newspaper articles in
11 which your name appears, study of previous
12 screenings and then check for economic conflicts
13 of interest of which they are none. No
14 affidavits or complaints have been filed in
15 opposition your candidacy and Ms. Trask will
16 open it up with some questions and perhaps other
17 members of the commission. Welcome and thank
18 you for being very early to this process today.

19 MR. CONE: Thank you for having me. I'm glad to be
20 here.

21 CHAIRMAN RANKIN: Very well. Ms. Trask.

22 EXAMINATION

23 MS. TRASK:

24 **Q. Good afternoon, Mr. Cone. Please state for the**
25 **record the city and circuit in which you reside.**

1 A. I live in Greenwood, South Carolina, which is the
2 Eighth judicial circuit.

3 **Q. Thank you.**

4 MS. TRASK: Mr. Chairman, I note for the record that
5 based on the testimony contained in the
6 candidates PDQ, which has been included in the
7 record with the candidates consent, Robert W.
8 Cone meets the statutory requirements for this
9 position regarding age, residence and years of
10 practice.

11 **Q. Mr. Cone, why do you want to serve as a family court**
12 **judge and why do you feel that your legal and**
13 **professional experience qualify and will assist you**
14 **to be an effective judge?**

15 A. Well, there's several reasons. Some are outlined in
16 my -- were in my application process. I've been
17 practicing family law now for 26 years and I believe
18 I've accumulated a fair amount of experience in that
19 area and comfortable in most every aspect of family
20 court and the nature of that practice. And feel very
21 confident that in particular. More and more, what
22 family court judges do is deal with what we call
23 agency cases, which is the Department of Social
24 Services, Department of Juvenile Justice, child
25 support issues. And I think most family court judges

1 that takes up a large portion of their work week. I
2 have spent the last 18 years working with and for the
3 Department of Social Services. Before that, I
4 represented parents against the Department of Social
5 Services on top of my private practice. So I'm very
6 comfortable in the area of child welfare law. And I
7 thought a lot about this question. I knew it was
8 coming. And I but something happened in a week or so
9 ago that made me realize I needed to add something to
10 why I felt like I should be would do well on the
11 bench. On two different occasions in different parts
12 of the state, we had family court judges to speak to
13 one of our attorneys, and were upset that they had
14 been shown pictures during an abuse or neglect trial
15 of what had happened to the children, the injuries
16 that the children had suffered. One was a sex abuse
17 case, one was a physical abuse case. And those
18 pictures are upsetting. But both judges, and it was
19 strange to get both of these requests within about a
20 week period in two different parts of the state said
21 that they were they just they were upset that they
22 had to look at that. And they felt that they needed
23 to -- we should have given them some kind of warning
24 that they were going to -- like you see on TV,
25 sometimes that they might view some upsetting images.

1 And that bothers me. I have -- I have to look at
2 those kind of pictures, the attorneys that work for
3 me have to look at those pictures, our caseworkers
4 have to look at those pictures. And most
5 importantly, the children had to live through what
6 happened in those pictures. It concerns me that
7 judges are uncomfortable looking at that type
8 material. You're supposed to consider all of the
9 evidence in cases before the family court. And to
10 say that you're not comfortable looking at part of it
11 because it's upsetting. Well, it's supposed to be.
12 What we do is not easy. Family court -- you know,
13 family court work is, is, frankly, except when you're
14 doing adoptions is kind of a dirty business. You
15 know, you're ending marriages, you're fighting over
16 custody, you're dealing with children who've been
17 abused or neglected, you're dealing with children who
18 are committing crimes. It's a tough job. I, for
19 better for worse, have been working in that area now
20 for 26 years. And I've had to -- I don't enjoy
21 seeing those things. I find it keeps me up at night,
22 it bothers me. I don't like the world that we have
23 to live in sometimes, but it is the world we live in.
24 And so I realized that we need judges that have the
25 fortitude, I guess, that they can handle looking at

1 these things, not be so uncomfortable that they're
2 not willing to consider the facts of the case and
3 ignore important evidence simply because it makes
4 them uncomfortable. The whole point of having a
5 judicial system is to have someone who's going to
6 make the uncomfortable decisions. I think I'm a good
7 person to do that.

8 **Q. Mr. Cone, are there any areas of the law for which**
9 **you would need additional preparation in order to**
10 **serve as a family court judge? And how would you**
11 **handle that additional preparation?**

12 A. I don't believe so. It has been a little while since
13 I've been handled things like routine divorces and
14 child custody. My last time doing that kind of work
15 was in 2012, when I went to work full time for the
16 Department of Social Services. So I probably need to
17 refresh my memory a bit about things like, you know,
18 some of the rules of law about division of property
19 and divorce cases. I'm very comfortable with
20 anything related to children. That's all I've done
21 for the last 12 years. And even before that, I'm
22 very -- so those issues don't concern me. But I have
23 to -- I definitely need to go back through review
24 some particularly recent case law about the division
25 of property awarding of alimony. I do read those

1 opinions when they come through, but again, hadn't
2 been an urgent priority. So I would definitely want
3 to make sure I have gone back through and review that
4 information before I started hearing cases on those
5 topics.

6 **Q. Mr. Cone, please briefly describe your experience in**
7 **handling complex contested family court matters and**
8 **specifically discuss your experience with the**
9 **financial aspects of family court work.**

10 A. With the financial aspects, the most I've handled
11 probably the most complex cases financially is when
12 I've handled divorces that involved a small business,
13 where we were having to, or had two occasions that I
14 the two cases that I'm most familiar with -- we had -
15 - these were small business owners, but these were
16 marriages of some length, they've been going on for
17 eight years or more. They're primarily the husband's
18 business, but the wife had been heavily involved, not
19 only in the business, but obviously in maintaining
20 the household and supporting, you know, the husband
21 while he's developing this business. And so you
22 spend you have to spend a fair amount of time,
23 there's a lot of arguments about what the businesses
24 are worth, you know, who's, you know, who contributed
25 the most? And what happens if you try to, you know,

1 can it be divided up? If so, how's it going to be
2 divided? How do you come up with some kind of
3 equitable division? And those that usually require
4 that in both those cases, it required us to retain
5 the assistance of experts in the form of accountants.
6 And in one of the two cases, an economist to help us
7 project a value of business, so we can come up with a
8 reasonable number that everybody could agree upon for
9 what that what that is valued. Beyond that, as far
10 as other other complex issues, it's more just if it's
11 disposition of assets like you know, just investments
12 and things like that, going through and saying okay,
13 we're -- you know, what do you have? How much of
14 this was accumulated during the course of marriage?
15 How much has everybody kind of contributed to that?
16 Those can be done. That's pretty simple. Other
17 issues, usually disposition of a home. And that
18 that's the complication, there's always the kids, you
19 know, do we -- who's getting the kids and do they get
20 to stay in the house? Do they have to sell the house
21 to meet everybody's needs? Are they going to have to
22 take out loans, that then you start getting into
23 issues of who's going to pay back? Who will be
24 responsible for paying it? Can they qualify for it?
25 So I mean, I'm familiar with those issues. And I

1 guess those are certainly the most common things that
2 you deal with in family court is that, as I tell
3 people, unfortunately, up in my area, we don't have a
4 lot of multimillion dollar divorces, for the most
5 part, because we don't have that many millionaires up
6 in the Greenwood area. But I have had to deal with
7 and I have had to do with complex financial issues.
8 I did some bankruptcy work for a while. So I have
9 filed some bankruptcies for wealthier individuals or
10 higher net worth individuals. And it's -- you cover
11 some of the same ground in terms of how do you
12 dispose of assets? How do you manage their needs
13 and, you know, repay their -- deal with debts and
14 creditors? Well, that's part of family court to is
15 how you how you go get things paid off and make sure
16 nobody gets stuck holding a bill they shouldn't be
17 obligated to pay.

18 **Q. Mr. Cone, the commission received 124 ballot box**
19 **surveys regarding you with 23 additional comments.**
20 **The ballot box survey, for example, contained the**
21 **following positive comments. He has an academic mind**
22 **and ability tempered by the practical experience of**
23 **private practice and working for DSS. He has**
24 **demonstrated an extremely hard work ethic, a**
25 **compassion for the public at large, and the knowledge**

1 to do what the law and justice require of a judge.
2 Six of the written comments expressed concerns.
3 Several comments indicated that you may lack
4 experience outside of DSS work. What response would
5 you offer to this concern?

6 A. My assumption on that comment is there a lot of -- a
7 great many people know me because of my work with
8 DSS. I work statewide now travel extensively and try
9 cases in other places. So most of the people that
10 know me know me in my capacity as a DSS attorney.
11 They're probably not familiar with the fact that I
12 practiced law, you know, for almost 14 years outside
13 of DSS work. So I didn't always do that. I
14 graduated law school in 1998. I went to work full
15 time for DSS in 2012. So I had a lot of history that
16 but in fairness, it's not recent history. So I think
17 there are a lot of people -- I'm sure there's a lot
18 of people who don't realize I ever had a private
19 practice or don't know what I did in that practice.
20 Because again, I worked primarily in the Greenwood
21 and Eighth Circuit area. So if you know me from
22 anywhere else, during that time, you wouldn't come
23 across me.

24 Q. Mr. Cone, a second topic of concern was regarding
25 your work ethic. What would your response be to that

1 **concern?**

2 A. I honestly don't know. I've thought about that. I'd
3 really don't know what people think. I'm considered
4 one of the go to people at DSS for getting work done.
5 I'm called on to deal with special projects. At the
6 end of 2023, our managing attorney for our Richland
7 County office and for our regional attorney for our
8 Midlands region, which are the two busiest, busiest
9 positions in DSS as far as trial level management and
10 supervisory management, were both vacated within a
11 couple of weeks of each other. I was assigned to
12 handle both jobs and did it for about -- well, from
13 January of 2023 until basically the end of June of
14 this year. Sorry, January 2024 until the end of
15 June, just a few months ago, and I'm still helping
16 out in Richland, even though that's not part of my
17 technical job description for the agency. I believe
18 I'm one of the go to people. When there's a problem,
19 I'm sent to solve it. And that's not because I'm a
20 genius. It's just because I'm willing to work hard
21 to try to solve the problem. So I'm not sure where
22 that's coming from but I'm sure there's somebody
23 somewhere that thinks I could have done more on a
24 given case or given matter. But I'm afraid that's
25 all I can say.

1 MS. TRASK: I would note that the Piedmont Citizens
2 Committee found Mr. Cone qualified in the
3 evaluative criteria of constitutional
4 qualifications, physical health and mental
5 stability. The committee found him well
6 qualified in the evaluative criteria of ethical
7 fitness, professional and academic ability,
8 character, reputation, experience, and judicial
9 temperament. The committee stated in summary,
10 Mr. Cone has unparalleled experience in DSS
11 matters in particular, and significant
12 experience in other areas of practice relevant
13 to the family court bench. His doggedness good
14 nature in the face of daunting and often tragic
15 family disputes and strong work ethic make him
16 well suited for the family court bench.

17 **Q. Mr. Cone, I have a few housekeeping issues.**

18 A. Sure.

19 **Q. Are you aware that as a judicial candidate, you are**
20 **bound by the Code of Judicial Conduct as found in**
21 **Rule 501 of the South Carolina Appellate Court Rules?**

22 A. I am.

23 **Q. Since submitting your letter of intent, have you**
24 **contacted any members of the commission about your**
25 **candidacy?**

1 A. No, I have not.

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

5 A. I am.

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

10 A. No, I have not.

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

15 A. I haven't asked anyone and I'm not aware of anyone
16 who's done that.

17 Q. Have you reviewed and do you understand the
18 commission's guidelines on pledging and South
19 Carolina Code section 2-19-70E?

20 A. I am.

21 MS. TRASK: I would just note for the record that any
22 concerns raised during the investigation
23 regarding the candidate were incorporated into
24 the questioning of the candidate today. And Mr.
25 Chairman, I have no further questions.

1 CHAIRMAN RANKIN: All right. Thank you, Ms. Trask.

2 Questions by members of the commission? Senator
3 Garrett.

4 SENATOR GARRETT: Thank you, Mr. Chairman.

5 EXAMINATION

6 BY SENATOR GARRETT:

7 Q. Robert, thank you for offering for this important
8 job. You've been in Greenwood where I've had the
9 pleasure of working with you for a number of years.
10 This is a large family court seat. But in your
11 capacity, I guess, DSS, you've probably been around
12 every county now in the state, is that correct?

13 A. I won't say every county in the state. I've probably
14 held -- I've conducted trials for DSS in probably 30
15 counties in the state. I've been from one end to the
16 other, and even including some of the some of the
17 smaller counties. I'm frequently called on to fill
18 in when there's a vacancy, or somebody is out ill or
19 whatever. And so I have to go in and it's been very
20 helpful to me, because I've learned a lot, just
21 seeing how the law is practiced -- not practice
22 differently. But courts -- the preferences of judges
23 do make an impact on you how things are done in one
24 county versus another. So I feel pretty comfortable
25 in that.

1 Q. We've always been very proud of you for going into
2 DSS, because it was a mess back in Judge Billy
3 Tunstall's day. And Judge Tunstall would pick on DSS
4 in an awful, awful sort of way, because he just felt
5 like they weren't up to snuff. Robert came in at that
6 time earlier -- not long after that. And we've just
7 been all proud of you. You continue to get elevated
8 up and up into that. And frankly, we thought one day
9 you'll be running it.

10 A. Well, I know there's going to be a vacancy at the
11 first of the year, but that -- there can't be --
12 there can't be too many more thankless jobs and being
13 the director of the Department of Social Services. I
14 wish I could take credit for the improvements that
15 have been made. I've chipped in as much as I can.
16 But we've also had -- there's been a lot of
17 hardworking people who have done a lot. We've
18 improved how we do what we do. And I think as much
19 as anything, there's been a mind set that, you know,
20 there is a recognition that there are some things DSS
21 does well, and there are a lot of things we should do
22 better. And there's a lot of times we need to get
23 out of the way. And I think that's -- that's
24 probably been the most important thing is to
25 recognize that the state -- you know, we're -- we're

1 necessary, but it's not a good idea for us to be
2 involved in every family. We're just not good enough
3 at that to be telling everybody how to parent. We
4 need to be intervening for emergencies and true
5 crises for families and otherwise, be there as a
6 resource, but not be there to dictate how people
7 should take care of their kids.

8 **Q. I like that philosophy. As Tunstall used to tell us**
9 **when he was a judge, you know, you people are crazy**
10 **for allowing DSS to come into your lives.**

11 A. I tell people it's a -- you know, it should be kind
12 of like going to the emergency room, you never want
13 to have to go and you want to get out as quick as you
14 can as healthy as possible. And my position has
15 always been no one wins a Department of Social
16 Services case. If we got involved, everybody already
17 lost. Our job is to make sure you survive a case
18 with the Department of Social Services and get your
19 family back. Or if that can't happen, we get your
20 kids where they need to be, and let them move on with
21 their lives. Because I'm very mindful. I work with
22 good, well-intentioned people who have dedicated
23 their time and in many cases, their entire lives to
24 protecting children and looking out for families.
25 But we're not perfect. And we are -- you know, we

1 have a limit to how much we can do. And so I'm --
2 I'm one of the first people to be kind of skeptical
3 about, do we need to be involved? And for how long?
4 And, you know, are we still doing good for this
5 family? Are we making a bad situation worse?
6 Because I've always said having DSS involved in your
7 family -- if I put anybody's family under the DSS
8 microscope -- or magnifying glass, something will
9 catch on fire. I can catch anybody finding
10 something. I mean, I'm not a perfect parent either.
11 So...

12 Q. Robert, thank you for that. And thank you for
13 offering to serve. Some of these comments -- the
14 positive ones I certainly can agree with. This idea
15 that you don't work hard -- that just flabbergasted
16 me. I've seen you running from one court to the
17 next, both in private practice and also working at
18 DSS. And I've had the pleasure of calling you on DSS
19 issues before if I saw something out there that I
20 felt like you needed to be aware of. You've always
21 listened to that phone call as a practicing lawyer,
22 because you and I care and always tried to fix it if
23 you could. And I sincerely appreciate your
24 involvement in doing that. And always, always the
25 most important thing that we do in family court is

1 take care of the children. I believe that you with
2 your experience -- and I have -- I don't think you
3 and I've ever had a case against one another.

4 A. No. We've been -- I think I've assisted a time or
5 two with -- you know, with some matters where -- on
6 the third party. And I think maybe I was a guardian
7 ad litem in one of your cases a while back but, like
8 I said, getting to be a longer and longer while back.

9 SENATOR GARRETT: It was always a pleasure to have
10 you and to work and I'm always proud of our
11 Greenwood lawyers, because I think we trained
12 under some great judges, Judge Charles and some
13 of the others. I was proud to see you going
14 around -- around the state and doing the work
15 that you do. Thank you.

16 MR. CONE: Thank you, Senator.

17 CHAIRMAN RANKIN: Other questions? You were a judge,
18 a municipal judge.

19 MR. CONE: Yes.

20 CHAIRMAN RANKIN: So I'm off but not off totally. So
21 once a judge always a judge, I've heard. And
22 you came through here the first time of 2012.

23 MR. CONE: That's right.

24 CHAIRMAN RANKIN: Correct. And then -- sorry. They
25 say they can't hear me, which is what they would

1 prefer actually. You heard me, though, did you
2 not?

3 MR. CONE: I did.

4 CHAIRMAN RANKIN: Okay, good. In terms of your
5 running again, I appreciate you're doing it.
6 I've never had such nice things said of me as
7 Senator Garrett just said. He knows you well,
8 so that is a testament to you. If there are no
9 other questions at this time, Judge Cone,
10 Municipal Judge Cone, I would remind you that
11 this closes this portion of the screening
12 process. The record does remain open until the
13 formal release of the record of qualifications.
14 Because we are bound by the state ethics law,
15 the perception of, appearance or direct
16 violation of that would be on your part would be
17 very seriously considered by us. You do
18 understand, do you not that we could call you
19 back in that unlikely event, correct?

20 MR. CONE: Absolutely. Yes, sir.

21 CHAIRMAN RANKIN: Thank you so much. And thank you
22 for getting here early as well. Happy weekend
23 to you when you get there.

24 MR. CONE: Thank you. I appreciate it. Thank y'all
25 for having me.

1 CHAIRMAN RANKIN: Take care.

2 MR. CONE: Take care.

3 (Off the record)

4 CHAIRMAN RANKIN: All right, we are back on the
5 record. And sir, come on up. Welcome.

6 MR. TODD: Thank you.

7 CHAIRMAN RANKIN: If you will please raise your right
8 hand.

9 JAMES CONWAY TODD, having been first duly sworn,
10 was examined and testified as follows:

11 CHAIRMAN RANKIN: State your full name for the
12 record.

13 MR. TODD: James Conway Todd, the fourth.

14 CHAIRMAN RANKIN: Very good. You brought someone
15 with you today. Would you like to introduce
16 your guest?

17 MR. TODD: I have. My wife, Ashley Harris Todd,
18 originally from Lexington is here to support me
19 today.

20 CHAIRMAN RANKIN: Say all that again in the mic so
21 we'll be sure to --

22 MR. TODD: Sure. My wife, Ashley Harris Todd, of
23 Lexington is here to support me today.

24 CHAIRMAN RANKIN: Very good. Thank you. Welcome,
25 both of you. You've got two documents that

1 you've signed. Are they ready to go into
2 record? The PDQ and the sworn statement?

3 MR. TODD: They are.

4 (EXHIBIT NO. 16 MARKED FOR
5 IDENTIFICATION PURPOSES (19
6 pages) PDQ)

7 (EXHIBIT NO. 17 MARKED FOR
8 IDENTIFICATION PURPOSES (9 pages)
9 Sworn Statement)

10 CHAIRMAN RANKIN: All right, we'll put them in the
11 record. Mr. Todd, and Conway, by the way, is a
12 family name or --

13 MR. TODD: It is.

14 CHAIRMAN RANKIN: Ever been to Conway, South
15 Carolina?

16 MR. TODD: Oh, yes.

17 CHAIRMAN RANKIN: Very good.

18 MR. TODD: Many times.

19 CHAIRMAN RANKIN: Very good. My hometown. So we
20 have not met before I don't believe though we
21 have a similar hometown and name. But this
22 process in terms of our judging your candidacy
23 and vetting you, you understand that we look at
24 the nine evaluative criteria, which includes the
25 ballot box survey, thorough study of your

1 application materials, a verification of your
2 compliance with the state ethics laws, and
3 search of newspaper articles in which your name
4 appears. And finally, a check for economic
5 conflicts of interest. No affidavits or
6 complaints have been filed in opposition to your
7 campaign. And so we're going to turn it over to
8 Mr. Hinson for questions to start with, and then
9 other members of the commission as they will.

10 Thank you so much for being here.

11 MR. TODD: Thank you.

12 EXAMINATION

13 MR. HINSON:

14 **Q. Good afternoon, Mr. Todd.**

15 A. Hello.

16 **Q. Mr. Todd, please state for the record the city and**
17 **circuit in which you reside.**

18 A. City of Laurens, Eighth Judicial Circuit.

19 MR. HINSON: Mr. Chairman, I note for the record that
20 based on the testimony contained in the
21 candidates PDQ, which has been included in the
22 record with the candidate's consent, Mr. Todd
23 meets the statutory requirements for this
24 position regarding age residence and years of
25 practice.

1 Q. Mr. Todd, why do you want to serve as a family court
2 judge? And why do you feel that your legal and
3 professional experience qualify and will assist you
4 to be an effective judge?

5 A. Thank you. First and foremost, I love the law. I
6 love family court in general. I've devoted the
7 majority of my career to family court. I get great
8 personal satisfaction with helping people during some
9 of the most difficult times in life. Specifically,
10 the children. It gives me great pleasure to be a
11 part of adding stability to a child going through
12 either a divorce or through the system during some of
13 their most critical developmental years of their
14 life. As far as my personal -- my professional
15 experience is concerned, I believe I'm unique in the
16 fact that I've got somewhat of a varied background.
17 I've handled real estate, probate, personal injury,
18 and defended criminal actions in the municipal, state
19 and federal level. But more importantly, going back
20 to family court. I feel like I've done about
21 everything that I would face as a family court judge.
22 I've been efficient and effective in that regard.
23 I've done TPRs, adoptions, child custody, high
24 conflict custody cases. High net worth individuals.
25 I've used forensic accountants and experts to come up

1 with the value to be divided for the marital estate,
2 ranging in the multi-million dollar aspects of family
3 businesses and family trusts. I've handled about
4 every divorce case that you could probably come
5 across, and I've obviously interacted some with the
6 DJJ process and the DSS process. I also served as an
7 assistant solicitor for two and a half years where I
8 had the opportunity to try multiple murder cases to
9 verdict as well as any other of the high violent
10 crimes that were on my docket at the time. And I
11 believe those are important attributes for a family
12 court judge because they all spill over into family
13 court at some point in time. You might have a
14 divorce where someone's arrested in the case or
15 someone's injured on the job, or at work, or in a car
16 accident that might become a part of the overall
17 marital estate and knowing how to handle that. But
18 more importantly to me, I believe that family court
19 judges and all judges for that matter, I liken it to
20 public service. I'm hometown guy. Born and raised
21 in Laurens. My family still lives there. I'm
22 raising my family there. And I believe I'm in the
23 prime of my legal career, and I think would be
24 extremely rewarding to me to be able to give the
25 prime years of my legal career to public service and

1 to my community and this state.

2 **Q. Thank you, Mr. Todd. Mr. Todd, are there any areas**
3 **of law for which you would need additional**
4 **preparation in order to serve as a family court**
5 **judge? And how would you handle that additional**
6 **preparation?**

7 A. So it's more of a re-familiarization of it. As I
8 mentioned just minutes ago, I was assistant solicitor
9 in the Eighth Judicial Circuit. And in that
10 capacity, I had an opportunity to be exposed and
11 involved with the DJJ process. But since I've
12 transitioned back to private practice years ago, that
13 has kind of put some distance between my experience
14 back then and where it is now. So in preparation for
15 this potential opportunity, I've met with the
16 solicitor in the Eighth Circuit. I've met with the
17 chief public defender in the Eighth Circuit. I've
18 viewed some DJJ hearings and, obviously, had
19 conversations with some of the sitting judges, and
20 I'll continue to do that. I've also been a part of
21 the Commission on Indigent Defense, their lunch and
22 learns. I didn't get the CLE credit for it, but I
23 sat through it and was able to continue to refresh my
24 recollection.

25 **Q. Thank you. Mr. Todd, please briefly describe your**

1 **experience in handling complex contested family court**
2 **matters and specifically discuss your experience with**
3 **the financial aspects of family court work.**

4 A. Sure. So in my firm, that's all we do is family
5 court, and that's all I've done, like I said, for the
6 majority of my career. And early on, I was involved
7 with dividing pots and pans, and now it's moved to
8 pensions. And that includes high net worth
9 individuals that have family businesses. I've had to
10 retain forensic accountants. I've had to retain
11 additional third parties to value what the business
12 is worth, what officers would be paid if they were to
13 be divided and coming up with those incomes. I've
14 also divided family trusts. Multiple times on that.
15 And I've also done high conflict custody cases where
16 we've had to use various counselors. We've had to
17 use, obviously, the guardian ad litem, but other
18 experts to come in to evaluate what is, indeed, the
19 best interest of the minor child. I've done that
20 consistently, and I've been efficient in doing so,
21 and I've been -- I've got great experience in both of
22 those.

23 Q. **Mr. Todd, the commission received 146 ballot box**
24 **surveys regarding you with 41 additional comments.**
25 **The ballot box survey, for example, contained the**

1 following positive comments. One stated you would be
2 an outstanding judge. He's intelligent, thoughtful,
3 and has excellent temperament. Another stated Mr.
4 Todd is an excellent attorney with a wealth of
5 experience in family court. He has the temperament
6 and knowledge to excel as a family court judge.
7 While many of the written comments were complimentary
8 of your family court experience, a handful did
9 question whether you had the requisite experience to
10 sit on the bench. How would you respond to those
11 concerns?

12 A. Sure. Well, first, I'll address the positive
13 comments. I appreciate those. And I would just like
14 to point out that's probably a reflection of my
15 mentors who I'm proud that have helped me shape into
16 the attorney I am today. But in terms of the age and
17 experience comment, I think a lot of it probably
18 would relate to their -- my age. Obviously, I'm not
19 the oldest candidate in the race, but I'm not the
20 youngest, and I meet the statutory requirements. And
21 I would always go back to my grandmother, who was 100
22 years old who said, Jim, age is just a number. It's
23 the experience in the number of years that you --
24 that you have that you can work off of. And that's
25 truly what my overall thought process on that

1 question is, is my experience. I have to go back to
2 it, and I know that I'm handling a high volume of
3 family court cases and have for some time. I've
4 practiced family court in almost every courthouse in
5 the upstate. I'm working my way through the Midlands
6 now. And I enjoy doing it. I've got plenty of
7 experience in terms of high conflict cases, rule to
8 show causes, TPRs, adoptions, and that's really sort
9 of the bread and butter of my career is complex
10 cases. And I truly enjoy them, and I think that the
11 experience aspect is shown in my body of work and my
12 colleagues, I believe, would tend to agree with that.

13 **Q. Thank you.**

14 MR. HINSON: I would note that the Piedmont Citizens
15 Committee found Mr. Todd qualified in the
16 evaluative criteria of constitutional
17 qualifications, physical health, and mental
18 stability. The committee found him well
19 qualified in the evaluative criteria of ethical
20 fitness, professional and academic ability,
21 character, reputation, experience, and judicial
22 temperament. The committee added the following
23 comment: Mr. Todd is a dedicated family court
24 practitioner with a wide range of experience in
25 family court matters. Though younger than many

1 candidates, he brings an impressive level of
2 diligence and a strong work ethic to his
3 candidacy.

4 **Q. Just a few housekeeping questions for the record.**
5 **Mr. Todd, are you aware that as a judicial candidate,**
6 **you are bound by the Code of Judicial Conduct as**
7 **found in Rule 501 of the South Carolina Appellate**
8 **Court Rules?**

9 A. I am.

10 **Q. Since submitting your letter of intent, have you**
11 **contacted any members of the commission about your**
12 **candidacy?**

13 A. I have not, but for transparency purposes prior to
14 Senator Garrett being appointed to the JMSC, he
15 obviously is a senator in my circuit, and I had
16 reached out to him prior to him being on the JMSC,
17 but I've avoided him like a ten foot pole since then.

18 **Q. Thank you for that. Are you familiar with Section**
19 **2-19-70, including the limitations on contacting**
20 **members of the General Assembly regarding your**
21 **screening?**

22 A. I am.

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

1 **your screening?**

2 A. I have not.

3 **Q. Have you asked any third parties to contact members**
4 **of the General Assembly on your behalf, or are you**
5 **aware of anyone attempting to intervene in this**
6 **process on your behalf?**

7 A. I have not, and I'm not aware of anyone.

8 **Q. Have you received and do you understand the**
9 **commission's guidelines on pledging and South**
10 **Carolina 2-19-70E?**

11 A. I do.

12 MR. HINSON: I would note for the record that any
13 concerns raised during the investigation
14 regarding the candidate were incorporated into
15 the questioning of the candidate today. And
16 with that, Mr. Chairman, I have no further
17 questions.

18 CHAIRMAN RANKIN: All right, thank you so much.

19 Questions by members of the Commission? Okay.
20 I want to just go right back to the Conway. You
21 said it was a family name. Give me the
22 background there.

23 MR. TODD: Sure. So it traces back to England, and I
24 guess where the family came from. There's a
25 small, what's it called, hamlet outside of a

1 major city there, and that's apparently where we
2 came from and came over and been in Laurens a
3 long time. And my son now carries that middle
4 name as well.

5 CHAIRMAN RANKIN: And I've noticed your son,
6 four-year-old at that time, is named Conway as
7 well, but is your father?

8 MR. TODD: Yes, James Conway Todd III.

9 CHAIRMAN RANKIN: So we are now to the --

10 MR. TODD: Five and I think that's where it's going
11 to stop.

12 CHAIRMAN RANKIN: You don't get to decide that,
13 though, do you?

14 MR. TODD: That's fair.

15 CHAIRMAN RANKIN: Yeah. Well, I appreciate your
16 letting me go down that lane.

17 MR. TODD: Sure.

18 CHAIRMAN RANKIN: You meet folks and get the most
19 interesting information, and perhaps you were
20 thinking questions as well.

21 MR. TODD: Yeah.

22 CHAIRMAN RANKIN: Senator Garrett.

23 EXAMINATION

24 BY SENATOR GARRETT:

25 Q. Thank you. It's a pleasure for you to put your name

1 in the hat for this. You're a super lawyer. I think
2 you've been identified as a super upcoming rising
3 star, et cetera, et cetera. You've checked all the
4 boxes. You've got a beautiful family. I mean, why
5 would you want to be a judge at this stage when you
6 could come out and be one of the top domestic lawyers
7 in the state of South Carolina? If you decided to go
8 that way.

9 A. Sure. Well, I think it goes back to, and I have
10 enjoyed private practice, and I believe I've done
11 well with my work in doing so, but it truly does go
12 back to public service. I feel like I was called to
13 come back to Laurens. I had other opportunities to
14 go elsewhere, and something kept bringing me back to
15 Laurens. I enjoy family court, and it's my passion.
16 Like I said, it would do me a great sense of personal
17 satisfaction over anything else to serve in my
18 community, where I plan to stay and raise a family
19 and help as many people as I can. In my current
20 role, I can only help hundreds over the course of a
21 couple of years or five, six years, but as a family
22 court judge, I'd be able to help thousands
23 potentially, not just in my community but across the
24 state. And I believe that that's important to have
25 someone that's approachable and relatable, and I feel

1 like that I am that. And I think I have a lot to
2 offer to the bench.

3 Q. We were glad to see you help Tommy Thompson over at
4 Laurens County after our great friend Richard
5 Townsend passed away. Thank you for doing that.
6 Tommy was getting on up in his age so I imagine that
7 youth and exuberance was wonderful for him, and so
8 you helped him out. I assume you trained under the
9 seat that's being emptied, or now you're trying to
10 fill, was Matthew Turner's seat. Is that correct?

11 A. That's correct.

12 Q. And did you get to practice under -- I would assume
13 you practiced under him as well as Mindy Zimmerman.

14 A. Absolutely.

15 Q. And, of course, Judge Smithdeal. We're going to see
16 him in just a little while. So you got to practice
17 under those judges.

18 A. I did. And Judge McGowan as well.

19 Q. Judge McGowan. Which one -- so do you have an
20 opinion as to which one you would like to emulate?

21 A. Quite frankly, Judge Turner. I think he was a really
22 consistent, level, approachable judge in the Eighth
23 Circuit. I know that a lot of the family court bar
24 enjoyed having him there. And I think Judge McGowan
25 as well was fantastic and approachable and made it

1 really comfortable to come into a family courtroom
2 where it's already a tense and hostile environment.
3 When you knew Judge McGowan or Judge Turner was on
4 the bench, you could kind of sigh of relief but still
5 be prepared and know that he was going to hear
6 everything that you had to present and that everybody
7 was going to have their day in court, and I think
8 that's important for litigants that are before family
9 court. That's their most important day.

10 **Q. I'm glad to see that Judge McGowan is now -- although**
11 **he's retired, he's helping us a lot with our**
12 **mediations.**

13 A. Absolutely.

14 **Q. Have you attempted to become a mediator?**

15 A. So I took the mediator class early on in law school,
16 but I have not done the certified mediator for family
17 court. I was asked by a colleague to mediate a case
18 where you can sign the waiver saying that you're not
19 a certified as long as both parties agree. I have
20 done that, but outside of doing the actual formal
21 training, I've just been really busy to try to find
22 the week to take up and take care of that.

23 **Q. Well, I think we're blessed to have you as a**
24 **candidate for this position. Thank you for offering.**
25 **I see you as one of the up and coming stars in**

1 Q. I've been there.

2 A. Yep.

3 Q. I understand. I guess what prompted you to move on
4 to the solicitor's office after that?

5 A. Obviously in family court, trials are limited, and I
6 wanted to have more experience in trials. You know,
7 you'd have your contested rule to show causes and
8 things of that nature, but I really wanted to have
9 confidence in my ability for trial work. I knew that
10 I was good with the procedure aspect of it, but I
11 wanted to be able to back it up if I had to, and I've
12 certainly done that. So I talked to my mentor, Tom,
13 and told him about the opportunity from Solicitor
14 Stumbo and said, you know, it might not be a bad
15 thing just to take two years to do that, and I did,
16 and I'm glad I did because unlike a lot of the larger
17 circuits where you're the young guy, you have to wait
18 in line for the more serious cases, it's a small
19 circuit, so you're the guy. And so I was able to
20 pick up and try some of the more difficult ones.

21 Q. I guess at that point it seemed like maybe there was
22 still some thoughts about getting into trial work
23 that might be at a circuit court level, at least
24 looking into it.

25 A. Yes and no. I think my options were open, but at the

1 same time, family court, when I was at Townsend and
2 Thompson, I felt I was the most comfortable in, most
3 effective in, and I started missing it, quite
4 frankly, after being there for two years, and I'd
5 gotten my experience, and I said, I want to put this
6 to work and help people. And so that's why I ended
7 up making the move to find a firm that only did
8 family court.

9 **Q. Well, I mean, were you -- they approached you or were**
10 **you just looking for something to kind of move on out**
11 **of solicitor's office, I guess?**

12 A. I was looking for -- because I knew I was going to be
13 there just for a couple of years because I had a
14 vision and goal to get as well-rounded as I possibly
15 could be, and so after I felt that I had done that --
16 I mean, I think I tried 13 cases in two years.

17 **Q. Wow.**

18 A. And at that point I said okay, I think I've done my
19 due diligence here, and I was sort of looking for a
20 firm that only did family court, and that's when I
21 ultimately landed where I am.

22 **Q. And that took you to Greenville?**

23 A. That's correct.

24 **Q. I mean, how has that experience been?**

25 A. I've enjoyed it. I still live in Laurens, obviously,

1 so I've got to commute each day back and forth, but
2 it's fantastic. There are some wonderful family
3 court lawyers up in the 13th Circuit, but I like it
4 because I'm able to go all over the upstate and now
5 working my way into Lexington, Kershaw, and those
6 counties. And it's been fantastic, and there are a
7 lot of great lawyers, and I've learned a lot
8 throughout going against them in trials and
9 procedure.

10 **Q. I'm assuming probably where you ended up, more or**
11 **less, it didn't -- there was no lack of work to do.**

12 A. Not at all.

13 **Q. Instead of having to go kind of start from scratch, I**
14 **mean, you kind of got into a going concern.**

15 A. Correct. And then my friend, obviously -- actually
16 Judge Turner's brother worked at the firm, and he
17 said hey, we're hiring. Come on up. And I said
18 okay, sounds good. So I ended up working with him
19 some.

20 **Q. I mean, so you pretty much just expand based upon**
21 **what you get, or have you started to kind of, more or**
22 **less, generate some of your own stuff?**

23 A. I've gotten a ton of personal referrals, but the firm
24 has their own marketing. They'll bring in the
25 clients. But I've had a few repeats, and then also

1 just been able to branch out with just word of mouth
2 and just see and be seen so much in court that I
3 think that it helps.

4 Q. Well, I see one of your letters of reference from Mr.
5 Hayford.

6 A. Oh, yeah.

7 Q. He basically was saying that he's referred to you.

8 A. Right.

9 Q. Yeah, I go back with him to high school.

10 A. Oh, okay.

11 Q. Long time. And, I mean, look, obviously I put a lot
12 of credence in what he says. So y'all had some
13 exchanges in these last few years?

14 A. Absolutely. He actually is my father-in-law's really
15 good friend, and anything up in the upstate he always
16 gives me a call and refers it up to me, which I very
17 much appreciate. And I've been able to resolve his
18 referrals successfully, and I think that's also
19 helped with his confidence in continuing to funnel
20 him my way.

21 Q. Let me ask you this, and certainly I'm not -- this is
22 a question I've asked other people.

23 A. Sure.

24 Q. And so I'm not in any way trying to pick on you,
25 okay? You've got about 11 years' worth of time in as

1 a practitioner. You're about 38 years old.
2 Effectively, you're coming to us and ultimately to
3 the Legislature and saying give me an employment
4 really from now on until I'm going to retire. I
5 mean, because that's effectively what it can and
6 likely would be. Tell us, you know, why? Because
7 obviously I think you've accomplished a heck of a lot
8 in a short time, but I'm one of those people that
9 believes that, you know, experience is something that
10 is gained over maybe the long haul as opposed to just
11 a snapshot. And then my way of thinking these days,
12 10 years is a snapshot.

13 A. Sure.

14 Q. So give me your thoughts about that.

15 A. Sure. You know, in our circuit alone, Judge
16 Zimmerman and Judge Turner, who's now ascended to the
17 Court of Appeals, they both took the bench prior to
18 40, and so there's some precedent to that in our
19 circuit, but they had just the same amount of
20 experience I have, and I believe that I know what
21 kind of law I want to do, and I'm passionate about
22 family court. I love the people. I love the
23 interactions. And I feel like I'm approachable, and
24 I think that I would provide stability in terms of
25 temperament and demeanor to the family court bench

1 and make people feel comfortable when they come into
2 my courtroom, because that's the most important part.
3 It's already hostile. It's already tense. And
4 you've got to be able to be approachable within the
5 rules, obviously. But give them their time and their
6 day in court, and I believe given the body of work
7 that I've done with family court and then the other
8 areas of the law, that all comes into a melting pot,
9 as I said, about family court with different issues
10 that arise, and I think that I'll be able to pick up
11 and get right into work and do what I've done now.
12 And I think y'all will get 110 percent of enthusiasm
13 and effort on my part every day, and I think that age
14 is part of diversity, and a diverse bench is a good
15 bench, and I think that -- I believe I'd be an
16 effective, well-qualified judge to do that.

17 **Q. Last thing. Not asking about particular judges, but**
18 **if you were to look at kind of how you see the family**
19 **court system now, and if you were going in as a judge**
20 **and say, I'd like to maybe tweak some things or use**
21 **my style to basically improve the way it's perceived**
22 **and the way it operates, what would maybe be the**
23 **first one or two things that would jump to your mind**
24 **about that?**

25 **A. Well, again, first being approachable and just**

1 knowing that someone that comes in, I'm not going to
2 be some guy in an ivory tower that's wearing a black
3 robe. I'm going to be human just like the rest of
4 them, and I'm going to show compassion and sympathize
5 with their circumstances and hear their case out
6 fully. And I think in terms of an overall what we
7 can do potentially to make family court better is to
8 make it a little bit more predictable in terms of
9 getting into family court. You know, a lot of times
10 these different circuits and practice in different
11 areas, their administrative procedures are all
12 different, and I think that if you've got an
13 opportunity -- we've just recently started holding
14 semiannual meetings with the family court bar in
15 Greenville, and I think it would be good to have that
16 in the Eighth Circuit to where, you know, here's the
17 problem I'm running into, here's what's happening
18 with the administrative aspect and what's slowing the
19 cases down, and hearing from the people who actually
20 practice family court and trying to better -- make
21 the transition easier for clients so they know
22 exactly what's going to happen when they walk into
23 that courtroom and there's not going to be any
24 miscues about paperwork or filing that was supposed
25 to have been done a separate way but is done a

1 different way in Greenville or wherever else it may
2 be. So just consistency.

3 Q. What do you do, for instance -- like it seems like
4 what you would envision as your style would fit
5 pretty well in the Eighth Circuit because you're not
6 maybe having the same volume, but you've obviously
7 now been to other places. Greenville. You know, you
8 say you've come to Lexington where they're drowning.

9 A. Absolutely.

10 Q. I mean, how do you kind of try to still be able to
11 implement when you're kind of going to, for lack of a
12 better word, a more hostile environment?

13 A. Well, and I think it comes down to, again, just
14 organization and the people who you're going to be
15 practicing before you. The Eighth Circuit is not the
16 largest family court bench in the state, but we've
17 got a very cordial and collegial bar, and we work
18 well together, we communicate well together, and I've
19 always said family court is 90 percent communication.
20 If you can pick up the phone and call someone and
21 resolve an issue, that's what's going to help resolve
22 the case. If you're acting hostile or arrogant, it's
23 just going to further polarize the parties and not
24 allow the resolution. So I think, going back to your
25 question, just being able to put together a plan and

1 start with those meetings similar to the Thirteenth
2 Circuit and pick up a few things that I've learned in
3 the Thirteenth Circuit that I've seen that work and
4 are efficient and trying to assist that with the
5 Eighth Circuit.

6 MR. SAFRAN: Thank you very much.

7 CHAIRMAN RANKIN: All right. Any -- Ms. Blackley.

8 EXAMINATION

9 BY MS. BLACKLEY:

10 **Q. I just have a quick question.**

11 A. Sure.

12 **Q. Where you currently are employed with the law firm in**
13 **Greenville, what type of cases do you handle there?**

14 A. So it's all family court. Whether it's a divorce,
15 custody action, modification action, rule to show
16 cause, adoption, termination of parental rights. We
17 do some private work for DSS, so pre-nuptials, post-
18 nuptials. Pretty much anything that comes in the
19 door that's family court related we're going to take
20 it and handle it.

21 **Q. I noticed on the website it says that you represent**
22 **men. I'm sure you have more than just men, you know**
23 **--**

24 A. Sure. So that was an earlier marketing ploy back
25 when I first started. They've pulled back on all of

1 that, thankfully. And, yes, I've got plenty of
2 female clients, and I make it a point to when female
3 clients come in, I try to take the case because I'm
4 the one that's signing them, just to keep me sharp
5 and balanced on both ends.

6 MS. BLACKLEY: Thank you.

7 CHAIRMAN RANKIN: Thank you, Ms. Blackley.

8 EXAMINATION

9 BY SENATOR RANKIN:

10 **Q. Have you tried a fully contested, stem-to-stern**
11 **equitable distribution custody case in a final**
12 **hearing?**

13 A. Yes. Yes.

14 **Q. How long ago? How many?**

15 A. In terms of overall trials, probably family court
16 trials, probably seven. But one of them, which was
17 the longest one, went on for about two weeks in the
18 Eighth Circuit.

19 **Q. Was that with your current employer or previous?**

20 A. So the two week one was with Townsend and Thompson,
21 just an extra hand on the case, and I was also able
22 to do some of the witnesses. But the other ones were
23 all with my current firm.

24 **Q. And they involved what?**

25 A. Equitable division. Alimony modification was one of

1 them. Another one was just a divorce on adultery.
2 And then another was a modification for child
3 custody.

4 **Q. And so those were litigated, contested hearings that**
5 **went to a final order, not a consent order?**

6 **A. Correct.**

7 **Q. And I know a little bit of family court, enough to**
8 **know that I don't want to go there unless I have to**
9 **go there, but I'm proud of you for doing it and doing**
10 **it well. I recognize that just as in the civil**
11 **field, cases that go to mediation more times than not**
12 **do resolve. I would commend to you, find the time to**
13 **become a mediator because you will be playing the**
14 **role of Solomon the mediator and judge if you're**
15 **successful in getting to the bench.**

16 **A. Yes, sir.**

17 CHAIRMAN RANKIN: So you are a well-organized guy.

18 You've got wonderful attributes. People are
19 saying great things about you. You comport
20 yourself very well. Young or not, you are, as
21 Senator Garrett said, an up-and-coming -- you
22 don't have to pay for this line to be called a
23 super lawyer, but he's recognizing a good one in
24 you. So unless there are other questions now,
25 Mr. Conway Todd, this will close this portion of

1 the hearing and the screening. You realize that
2 this record will not be closed until the formal
3 release of the record of qualifications.

4 Because of our adherence to the state ethics
5 law, the violation of the letter or spirit of
6 that would warrant us calling you back. I need
7 an affirmation from you that you do know that
8 this record will not be closed.

9 MR. TODD: I do, and I understand. Thank you.

10 CHAIRMAN RANKIN: Very well. Thank you both for
11 being here early and being a sharp couple and a
12 sharp family.

13 MR. TODD: Thank you so much, everyone.

14 (Off the record)

15 CHAIRMAN RANKIN: Good afternoon. I'd like to say
16 good morning, but you have come very early, and
17 I appreciate -- we appreciate your shifting
18 around here. Raise your right hand, if you
19 will.

20 ALICE RICHTER, having been first duly sworn, was
21 examined and testified as follows:

22 CHAIRMAN RANKIN: State your full name for the
23 record.

24 JUDGE RICHTER: Alice Anne Richter.

25 CHAIRMAN RANKIN: And you have brought a dapper

1 somebody with you. Want to introduce that
2 dapper somebody?

3 JUDGE RICHTER: My husband, Joseph Serrato.

4 CHAIRMAN RANKIN: Very good. Welcome, sir. Welcome
5 back. Judge, you know how the process works.
6 First of which your PDQ and the sworn
7 statements. Are they ready to be entered into
8 the record?

9 JUDGE RICHTER: They are.

10 (EXHIBIT NO. 18 MARKED FOR
11 IDENTIFICATION PURPOSES (15
12 pages) PDQ)

13 (EXHIBIT NO. 19 MARKED FOR
14 IDENTIFICATION PURPOSES (5 pages)
15 Sworn Statement)

16 CHAIRMAN RANKIN: Okay. As an up for re-election
17 judge who's been through this process, you know
18 we focus on the nine evaluative criteria, which
19 includes a ballot box survey, thorough study of
20 your application materials, check for economic
21 conflicts of the ethics laws, and our search for
22 newspaper articles in which your name appears,
23 and study of past screenings. No complaints
24 have been filed in opposition to your re-
25 election. No affidavits. No witnesses are here

1 to testify against you. And so if I am not
2 mistaken, Ms. Wilkinson, we're ready to go. And
3 she'll ask questions, as you know, and then
4 we'll open it up for members of the commission.
5 Welcome.

6 JUDGE RICHTER: Thank you.

7 CHAIRMAN RANKIN: Back.

8 EXAMINATION

9 MS. WILKINSON:

10 **Q. Good afternoon, Judge Richter.**

11 A. Good afternoon.

12 **Q. After serving since 2015 on the family court, why do**
13 **you want to continue to serve as a family court**
14 **judge?**

15 A. I have been honored to serve our state and all those
16 who come before the family court, and I think that in
17 the family court, we are uniquely situated to be on
18 the front lines of people's lives and really impact
19 the lives of families and children in our state in a
20 positive way, and I hope to continue to do that.

21 **Q. We do have a few issues to put on the record. Judge**
22 **Richter, you indicated in your PDQ that since your**
23 **last screening, a lawsuit was filed against you in**
24 **France v. County of Charleston. Can you please give**
25 **us the nature and disposition of this lawsuit?**

1 A. Yes. This was a lawsuit filed in federal court by a
2 litigant, pro se, a self-represented litigant from
3 family court, who appeared in front of me and a
4 number of other judges in Charleston County and who
5 went on to sue us along with his wife and his wife's
6 attorney. Those of us, the clerk and the other
7 family court judges, we were sued in our professional
8 capacity, and eventually the case was dismissed, I
9 believe, in June of 2023. I was never served with
10 the action.

11 **Q. What do you think your reputation is among attorneys**
12 **that practice before you?**

13 A. I hope, and based on my meeting with the bar, that it
14 is and will continue to be positive that I am
15 diligent, that I'm honorable, and that I maintain the
16 highest levels of integrity and abide by the canons
17 and the law and provide a fair opportunity to be
18 fully heard to all those who come before the court.

19 **Q. Judge Richter, the Commission received 390 ballot box**
20 **surveys regarding you with 57 additional comments.**
21 **The ballot box surveys, for example, contain the**
22 **following positive comments: Judge Richter is very**
23 **level-headed and consistent. She appreciates**
24 **organized and timely filed documents and is thorough**
25 **in her review of files. She catches things other**

1 judges don't and asks questions when appropriate.
2 Her thoughtfulness helps keep attorneys in check and
3 provides a fair tribunal to all parties. Judge
4 Richter is a treasure with a firm but caring demeanor
5 and an excellent command of the law and rules of
6 evidence. Judge Richter is beyond dedicated to being
7 a family court judge. She is well-versed in the law
8 and always works hard. She is punctual and always has
9 a great demeanor. She is always mindful to do what
10 is in the best interest of the child. Six of the
11 written comments did express concerns. One pattern
12 did emerge among those comments, indicating that you
13 have a bias in favor of attorneys with whom you have
14 a personal friendship and that you have favorites.
15 What response would you offer to this concern?

- 16 A. I think that maintaining neutrality, independence,
17 and integrity is something that is required by the
18 canons. I endeavor to do that every time folks walk
19 into the courtroom. Folks with -- attorneys with
20 whom I am close, I have recused myself from hearing
21 any of their cases, and so I don't. I do not believe
22 I am biased and I would comply with the canons if I
23 felt that I were in any situation and either recuse
24 myself or remit the case if I believe that there was
25 a conflict. I, of course, will take the anonymous

1 ballot box comments on board and will continue to
2 endeavor to ensure that everyone not only is treated
3 fairly but also understands that there is that
4 perception in place that they feel comfortable and
5 know that I am providing everyone a fair hearing.

6 MS. WILKINSON: Regarding the Citizens Committee
7 report, I would note that the Lowcountry
8 Citizens Committee found Judge Richter qualified
9 in constitutional qualifications, physical
10 health, and mental stability. It further
11 reported that Judge Richter is well qualified in
12 ethical fitness, professional and academic
13 ability, character, reputation, experience, and
14 judicial temperament. Additionally, the
15 committee commented in their summary that Judge
16 Richter is a caring, dedicated, smart,
17 personable, hardworking, excellent judge.

18 **Q. Judge Richter, we do have a few housekeeping issues**
19 **to go over with you. Submitting your letter of**
20 **intent, have you contacted any members of the**
21 **commission about your candidacy?**

22 **A. No.**

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

1 A. I am.

2 Q. Submitting your letter of intent, have you sought or
3 received the pledge of any legislator either prior to
4 this date or pending the outcome of your screening?

5 A. I have not.

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

10 A. No. I have not made such contact or asked anyone to
11 do so, and I am not aware of any such contact.

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

15 A. I am familiar. Thank you.

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

21 CHAIRMAN RANKIN: All right. Questions about members
22 of the commission? Senator? Hello, Pete Strom.
23 Mike Strom.

24 MR. STROM: Thank you, Mr. Strom -- Mr. Chairman.

25 Too much barbecue. Members of the commission,

1 I've known Judge Richter since literally she was
2 a child. She is an phenomenally bright, caring
3 person. She was meant to be on the family
4 court. And you've enjoyed a great reputation
5 throughout your whole career. And, you know,
6 there's so many things you could do to make a
7 lot more money but you've chosen this public
8 service, and we really appreciate that. Thank
9 you for your service.

10 JUDGE RICHTER: Thank you for your kind words.

11 MR. STROM: Thank you, Mr. Chairman.

12 CHAIRMAN RANKIN: Very well.

13 EXAMINATION

14 BY SENATOR RANKIN:

15 Q. Judge, I want to commend you as well. I've never
16 appeared before you. I remember you. I obviously
17 well remember your father, who I've served with. And
18 I well remember us talking about your father as a
19 judge and how you would be considered as a judge.
20 And you've drawn on the best in him and perhaps put
21 down some of the older style with your demeanor. And
22 so I want to not say that he didn't have a good
23 demeanor, but he was a firm snap, crackle, pop, wield
24 in that courtroom, went to that bench, and then the
25 pleasantries were later. You are bringing all the

1 good. And I'm just, again, reading the letters of
2 reference, which are from folks that you can read
3 their names, obviously, but the comments from those
4 who have taken the time, with the exception of the
5 distinct outliers who take issue with you, who hold
6 you up in a very high regard in your service on the
7 bench and making hard decisions that we hear
8 complaints filed about that may well be filed against
9 you at some point in the future based on the hard
10 decisions that you're tasked to do. And so
11 apparently you're bringing the right touch to this
12 role. I want to ask you, as I've asked a few others,
13 docket management down in your part of the world and
14 how you're managing to keep the trains rolling
15 without cutting anybody off that needs a little more
16 time in a temporary hearing to get justice delivered?
17 How do you do that?

18 A. I'm primarily in Charleston and Berkeley counties.
19 My circuit is Charleston and Berkeley counties, but
20 we, you know, do travel. I have been from 2022 to
21 the end of 2023 for 18 months, I was Chief
22 Administrative Judge in Charleston, and then for six
23 of those months, unfortunately, Judge Creech was ill,
24 and so I was Berkeley County too. And I would say in
25 the Ninth Circuit, it's very diverse in how that's

1 dealt with. Berkeley is the fastest growing county
2 in our state. It's the fourth fastest growing county
3 in the country, and the population is booming. So
4 they are struggling to keep up and are struggling
5 with docket management, I think, just with growing
6 pains through no fault of anyone's, but maybe need
7 more terms of court. In Charleston, we have kept
8 things pretty steady and are keeping up very well
9 with our numbers and dockets. But I think family
10 court, and I think this is maybe part of what you're
11 alluding to, is so unique in that these are not just
12 cases. These are people's lives. And we do have a
13 365 day benchmark order. The Chief Justice -- Chief
14 Justice Kittredge has just updated the Chief
15 Administrative Judge order to provide some clarity
16 for its temporary hearings and hopefully help people
17 assess what amount of time they need so it helps
18 folks get scheduled in an appropriate time frame and
19 for enough time to be fully heard. But we try to
20 stay on top of it by working very close with our
21 clerk's offices and with court administration, who I
22 have to say do an excellent job of making sure that
23 we have the resources that we need on the ground.

24 **Q. In these high growth areas and in Horry similarly, --**

25 **A. Yes.**

1 Q. -- y'all have lots of demands. Obviously,
2 yesterday, Judge Jefferson and the circuit bench with
3 the civil and the criminal, the General Sessions
4 docket, y'all need help. Big counties need help.
5 And when you need help, do you get it? And if we can
6 help you, tell us -- if you had the magic pen, what
7 would you ask of us -- whoever?

8 A. I don't know what the magic -- I don't know what the
9 penance is. I think our state and Horry County
10 feeling the same thing. We're growing. Our whole
11 state is growing. And the demographics of our state
12 are changing and the types of cases we're seeing in
13 terms of how quickly they can be resolved and how
14 straightforward they are or how protracted they
15 become based on economic and other aspects is
16 changing. We are using every resource we have.
17 We're doing court virtually in family court in
18 Charleston. We used virtual court throughout COVID
19 and we've kept on using it. We are using something
20 called an owl camera, which is a camera that picks up
21 who's speaking in the courtroom and doesn't require a
22 court reporter. We have a huge court reporter
23 shortage in our state. I think Chief Justice
24 Kittredge is on that and I'll let him take the lead
25 in speaking with y'all. But I think it's important

1 that we stay nimble and stay innovative. And
2 everyone, I will say, on the bench right now, who I
3 have the pleasure of working with -- we have a
4 hardworking group of people who are committed to
5 doing a good job and helping people get their cases
6 heard and realize how important it is and how
7 detrimental it can be to have that delayed. I think
8 it's just a period of growth. And y'all's role in it
9 is absolutely going to be integral in the
10 legislature, ensuring that the resources are there so
11 the citizens who need to be heard can be heard and
12 have resolution through the court system.

13 CHAIRMAN RANKIN: Very well. All right. Other
14 questions by anybody else? If not, Judge
15 Richter, y'all have come early. I hope that
16 y'all get to check out Cromer's Peanuts or
17 Lizard's Thicket or some bakery that Andy Safran
18 could recommend you to on your way out. This
19 will conclude this portion of your screening,
20 and, again, we appreciate your nimbleness in
21 getting here so soon. As you know, the record
22 is not closed until the final release of the
23 record of qualifications of you. Our adherence
24 to the state ethics law, both to the spirit and
25 the letter, we treasure, we cherish, and we

1 would take very seriously any violation or
2 appearance of a violation of that law. You
3 understand that we could call you back in the
4 unlikely event that you were to stray from those
5 rules, right?

6 JUDGE RICHTER: I do. Thank you.

7 CHAIRMAN RANKIN: Very well. All right, this is it
8 for today. Thank y'all very much.

9 JUDGE RICHTER: Thank you.

10 CHAIRMAN RANKIN: And we'll see y'all the next time.

11 JUDGE RICHTER: Thank you.

12 CHAIRMAN RANKIN: Safe travels.

13 (Off the record)

14 CHAIRMAN RANKIN: Judge, welcome.

15 JUDGE MCELHANNON: Thank you.

16 CHAIRMAN RANKIN: Thank you for being able to get
17 here on the fly and shifting the schedule to
18 accommodate others.

19 JUDGE MCELHANNON: Not a problem at all.

20 CHAIRMAN RANKIN: And try to get you all in and out
21 sooner than 7:30 tonight.

22 JUDGE MCELHANNON: Thank you for that.

23 CHAIRMAN RANKIN: Would you like to stay till 7:30
24 tonight?

25 JUDGE MCELHANNON: I would prefer not to.

1 CHAIRMAN RANKIN: Very well. All right, if you will,
2 raise your right hand.

3 SCOTT MCELHANNON, having been first duly sworn,
4 was examined and testified as follows:

5 CHAIRMAN RANKIN: You've got two forms that we need,
6 that PDQ and that sworn statement. Are those
7 ready to be entered into the record?

8 JUDGE MCELHANNON: Yes.

9 (EXHIBIT NO. 20 MARKED FOR
10 IDENTIFICATION PURPOSES (14
11 pages) PDQ)

12 (EXHIBIT NO. 21 MARKED FOR
13 IDENTIFICATION PURPOSES (5 pages)
14 Sworn Statement)

15 CHAIRMAN RANKIN: All right. You have been through
16 this JMISC system before and you know our focus
17 on the nine evaluative criteria, which includes
18 a ballot box survey, thorough study of your
19 application materials, verification of your
20 compliance with state ethics laws, search of
21 newspaper articles in which your name appears,
22 study of previous screenings and a check for
23 economic conflicts of interest. No affidavits
24 have been filed or complaints in opposition to
25 your election. I don't believe you brought

1 anybody with you in here.

2 JUDGE MCELHANNON: I came by myself today.

3 CHAIRMAN RANKIN: Very well, and so I'm going to turn
4 it over to staff counsel here for questions and
5 then the rest of the folks may ask questions of
6 you. And so Ms. Starnes, take it away, please.

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

8 EXAMINATION

9 MS. STARNES:

10 **Q. Good afternoon, Judge McElhannon.**

11 A. Good afternoon.

12 **Q. Good to see you.**

13 A. Good to see you.

14 **Q. Judge, after four and a half years of serving on the**
15 **family court bench, why do you want to continue**
16 **serving as a family court judge?**

17 A. Well, first off, I love my job. I love what I do. I
18 feel like I help people in the courtroom in a very
19 stressful situation. I try to calm everybody down
20 and I feel like we get a lot of work done that way.
21 I also feel that I've served the citizens of the
22 state of South Carolina well for four and a half
23 years and I believe I can continue to do that if
24 reelected.

25 **Q. Thank you. Judge McElhannon, what do you think your**

1 reputation is among attorneys that practiced before
2 you?

3 A. I would say fair, patient. Hopefully they would say
4 kind. I try to be kind and treat everyone like I
5 would want to be treated coming into a stressful
6 situation.

7 Q. Thank you. The commission received 273 ballot box
8 surveys regarding you with 26 comments, a majority of
9 which are positive. Such positive comments include:
10 Judge McElhannon has a great understanding of family
11 law and marital litigation. He is courteous and
12 understanding. Judge McElhannon is an excellent
13 judge. He allows you to try your case and gives
14 well-reasoned decisions. He is very courteous to all
15 who appear before him. Two of the written comments
16 did express concerns about your rulings and the
17 procedural rules of your courtroom. What response
18 would you offer to those concerns?

19 A. To the best of my knowledge, I think I follow the
20 rules of procedure and I'm not exactly sure what
21 context there that question, or that comment is in,
22 so it's hard to respond to it.

23 Q. Regarding the temporary hearings?

24 A. Oh, that's probably -- I think when we talked before,
25 one concern was that I did not allow the attorneys to

1 argue enough. And the only time I don't allow them
2 to argue is at temporary hearings. The reason being,
3 Rule 21 states that temporary hearings are to be
4 decided on affidavits and other supporting
5 documentation. Arguments of counsel is
6 discretionary. The way -- I started out letting them
7 argue at the very beginning when I took the bench and
8 what I found was happening, I would take -- and time
9 constraint is one thing. Most temporary hearings are
10 set for 30 minutes. If you read all of the
11 affidavits from both parties, it normally takes 15 to
12 20 minutes at least to read through those. And I was
13 finding that the attorneys were arguing or basically
14 repeating what I'd already read in the affidavits.
15 And then my whole schedule got bumped back and
16 everyone was sitting out in the lobby wondering why
17 it was taking so long. So basically time and court
18 efficiency is why I don't allow them to argue at
19 temporary hearings.

20 **Q. Thank you, Judge McElhannon. The Upstate Citizens**
21 **Committee found you to be well qualified in the**
22 **evaluative criteria of ethical fitness, professional**
23 **and academic ability, character, reputation,**
24 **experience and judicial temperament and qualified in**
25 **the evaluative criteria of physical health,**

1 constitutional qualifications and mental stability. I
2 do have a few housekeeping issues to discuss. Judge
3 McElhannon, since you submitted your letter of
4 intent, have you contacted any members of the
5 commission about your candidacy?

6 A. No.

7 Q. Are you familiar with section 2-19-70, including the
8 limitations on contacting members of the general
9 assembly regarding your screening?

10 A. Yes.

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

15 A. No.

16 Q. Have you asked any third parties to contact members
17 of the general assembly on your behalf or are you
18 aware of anyone attempting to intervene in this
19 process on your behalf?

20 A. No.

21 Q. And have you reviewed and do you understand the
22 Commission's guidelines on pledging in South Carolina
23 Code section 2-19-70E?

24 A. Yes.

25 MS. STARNES: I would just note for the record that

1 any concerns raised during the investigation
2 regarding Judge McElhannon were incorporated
3 into the questioning today. Mr. Chairman, I
4 have no further questions.

5 REPRESENTATIVE JORDAN: Thank you, Ms. Starnes. Mr.
6 Safran, you're recognized.

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

8 EXAMINATION

9 BY MR. SAFRAN:

10 Q. I think you and I share at least one thing in common.
11 It looks like you started out down in the 14th
12 Circuit.

13 A. I did.

14 Q. You were working with Sam Svalina.

15 A. I was.

16 Q. I worked with Moss and them --

17 A. Oh, okay. Yeah.

18 Q. -- for about two and a half years. It looks like
19 both of us found another path.

20 A. I was there for about two years. That's about it.
21 Met my wife down there, so that was a good thing.
22 That was worth living in Beaufort for.

23 Q. Have you been in Anderson pretty much since then?

24 A. I have been, yeah.

25 Q. Okay. And I actually was in Anderson before

1 Beaufort. I clerked for Judge Anderson up there many
2 years ago.

3 A. Oh, yeah.

4 Q. So I'm very familiar with at least some of the
5 lawyers back then. Let me just ask some questions,
6 because look, I will preface it by saying that I did
7 some family court work in Beaufort. I did a little
8 bit in Columbia when I moved back, and then I wised
9 up and I said this is not for me. So let me -- let
10 me just, based on my rudimentary knowledge, ask you a
11 few things.

12 A. All right.

13 Q. My recollection, and at least what's been validated
14 when I've asked questions of family court judges
15 since, is that the temporary hearing has a
16 substantial impact on where the course of that case
17 is going to go. Is that a fair assessment?

18 A. That's fair.

19 Q. And I guess, you know, lawyers -- and I'm sure when
20 you were doing family court work, lawyers are hired -
21 -

22 A. Right.

23 Q. -- basically to go and basically enhance the
24 positions of their clients. Fair?

25 A. Fair.

1 Q. All right. We went through this process probably
2 about six years ago when there was an abundance of
3 family court judges coming through. And what was a
4 concern of mine, and remains a concern of mine, is
5 that if you've got a hearing that is going to have
6 such a substantial impact on the case, and lawyers
7 are there, basically, to more or less try to
8 highlight the high points and the strong points of
9 their case, it seems like to me you're neutering them
10 when you don't let them at least make some amount of
11 argument during that first process.

12 A. Well, I don't say I don't do it all the time. The
13 majority of the time, I do not let them argue. Now,
14 if it's a very complex case, and if the child -- the
15 main thing is child custody, and that type thing in a
16 temporary hearing, that, to me, is the most important
17 part of that. And if that is a borderline where I
18 can't decide based on the affidavits, I may let them.
19 But the problem is that they don't ask for enough
20 time for the temporary hearings. They get to request
21 how much time it will take, and normally they put 30
22 minutes. Sometimes they put 15, which is ridiculous
23 because we can't even read through the packets in 15
24 minutes. But I did have -- I actually had one in --
25 not Anderson County, another county, a couple of

1 weeks ago, where they requested an hour and a half
2 for a temporary hearing. And at that point, then
3 they have time to argue. But the main thing is, like
4 I said, the time constraints that we have to hear
5 sometimes six or eight temporary hearings in a
6 morning.

7 **Q. No, I get that.**

8 A. Yeah, and I understand what you're saying, and I
9 agree with you. I don't think that -- I don't -- I
10 think a lot of the times, the attorneys want their
11 clients to hear them argue at that first --

12 **Q. I get that part too, because it's almost like I've**
13 **got to make sure I'm proving that I'm worth what you**
14 **paid me.**

15 A. Right.

16 **Q. But I guess the thing that I've got a concern about**
17 **is we as lawyers, and look, I've argued at pretty**
18 **much every level, --**

19 A. Sure.

20 **Q. -- most every court at one time or another, albeit**
21 **not a lot recently. I mean, when we go to the Court**
22 **of Appeals or the Supreme Court, we write a brief**
23 **that puts everything in there that's supposed to be**
24 **said, but yet we get time to be able to go and argue,**
25 **okay? When we're in circuit court, same thing**

1 happens. And so that's a product of the family court
2 system that causes me concern.

3 A. Right.

4 Q. The other thing is, is that I'm assuming that the
5 reason they don't ask for an hour, an hour and a half
6 frequently is because they get put at the back of the
7 line.

8 A. That could be.

9 Q. And so give me some help here in trying to understand
10 how can we basically modify or somehow enhance the
11 system in order to make it where asking for the
12 amount of time you feel like is necessary to give
13 them that opportunity is not something that is
14 already a deterrent, you know, for them doing it --

15 A. Right.

16 Q. -- because of the fact that we'll never get to court.

17 A. Right. Possibly, if you had just temporary hearing
18 days where that's all you heard, and that way you
19 could set them -- like you could set ten in a day, or
20 maybe even more than that. But if -- well, I think
21 that would -- and have one judge hear those temporary
22 hearings. That way they wouldn't have their other
23 time taken up with emergency hearings, bench
24 warrants, everything else that comes in on a daily
25 basis. So if one judge were to be assigned temporary

1 hearings, or maybe even two days a week, and that's
2 all they did, I think that would alleviate a lot of
3 that.

4 **Q. Well, and when y'all are up to full capacity, because**
5 **I know y'all had an empty seat for quite a while.**

6 A. Right. For a long time.

7 **Q. But when you're up to full capacity, how many judges**
8 **are generally actively hearing cases in Anderson?**

9 A. All the time, two, and sometimes three.

10 **Q. Okay. So it's not like necessarily it's impossible**
11 **in terms of man hours.**

12 A. No.

13 **Q. Or person hours.**

14 A. No.

15 **Q. So who basically -- is it the clerk that sets the**
16 **cases?**

17 A. The docketing clerk, scheduling clerk.

18 **Q. So I mean, is it something that judges could**
19 **basically get with the clerks --**

20 A. We could.

21 **Q. -- and say can we try to do something like this?**

22 A. We could, and I'm the chief administrative judge in
23 January, so I've got some ideas.

24 **Q. Well, I mean, you may think I'm completely wrong**
25 **about it.**

1 A. No, I don't. I absolutely don't.

2 Q. I think that what concerns me is at least in hearing
3 some of the things out here, both in this process and
4 outside, is that we tend to basically want to make
5 form over substance in family court, and that we're
6 worried about when the clock strikes 30, --

7 A. Right.

8 Q. -- as opposed to saying, we need to give this some
9 time. Because again, there's so many other areas of
10 the law that we all are acquainted with that a case
11 evolves, and it changes. We don't know from the
12 first day, really where we're gonna end up. In
13 family court, it's the opposite.

14 A. Right.

15 Q. We know likely from that first day where we're
16 ending. And if we're going to put that much emphasis
17 on what happens that first day, it just seems logical
18 to me, we need to give everybody their full shot to
19 make it more or less consistent with what's going on
20 in the process. And so if there's a simple way to do
21 it, I mean, I just think it would make common sense
22 to try.

23 A. I appreciate that, and like I said, come January when
24 I become the chief judge, I'm going get with our
25 scheduling clerk, and I have some ideas for other

1 things as well.

2 Q. I don't know that we have any power to do anything,
3 but I can promise you that, you know, you certainly
4 have probably the endorsement of all of us in trying
5 to make it more workable.

6 A. Right.

7 Q. Because I can tell you this, one thing that I see
8 when we have people coming in here and not unhappy
9 with the system, my sense is it stems from the fact
10 that they perceive it as almost like you're waiting
11 in line at McDonald's, there's your burger, get out
12 of here. And that -- we're talking about the impact
13 of these cases, and you know it --

14 A. I do.

15 Q. -- as well as anybody, have on somebody's life. You
16 know, I just don't think that you sell it short.

17 A. I appreciate that.

18 Q. And when we do it this way -- and I'm not blaming you
19 for that.

20 A. No, no. But I appreciate what you're saying.

21 Q. It's systemic. But when we do that and try to sell
22 it short, I think at the end of the day, not only
23 have you hurt the people that are there that day, but
24 you're undermining the whole legitimacy of the
25 system. And that's why I think it's an issue.

1 A. Point well taken.

2 Q. So I appreciate it.

3 A. Yes, sir.

4 MR. SAFRAN: Thank you.

5 JUDGE MCELHANNON: Yes, sir.

6 CHAIRMAN RANKIN: Mr. Strom.

7 MR. STROM: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY MR. STROM:

10 Q. Judge, I've got to second strongly what Mr. Safran
11 said. The two complaints I hear more than anything
12 about family court judges and the temporary hearings,
13 there's X amount of time and the other side runs out
14 the clock.

15 CHAIRMAN RANKIN: Use your mic, Pete. Mic. Pete.

16 Q. There's X amount of time. We know your schedule's
17 tight, and the other side talks too long, and they
18 run out the clock. Then the case gets continued, and
19 people don't get the relief that they're asking for.
20 But, you know, you got to think about this. Lawyer
21 comes into your community, and, you know, big case.
22 They've got affidavits. The client's paid them to
23 drive up there, and you don't give them the
24 opportunity to speak. It doesn't give much
25 confidence in the lawyer from the client's

1 standpoint.

2 A. I understand.

3 Q. And we've talked to a lot of judges about this. I
4 think most are now allowing people to speak. And I
5 get it. You don't want to hear everything that's in
6 all the affidavits, but I can't tell you how much I
7 strongly encourage you to start giving people an
8 opportunity to speak. I just think it's an unforced
9 error on family court judges that are going cause
10 them problems down the road on this issue, and it's
11 something that can be resolved.

12 A. I appreciate that.

13 MR. STROM: Thank you.

14 JUDGE MCELHANNON: Yes, sir.

15 CHAIRMAN RANKIN: Senator Garrett.

16 EXAMINATION

17 BY SENATOR GARRETT:

18 Q. Very briefly. Have you been to Greenwood to the
19 Eighth Judicial Circuit?

20 A. I have not held court there.

21 Q. Okay. I just want to mention something that we've
22 tried to do to try to help this.

23 A. Okay.

24 Q. One, we limited the number of submissions to eight
25 pages, double-spaced, and that was one way. And we

1 also limited the time that the attorneys could argue,
2 say three minutes a piece. Now, if you want to go
3 beyond that, you have to get special permission to do
4 that. That's one of the ways we've eliminated it, or
5 moved it along.

6 A. Right.

7 Q. So I just -- you know, you may want to talk to --

8 A. Sure.

9 Q. -- some of the judges there --

10 A. That's a good idea.

11 Q. -- and just talk to them about that. That satisfies
12 -- because there's no way that you can read
13 everything that I submitted back in the day.

14 A. Right.

15 Q. Literally, I'd come in and -- because I'd try to out
16 lawyer the other one, I'd come in with this. I've
17 had judges look at me and say Billy, you expect me to
18 read that? I said yeah. No. It's all good.

19 MR. SAFRAN: Senator, I don't know if it's out yet,
20 but I know there's a new rule that the Chief
21 Justice is contemplating, or already signed, in
22 dealing with affidavit length. Is that out yet?

23 JUDGE MCELHANNON: It is not out yet.

24 MR. SAFRAN: Okay.

25 JUDGE MCELHANNON: No. No.

1 MR. SAFRAN: But that's being addressed, right.

2 JUDGE MCELHANNON: And that would help.

3 MR. SAFRAN: Yeah.

4 JUDGE MCELHANNON: Definitely help. That's a good
5 idea, though, Senator. The three minutes, or
6 however long, to let each one argue, that's a
7 good idea.

8 CHAIRMAN RANKIN: Judge, thank you very much.

9 JUDGE MCELHANNON: Thank you.

10 CHAIRMAN RANKIN: Unless there's other comments now,
11 we will close this portion of the screening
12 process. You know that our record is not closed
13 until the formal release of the record of
14 qualifications. Because of our adherence to the
15 ethics laws, any violation by you of the letter,
16 or spirit of the law, you know that we would
17 call you back for further questions, right?

18 JUDGE MCELHANNON: All right.

19 CHAIRMAN RANKIN: We don't anticipate that, but we do
20 anticipate that you'll be happy to get out of
21 here a lot earlier.

22 JUDGE MCELHANNON: I appreciate y'all's time.

23 CHAIRMAN RANKIN: Thank you.

24 JUDGE MCELHANNON: Thank you very much. Thank y'all.

25 CHAIRMAN RANKIN: Thank you for your service to our

1 state.

2 JUDGE MCELHANNON: Thank you.

3 CHAIRMAN RANKIN: Take care.

4 (Off the Record)

5 CHAIRMAN RANKIN: Judge, welcome.

6 JUDGE CROUCH: Thank you, sir.

7 CHAIRMAN RANKIN: Thank you so much for being early
8 as well. Let me get you to start raising your
9 right hand.

10 HUNTLEY CROUCH, having been first duly sworn,
11 was examined and testified as follows:

12 CHAIRMAN RANKIN: You have brought someone with you?

13 JUDGE CROUCH: I have. I brought my husband, Chuck
14 Crouch, my husband of 28 years.

15 CHAIRMAN RANKIN: Welcome, sir. Glad y'all are both
16 here and here early as well. Thank you.

17 JUDGE CROUCH: Thank you.

18 CHAIRMAN RANKIN: You have before you the personal
19 data questionnaire and the sworn statement. Are
20 those ready to go into the record without
21 objection?

22 JUDGE CROUCH: Yes, sir.

23 (EXHIBIT NO. 22 MARKED FOR
24 IDENTIFICATION PURPOSES (14
25 pages) PDQ)

1 (EXHIBIT NO. 23 MARKED FOR
2 IDENTIFICATION PURPOSES (9 pages)
3 Sworn Statement)

4 CHAIRMAN RANKIN: Okay. You know this process. Our
5 focus on your re-election involves the nine
6 evaluative criteria, which includes the ballot
7 box survey, thorough study of your application
8 materials, verification of your compliance with
9 the state ethics law, search of newspaper
10 articles in which your name appeared, previous
11 screenings, and a check for economic conflicts
12 of interest. Bear with me one second here.

13 JUDGE CROUCH: Yes, sir.

14 CHAIRMAN RANKIN: All right. No affidavits or
15 complaints have been filed in opposition to your
16 campaign, and other than your husband, we will
17 offer him the opportunity to be sworn and to
18 offer testimony, we will -- that's a joke.

19 JUDGE CROUCH: I appreciate that, sir.

20 CHAIRMAN RANKIN: For the record, that head could not
21 have nodded any more aggressively. But we will
22 now open it up to Ms. Benson to ask questions,
23 and then members of the Commission. And again,
24 thank you for being here and your continued
25 willingness to serve our state.

1 JUDGE CROUCH: Thank you so much, sir.

2 MS. BENSON: Thank you, Mr. Chairman.

3 EXAMINATION

4 MS. BENSON:

5 **Q. Judge Crouch, after serving six years on the family**
6 **court, why do you want to continue serving as a**
7 **family court judge?**

8 A. I'm honored to be a family court judge. I think my
9 history supports the dedication that I had to
10 becoming a judge, but more importantly to a family
11 court judge. I think it's very important to have an
12 understanding of the law, because so many different
13 areas of the law in family court are impacted in each
14 and every case. I think I have the heart of a public
15 servant, and I think that if you have that kind of
16 inclination, that family court is where I'm most well
17 served for me, but where I feel like I can continue
18 to be of service. So I'm very grateful to be part of
19 family court.

20 **Q. Thank you, Judge. There are a few issues that we**
21 **need to put on the record. Judge, what do you think**
22 **your reputation is among the attorneys that practiced**
23 **before you, and also among the court personnel?**

24 A. Well, I think always we hope that we have a good and
25 positive reputation. That's certainly something that

1 I individually would strive for. I'm fairly
2 confident that my reputation among court personnel is
3 strong and positive, because we have worked well
4 together. I think our canons require us not only to
5 be respectful toward members of the bar, but also
6 support staff and members of the clerk staff, and I
7 always try to be mindful of that. With regard to
8 attorneys, I feel like my reputation is probably very
9 positive. I feel like I have had some attorneys come
10 to me, some attorneys who I respect highly, and have
11 indicated that there may have been some concerns, and
12 most of those, I believe, were born out of COVID.
13 COVID was such a unique situation for us. I had, and
14 I'll say this term loosely, the honor of being the
15 Chief Administrative Judge going into COVID, and then
16 again for 18 months coming out of COVID, and it was a
17 very unique time where we had to try to come up with
18 ways to continue to operate. I was honored that the
19 three judges in the 11th Circuit, after meeting, came
20 up with a very detailed memorandum, which was adopted
21 by our Supreme Court for operation of trial courts,
22 but then when it was a fairly smooth transition into
23 COVID, it was a very difficult transition coming out
24 of COVID and operating again, and I think that I may
25 have been perceived as being a little more draconian

1 in application of rules. I'm a very formal judge, a
2 very procedural judge, and so I do believe that it
3 was very difficult, and I recognize from an
4 attorney's standpoint that it's very difficult to go
5 from perhaps a statewide practice virtually to then
6 being expected to turn right back around and come
7 back to what you knew two years prior. And I think
8 that coupled with the very minimal terms of court
9 that we had in our circuit, which was the fewest
10 numbers that we had had since 2014 when we were
11 coming back and opening court up again, I think it
12 put a lot of pressure on the lawyers, it put a lot of
13 pressures on the court, and it put a lot of pressures
14 on court staff. But I hope that now that that's
15 behind us, that the attorneys recognize that while I
16 will follow the law, that I have not forgotten what
17 it's like to be an attorney too and try to respect
18 that.

19 **Q. Thank you, Judge. Judge, the Commission received 298**
20 **ballot box surveys regarding you, with 39 having**
21 **additional comments. The ballot box survey contains**
22 **some very positive comments. For example, smart,**
23 **calm, courteous, excellent knowledge, controls the**
24 **courtroom, and ensures fairness. Five of the written**
25 **comments expressed concerns. Judge Crouch, the first**

1 concern involves your demeanor toward attorneys in
2 the courtroom, that you treat them with disdain. To
3 some extent, I think you've addressed that. Is there
4 any anything that you would add to that?

5 A. As you all know, and I'm confident every candidate
6 comes in and says it's very difficult to respond
7 intelligently and thoughtfully when you don't have a
8 context. I would -- I would disagree with that
9 statement. I am not by any way indicating that I am
10 perfect. As any of you know who have an experience
11 with family court know that we go from cases
12 involving extreme child abuse to cases that are
13 completely uncontested and they may be 15 minutes
14 apart. So it's very difficult sometimes when you're
15 dealing with something that is so complex and intense
16 to go into something that may be not as contested or
17 what some may consider routine. But disdain and
18 treatment of attorneys with disdain, I cannot think
19 of any time that I would have done that. I can give
20 you an example of something where I may have been
21 firm and if they believe that firmness is comparable
22 to treating someone with disdain, you know, that may
23 be their perception. But if I had in a situation with
24 a DSS case and the department was asking to return
25 custody or to grant custody to another person instead

1 of to the parent and I had undertaken a habit of
2 swearing the person who was going to have custody in
3 and asking them some safety questions just to be
4 assured that this was in the child's best interest.
5 And upon responding to the questions, the individual
6 indicated that she had a past felony conviction and a
7 pending felony conviction. So the department was
8 asking to grant custody to someone who had federal
9 felony charges pending. I did not treat them with
10 disdain but I was likely firm in my response and my
11 encouragement that they probably should have that
12 information before they come to court because we
13 always have to consider what's best especially when
14 we have a child who's already been abused and
15 neglected. That attorney later sent me an email and
16 it was very complimentary and we cover those bases
17 every time when we have DSS cases now.

18 **Q. Thank you. Judge Crouch, the second concern**
19 **indicated that you have imposed some policies not in**
20 **compliance with the rules. I think you've also**
21 **explained that to some extent in the COVID policies**
22 **that your circuit developed. Is there anything that**
23 **you would add in connection with that comment?**

24 **A. I would have suspected that the primary complaint, if**
25 **any, against me would have been that I am so driven**

1 and controlled by the rules. I think that that's
2 what our judicial canons mandate and I try very
3 diligently to follow those. I can't think of a
4 single policy that has been implemented that is not
5 borne out by the rules. I've explained what some
6 policies were. I note with the 365 dismissals that
7 was a concern. During COVID we did not have 365
8 dismissals. After COVID they were re-implemented.
9 We have to comply with the directives of our Supreme
10 Court. What I did when the rule was that you could
11 decide motions without a hearing, I would take every
12 motion to extend a case and contact -- if there were
13 two attorneys on the case instead of taking up court
14 time. I would contact them and say do you want to
15 send a consent order. Please send a consent order if
16 this isn't contested and then if you don't send your
17 consent order it's it's just as if you've ruled on
18 that motion. Then your case is subject to dismissal
19 and they were given notice of that. But the rules
20 allowed for that. I think that any policies that
21 were implemented again were responsive to either
22 going into the pandemic or coming out of the pandemic
23 and I don't believe that there is a single policy
24 that I have followed that would be violative of the
25 rules. I would further note that I've had an

1 attorney complain and say do we have to have our
2 client sign consent orders and I'll say yes you do
3 and he will say but nobody else makes us do that.
4 Well, Rule 28 says that they have to do it and so,
5 again, I would think that the complaint would be that
6 I'm holding them to the standards of the rules. But
7 I do not believe that I'm violating any rules.

8 **Q. Thank you, Judge.**

9 MS. BENSON: I would note that the Midlands Citizens
10 Committee found Judge Crouch qualified in the
11 evaluative criteria of constitutional
12 qualifications, physical health, and mental
13 stability. The committee found her well
14 qualified in the remaining evaluative criteria
15 of ethical fitness, professional and academic
16 ability, character, reputation, experience, and
17 judicial temperament. The committee stated in
18 summary, "well qualified, no comment needed."

19 **Q. Judge Crouch just a few housekeeping issues. Since**
20 **submitting your letter of intent have you contacted**
21 **any members of the Commission about your candidacy?**

22 A. I have not.

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

1 A. Yes.

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

6 A. No.

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

11 A. No.

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

15 A. Yes.

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

21 CHAIRMAN RANKIN: All right. Representative Jordan.

22 EXAMINATION

23 BY REPRESENTATIVE JORDAN:

24 Q. Very quickly. Welcome, Judge Crouch.

25 A. Thank you, sir.

1 Q. Got to point out from Florence way back when. Still
2 family in the PeeDee, correct?

3 A. Yes, sir. That's correct.

4 Q. You come to Florence every once in a while, correct?

5 A. I do. I visit often to family members.

6 Q. You can help me with this. Quinby is in Florence
7 County, correct?

8 A. Yes. Yes.

9 Q. It's a running bone of contention amongst this group
10 but thank you for backing me up.

11 A. Yes, sir. Happy to do it.

12 CHAIRMAN RANKIN: Many, many want Quinby to be there,
13 as do I. Pete, do you have a question?

14 MR. STROM: I do.

15 CHAIRMAN RANKIN: Mr. Strom.

16 MR. STROM: Thank you, Mr Chairman. Judge Crouch, I
17 wasn't going to mention this, but you brought it
18 up and I want to commend you on something.
19 You're exactly right. After Covid things got
20 out of whack a little bit and some lawyers who
21 think a lot of you went and sat down with you
22 and y'all had a good chat and you didn't have
23 that black robe on. You listened to what they
24 had to say. Some of -- some miscommunication but
25 y'all got that straightened out and I really

1 commend you for doing that. And instead of
2 waiting six years for this thing to be
3 completely out of whack and people complaining,
4 you guys got together, the bar who's been
5 weeding it out and it's good. And things are
6 working great and I just want to commend you for
7 doing that.

8 JUDGE CROUCH: Thank you very much, Mr. --

9 MR. STROM: Yeah.

10 JUDGE CROUCH: Thank you. Thank you, Mr. Strom. I
11 appreciate that comment. And I hope that you
12 and the Commission understand that I'm sincere
13 when I -- when I say that this job is something
14 that I wanted desperately. I worked hard for it
15 and I want to continue to work hard every day.
16 It doesn't mean I get it perfect, but it doesn't
17 mean that I'm not trying and I appreciate the
18 lawyers who are kind enough to bring some
19 concerns and we have that relationship that we
20 can discuss it. It was extremely helpful. So
21 thank you for that.

22 CHAIRMAN RANKIN: All right, anybody else? I want to
23 just comment and highlight the positive and not
24 the negative. Again, we have to be as fair as
25 we can. The outlier comments of raising some

1 concern. We appreciate folks doing their job
2 and not being afraid to do their job, whether it
3 be the circuit court, Court of Appeals,
4 whatever. And you're being recognized as
5 somebody who knows the law backwards and
6 forwards, who has a good, great temperament
7 speaks highly of you. And so your continued
8 desire to do this is something most needed. And
9 so we want as a legislature, as these members of
10 this JMISC, we want to uphold folks who aren't
11 afraid to do their job, who do it in the words
12 of Senator Garrett, the three Fs friendly,
13 fairly and firmly. And so each of those are
14 highly important. You run the court, not the
15 litigants. And so bless you for doing it in an
16 evened tempered way thus far and so well.

17 JUDGE CROUCH: Thank you so much, sir.

18 CHAIRMAN RANKIN: We are finished now, unless there's
19 anything else, with this portion of the
20 screening process. You know that the record
21 remains open to the formal release of the record
22 of qualifications. Because of the state ethics
23 laws, any violation by you by the letter or the
24 spirit would be deemed very serious by us. If
25 that were to occur in that unlikely event, you

1 do know that we could call you back.

2 JUDGE CROUCH: Yes, sir.

3 CHAIRMAN RANKIN: Have a great trip back to Quinby
4 kind of --

5 JUDGE CROUCH: Thank you.

6 CHAIRMAN RANKIN: -- country. Quinby kind of
7 country.

8 JUDGE CROUCH: All right, thank you very much.

9 CHAIRMAN RANKIN: Y'all take care.

10 JUDGE CROUCH: Thank you.

11 (Off the record)

12 CHAIRMAN RANKIN: Welcome, Judge.

13 JUDGE CAHOON: Thank you.

14 CHAIRMAN RANKIN: Thank you for being here so early.

15 JUDGE CAHOON: Thank you for having me.

16 CHAIRMAN RANKIN: And as you know, we need to put you
17 under oath if you would raise your right hand.

18 BLAKELY COPELAND CAHOON, having been first duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN RANKIN: State your name for the record.

21 JUDGE CAHOON: Blakely Copeland Cahoon.

22 CHAIRMAN RANKIN: Welcome back. The two documents
23 you have, the PDQ and the sworn statement, are
24 they ready to be entered into the record?

25 JUDGE CAHOON: Yes.

1 (EXHIBIT NO. 24 MARKED FOR
2 IDENTIFICATION PURPOSES (14
3 pages) PDQ)

4 (EXHIBIT NO. 25 MARKED FOR
5 IDENTIFICATION PURPOSES (8 pages)
6 Sworn Statement)

7 CHAIRMAN RANKIN: All right, they will go in. As you
8 know, having gone through this process before
9 our focus is on the nine evaluative criteria,
10 which includes a ballot box survey, thorough
11 study of your application materials,
12 verification of compliance with the state ethics
13 law, search of newspaper articles in which your
14 name appears, search and study of past
15 screenings, and final check for economic
16 conflicts of interest. No affidavits or
17 objections or complaints have been filed. No
18 witnesses are here to testify against you. And
19 so we will turn it over to Mr. Gentry for
20 questions and then to members of the Commission.
21 So welcome.

22 JUDGE CAHOON: Thank you.

23 CHAIRMAN RANKIN: Mr. Gentry.

24 MR. GENTRY: Thank you, Mr Chairman.

25 EXAMINATION

1 MR. GENTRY:

2 **Q. Judge Cahoon, after serving six months on the family**
3 **court, why do you want to continue serving?**

4 A. I love it. It's been a really great experience.
5 It's been so much more than I ever thought it was
6 going to be going into it. And I do love it. It's
7 something different every day that I get to do. And
8 I'm always learning still new stuff every time that
9 comes up. So it's been a great experience.

10 **Q. What do you think your reputation is among the**
11 **attorneys that practice before you?**

12 A. I hope it's good. I think they're finally starting
13 to get to know me. I have traveled throughout the
14 state. So I have not been in Berkeley or the Ninth
15 Circuit very much yet. But I think what they find is
16 that I tend to ask questions about things, whether
17 it's things in affidavits or things from the
18 solicitor in a juvenile case. I usually have a lot
19 of questions for people. Sometimes my hearings run
20 over a little bit because I want to make sure that I
21 have all the information. So I try to be very
22 thorough with what I'm doing.

23 **Q. The Commission received 278 ballot box surveys**
24 **regarding you with 10 additional comments. The**
25 **ballot box survey, for example, contained the**

1 following positive comments: Judge Cahoon has been
2 an excellent addition to the bench. Even though her
3 tenure has been short, she has an excellent demeanor
4 and runs her docket smoothly and efficiently. Judge
5 Cahoon is very smart. She is kind and has a great
6 judicial temperament. And Judge Cahoon has been an
7 outstanding family court judge in her short time on
8 the bench. She should continue to serve. Three of
9 the written comments expressed concerns. These
10 comments indicate that you might be too inexperienced
11 as a judge. How would you respond to that concern?

12 A. Well, I was just starting. So I mean, I would expect
13 maybe for that to happen. But every day is something
14 different. And I think the hardest part has been --
15 sort of controlling the courtroom has been not
16 necessarily a challenge, but it's hard to go from
17 being on the lawyer side of things to being the judge
18 and paying attention to everything that's going on.
19 So I think I have a much better handle on that now
20 after doing it for six months. So it will continue
21 to improve.

22 Q. Thank you, Judge.

23 MR. GENTRY: I would note that the Lowcountry
24 Citizens Committee found Judge Cahoon qualified
25 in the 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 that Judge
7 Cahoon has considerable experience in all facets
8 of the family court. She has an excellent
9 temperament and is well versed in the family
10 law. She explained to the committee that she
11 established residency in the circuit shortly
12 after her interview last year. Residency was
13 the only drawback noted by the committee last
14 year.

15 **Q. I have a few housekeeping questions for you. Judge**
16 **Cahoon, since submitting your letter of intent, have**
17 **you contacted any members of the Commission regarding**
18 **your candidacy?**

19 **A. No.**

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

23 **A. Yes.**

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

1 either prior to this date or pending the outcome of
2 your screening?

3 A. No.

4 Q. Have you asked any third parties to contact members
5 of the General Assembly on your behalf or are you
6 aware of anyone attempting to intervene in the
7 process on your behalf?

8 A. No.

9 Q. Have you reviewed and do you understand the
10 Commission's guidelines on pledging and South
11 Carolina Code section 2-19-70 subsection E?

12 A. Yes.

13 MR. GENTRY: I would just note for the record that
14 any concerns raised during the investigation
15 regarding the candidate were incorporated in the
16 questioning today. Mr. Chairman, I have no
17 further questions.

18 CHAIRMAN RANKIN: Very well. I remember you. Every
19 one of us remembers you, I know, fondly. The
20 only person new to this is Senator Garrett, but
21 and so I commend you for just getting started
22 and wanting to keep going. Michelle Sheeran, I
23 remember her letter about you before. She
24 comments that it's the second time she's
25 recommended you. And so my only question to

1 you, what can we do to help you do your job
2 better from the General Assembly standpoint, not
3 the JMSC standpoint?

4 JUDGE CAHOON: If I can have more docket time in
5 Berkeley County, that would be helpful. We
6 don't have enough time. We oftentimes just have
7 two judges in what is a very -- I'm sure Senator
8 Saab can correlate, a very large county with a
9 lot of litigants that are in it. And I do think
10 that that's an issue across the state,
11 especially in the larger counties. I can tell
12 you having traveled from -- this week I was in
13 Allendale and Beaufort. The difference between
14 me going and holding a docket in Allendale and
15 holding a docket in Berkeley or Charleston is
16 180 degrees how you do that. And so we just
17 need more time. And I will say to you,
18 Representative Rutherford, we need more
19 resources for juveniles. I'm running into a lot
20 of juveniles that are duly involved with DSS and
21 with DJJ and it's difficult. And it's difficult
22 for me as the judge to figure out the best way
23 to go with the juvenile and it's -- because
24 they're just not enough resources. These
25 children need more help than what is available

1 to them and so they need more places to go.
2 They need more places to house the juveniles
3 because they don't necessarily need to be in
4 detention but they may not be able to go home
5 yet. And it's very concerning to me whenever --
6 because I have done mostly detention hearings.
7 I haven't -- it's mostly pleas and detention
8 hearings with juveniles. But it is concerning
9 to me the number of them that have that dual
10 involvement and that just need -- they need more
11 help. And I don't know the best way to help
12 them other than to say they need more resources.
13 And I'm sure you've heard that from DJJ and from
14 everywhere else but they absolutely need mental
15 health resources and they need more help.

16 CHAIRMAN RANKIN: You're in a unique position to
17 comment and so I appreciate that. I don't want
18 to cut anyone off. Senator Saab.

19 SENATOR SAAB: I just want to make a comment, Mr.
20 Chairman. And I'm really glad you all had that
21 exchange and it's my hope that you continue to
22 see a commitment from the General Assembly that
23 we recognize that problem, and that there is a
24 need for additional resources, and hopefully we
25 can just make great strides in being able to

1 provide these children with the tools they need
2 to grow up and realize that there's hope if they
3 simply apply themselves. But I also wanted to
4 just express my appreciation for the fact that
5 you've now come to us again and it's just great
6 to be a Florida Gator. So just happy to see
7 you.

8 CHAIRMAN RANKIN: Paging Coach Kelly. Paging Coach
9 Kelly. All right, anybody else? On that high
10 note of head scratching Gator bite, --

11 JUDGE CAHOON: Well, you know, I have the Wofford
12 Terriers who aren't doing quite as well right
13 now.

14 CHAIRMAN RANKIN: We hope that continues through
15 Saturday.

16 JUDGE CAHOON: Then I have my Gamecocks and then I
17 have the Gators. Senator Saab and I have the
18 Gators.

19 CHAIRMAN RANKIN: Judge, thank you again. And your
20 zeal, your passion, your quest, and your heart I
21 think are well on display and well affirmed by
22 the folks that you're touching and that you're
23 speaking for. And so your willingness to
24 continue doing this is a testament to you and
25 the hope of our state and our young people that,

1 **for a judge serving on the family court bench?**

2 A. Well, I don't think anger has any place in the
3 courtroom. I think there's times where you have to
4 be firm with litigants but, you know, I don't know
5 the temperament like the way I'm talking right now is
6 how I deal with folks in the courtroom. I think I
7 think that's the most important thing is that is for
8 folks to understand that you know they're not they're
9 not there to get hollered at or anything like that
10 that. You know, you're being respectful of everybody
11 in that courtroom.

12 **Q. What do you think your reputation is among the**
13 **attorneys that practice before you?**

14 A. I don't know what they think of me. I mean, I hope
15 that they -- of course, you know, I haven't been
16 doing it very long but nobody has complained to me.
17 Of course, I don't know that people would really want
18 to complain to a judge, right. You know, I would
19 hope that they enjoy appearing in front of me. You
20 know, the way I handle my courtroom is the way I
21 would have it wanted it to be handled when I was in
22 practice and so I would hope that they would enjoy
23 practicing in front of me.

24 **Q. Your SLED report indicated that there was a lawsuit**
25 **involving you entitled Arnold v. Allstate Insurance**

1 Company. That's the one we discussed during the
2 interview. The suit was filed in 2023 but we did not
3 raise it during last years' screening because it was
4 not on last year's SLED report. Could you please
5 tell us a little bit about that suit, if you don't
6 mind?

7 A. I'm not a party to that lawsuit. I represented Bobby
8 Arnold as one of the litigants in the case. He was
9 my client. That case settled before I went on the
10 bench. I don't know why it was on the report, to be
11 honest.

12 Q. Judge, the Commission received 265 ballot box surveys
13 regarding you with 23 additional comments. The
14 ballot box survey, for example, contained the
15 following positive comments: First, he has been a
16 great addition to the bench and I'm only disappointed
17 to lose him as a well reasoned opposing counsel. He
18 makes the rest of us better attorneys. Judge
19 Brousseau has hit the ground running. You would
20 never know he was a new judge because he brings a
21 wealth of experience and knowledge along with a kind
22 personality making him an excellent judge. Finally,
23 South Carolina is better with Dave Brousseau on the
24 bench. His character and competence is top-notch and
25 the Anderson County Bar is thankful that he is a

1 valued member serving our country and state as a
2 family court judge. And, Judge Brousseau, none of
3 the 23 comments addressed any concerns at all.

4 MS. FAULK: I would note that the Upstate Citizens
5 Committee found Judge Brousseau qualified in the
6 evaluative criteria of physical health, mental
7 stability, and constitutional qualifications and
8 well qualified in the evaluative criteria of
9 ethical fitness, professional and academic
10 ability, character, reputation, experience, and
11 judicial temperament.

12 Q. Finally, just a housekeeping questions and that'll be
13 it for me. Since submitting your letter of intent
14 have you contacted any members of the Commission
15 about your candidacy?

16 A. No.

17 Q. Are you familiar with section 2-19-70 including the
18 limitations on contacting members the General
19 Assembly regarding your screening?

20 A. Yes.

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

25 A. No.

1 Q. Have you asked any third parties to contact members
2 the General Assembly on your behalf or are you aware
3 of anyone attempting to intervene in this process on
4 your behalf?

5 A. No.

6 Q. Have you reviewed and do you understand the
7 Commission's guidelines on pledging and South
8 Carolina Code 2-19-70E?

9 A. Yes.

10 MS. FAULK: I would just note for the record that any
11 concerns raised during the investigation
12 regarding the candidate were incorporated into
13 questioning of the candidate today. Mr.
14 Chairman, I have no further questions. Thank
15 you, Judge.

16 REPRESENTATIVE JORDAN: Thank you, Ms. Faulk. Any
17 questions? Comments? Senator?

18 EXAMINATION

19 BY SENATOR GARRETT:

20 Q. Dave, congratulations.

21 A. Thank you, Senator.

22 Q. You've done a tremendous job for us. We all knew
23 that you would. I was interested -- we were in bad
24 shape in Anderson County with dockets because we
25 didn't have a judge. How have you found -- have you

1 **been able to tackle that and get that under control?**

2 A. Well, I've only held court in Anderson, I think,
3 about five weeks. Yeah, they've had me in 13
4 different counties since I started. But I know our
5 numbers are coming down. I know they look a lot
6 better than what they were even a year ago. It's
7 actually something -- we have one very popular
8 guardian ad litem there who that's been an issue with
9 some trial rosters because she has to be in so many
10 different courts and that's an issue that both myself
11 and Judge Ballinger actually just talked about two
12 days ago and we're going to hopefully address over
13 the Christmas holiday. But we're getting the numbers
14 down and we're doing everything we can.

15 **Q. Good. Thank you. It's tremendous, though, that even**
16 **in six months there was nobody to say a thing**
17 **negative about you.**

18 A. That's a little scary.

19 **Q. That's frightening. As far as a lawyer, this is one**
20 **of those that beat me in court and shook hands after**
21 **we got through. So he's an excellent, excellent**
22 **lawyer and an excellent judge, it appears.**

23 JUDGE BROUSSEAU: Thank you, Senator.

24 REPRESENTATIVE JORDAN: Any other questions,
25 comments? Senator Saab.

1 SENATOR SAAB: Can I ask him about whether or not
2 he's familiar with Kingstree and how close it is
3 to him?

4 REPRESENTATIVE JORDAN: I advise you to take the
5 fifth on that, Judge.

6 JUDGE BROUSSEAU: I will.

7 REPRESENTATIVE JORDAN: Seeing none, Judge, I will
8 compliment you on your -- as you have already
9 been complimented on your ballot box responses
10 as well as the letters. I see you have a letter
11 -- I don't think I've ever seen a letter from a
12 tax assessor, but that's a good thing. So I
13 compliment you on that. If there's nothing
14 else, Judge, I'm going to conclude this portion
15 of the screening process. However, I do have to
16 take the opportunity to remind you that pursuant
17 to our evaluative criteria, the Commission
18 expects all candidates to follow both the spirit
19 as well as the letter of the ethics laws, and
20 any violations or appearance of impropriety will
21 be given serious weight in the screening
22 deliberations. On that note, as you know, the
23 record will remain open until the formal release
24 of the report of qualifications, and you may be
25 called back should a need arise. You understand

1 that, correct?

2 JUDGE BROUSSEAU: Yes, sir. I do, of course.

3 REPRESENTATIVE JORDAN: All right. With that, thank
4 you very much.

5 JUDGE BROUSSEAU: All right. Y'all take care. Thank
6 you.

7 CHAIRMAN RANKIN: Thank you very much.

8 (Off the record)

9 CHAIRMAN RANKIN: Judge, thank you for getting here a
10 long time ago.

11 JUDGE RANKIN: It's okay.

12 CHAIRMAN RANKIN: Thank you very much. I'm sorry to
13 hold you up.

14 JUDGE RANKIN: We are good.

15 CHAIRMAN RANKIN: Everybody -- we're trying to
16 accommodate and get them out earlier. They have
17 had to travel as have you. So we apologize for
18 holding you up. Raise your right hand, if you
19 will.

20 SCOTT RANKIN, having been first duly sworn, was
21 examined and testified as follows:

22 CHAIRMAN RANKIN: All right. Bear with me just a
23 second here. We were waiting on a guest. Just
24 go off the record a second.

25 (Off the record)

1 CHAIRMAN RANKIN: Now we're going to go on the
2 record. And, Judge, if you will, raise your
3 right hand.

4 SCOTT RANKIN, having been first duly sworn, was
5 examined and testified as follows:

6 CHAIRMAN RANKIN: Very well. You have two documents.
7 Are those ready to go into the record, the PDQ
8 and the sworn statement?

9 JUDGE RANKIN: Yes, sir.

10 (EXHIBIT NO. 28 MARKED FOR
11 IDENTIFICATION PURPOSES (15
12 pages) PDQ)

13 (EXHIBIT NO. 29 MARKED FOR
14 IDENTIFICATION PURPOSES (6 pages)
15 Sworn Statement)

16 CHAIRMAN RANKIN: Very well. And, Judge, you have
17 brought some folks with you. Would you like to
18 introduce them?

19 JUDGE RANKIN: I brought my wife, Charlotte, my
20 administrative assistant, Nicole Todd, and just
21 one of my best friends, Hank Burris.

22 CHAIRMAN RANKIN: Very good. Thank y'all for being
23 here. Judge, as you know, in our effort to
24 screen candidates for election or re-election,
25 as is your case, we look at the nine evaluative

1 criteria, which includes a ballot box survey, a
2 thorough study of your application materials, a
3 check for your compliance with the state ethics
4 laws, search of newspaper articles in which your
5 name appears, past screenings, and then a check
6 for economic conflicts of interest. Today,
7 there's one affidavit, Ms. Meisner, again, good
8 to see you again, who is with us. Thank you for
9 getting here early, and she will be the only
10 witness to testify. And so I'll turn it over to
11 Mr. Triplett at this point, or do we want to go
12 on to Ms. Meisner? Ms. Meisner. So you've been
13 sworn in. You get to have a seat, and then
14 we're going to get Ms. Meisner up. So you have
15 a seat. We're going to hear the complaint, and
16 then we'll let you respond.

17 JUDGE RANKIN: All right, thank you.

18 STATEMENT OF COMPLAINANT RHONDA MEISNER

19 CHAIRMAN RANKIN: Welcome back, Ms. Meisner.

20 MS. MEISNER: Hey, good morning.

21 CHAIRMAN RANKIN: Good afternoon. Welcome back.

22 MS. MEISNER: Feels like morning.

23 CHAIRMAN RANKIN: All right, so real quick, raise
24 your right hand. State your name for the record
25 first. I'm sorry.

1 MS. MEISNER: My name is Rhonda Meisner.

2 RHONDA MEISNER, having been first duly sworn,
3 was examined and testified as follows:

4 CHAIRMAN RANKIN: All right, Mr. Triplett.

5 MR. TRIPLETT: Thank you, Mr. Chairman. Ms. Meisner.

6 MS. MEISNER: Yes, sir.

7 MR. TRIPLETT: The commission has before it your
8 affidavit of complaint, which I respectfully
9 request be made as part of the record at this
10 time.

11 CHAIRMAN RANKIN: Without objection. You don't
12 object, do you, ma'am?

13 MS. MEISNER: No, sir.

14 CHAIRMAN RANKIN: All right, very good.

15 (EXHIBIT NO. 30 MARKED FOR
16 IDENTIFICATION PURPOSES (112
17 pages) Affidavit)

18 MR. TRIPLETT: For the record, home addresses have
19 been removed. The purpose of today's hearing is
20 for the Commission to review the qualifications
21 of the candidates to determine whether Judge
22 Rankin is qualified to serve as a family court
23 judge for seat three of the Fifth Judicial
24 Circuit. As you have been told, the commission
25 is not here to re-litigate a case, and they do

1 not have the ability to change the outcome or
2 the result of any case. Ms. Meisner, you
3 submitted your affidavit in supporting
4 documents, which the commission members have
5 before them and have reviewed prior to this
6 hearing. Is there anything else that you wish
7 to testify to, specifically regarding Judge
8 Rankin's ethics, competency, or character, that
9 has not already been covered in the documents
10 before the commission?

11 MS. MEISNER: Yes, I would like to address those.
12 And I apologize I'm a little disheveled because
13 I was told that there was going to be a
14 different order, so I apologize for that, but
15 I'm ready, I think.

16 CHAIRMAN RANKIN: The question, though, in terms of -
17 - because we've got your complaint. We don't
18 need to rehash it, but is there something beyond
19 the complaint that you've alleged that you would
20 call to the record --

21 MS. MEISNER: Yes.

22 CHAIRMAN RANKIN: -- that is not already in your
23 complaint?

24 MS. MEISNER: Yes, because I didn't -- if I would
25 have put everything in the complaint, it would

1 probably have been a thousand pages long. But
2 just briefly, you know, the family court is
3 supposed to be a court of equity, right? So my
4 issues are based on equity and also based on
5 some of the things that happened with regard to
6 the guardian ad litem that were assigned to my
7 case. I think that goes to competency. I don't
8 know that I addressed that initially.

9 CHAIRMAN RANKIN: Well, let's not give us a political
10 speech. And no disrespect, but we've seen you
11 this week already. We've seen you before. You
12 are an advocate for changing the law. That's
13 not what this forum is, though, and so to the
14 degree there are further comments beyond -- or
15 that pertain to your complaint, that's what
16 we're looking for today.

17 MS. MEISNER: Yes, Your Honor, and I know you said
18 don't call you Your Honor, but you are an
19 elected official. Okay, in my opinion, it is
20 important for a single member court of a court
21 of equity to apply the law equitably and with
22 reference to precedent, with reference to what
23 is important to the litigants. In my opinion, I
24 don't believe that that Judge Rankin did that.
25 Starting with the initial order, there was an

1 order by Judge Hurley in this case that required
2 a 30 day investigation by the guardian ad litem.
3 That investigation was not done. However, the
4 guardian ad litem is paid by statute, so if
5 there's an order to complete an investigation
6 within 30 days, I think that it's a competency
7 issue to go ahead and pay a guardian ad litem
8 who, number one, did not do the investigation,
9 did not submit a report during that 30 day time
10 period, and also, you know, I mean, how do you
11 get paid by statute if you're not if you're not
12 -- if you're not complying with the statute and
13 you're not complying with the court order? Now,
14 just for the record, I went to jail for not
15 complying with paying my attorney's fees --
16 their attorney's fees.

17 CHAIRMAN RANKIN: Was that order issued by Judge
18 Rankin?

19 MS. MEISNER: The order was issued by Judge Hurley.

20 CHAIRMAN RANKIN: All right.

21 MS. MEISNER: And Judge Rankin did subsequently issue
22 the order that excused -- I mean, that required
23 payment of the fees without complying with the
24 order that the guardian was operating under.
25 So, yes, the order was under Judge Rankin's

1 purview when he denied -- when he allowed the
2 guardian to be paid. Now, of course, that's on
3 appeal, but when he when he allowed that to be
4 paid, it was within his purview.

5 CHAIRMAN RANKIN: So, and Ms. Meisner, you are an
6 expert in the law and, again, I don't say that
7 begrudgingly.

8 MS. MEISNER: Okay. Okay, Senator Rankin, come on
9 now.

10 CHAIRMAN RANKIN: To the degree --

11 MS. MEISNER: You know I'm not an attorney.

12 CHAIRMAN RANKIN: But you appear in lots of courts,
13 you've appeared pro se, you've had multiple
14 attorneys. I'm not begrudging or demeaning the
15 complaint, but in terms of what's on appeal,
16 we're not the Court of Appeals or the Supreme
17 Court.

18 MS. MEISNER: I understand that, --

19 CHAIRMAN RANKIN: So my point --

20 MS. MEISNER: -- but we have to look at what these
21 judges are doing day to day and for every single
22 person that comes before them, and I was before
23 them. And when there is an order by another
24 judge for an attorney or for me to do that
25 order, I believe that it is important to follow

1 the law and make sure that order is enforced.
2 And in that 30 day period, it was not done. It
3 was excused, and I do think that that goes to
4 competency, fairness, equity, all of those
5 things. That is my objection to that particular
6 situation. The other objection I have is that
7 by the time the hearing was held, there had been
8 three months. My children were suspended from
9 school and failing, almost failing classes. And
10 I mean, who's watching this? Then we get to the
11 appointment of the guardian -- of the next
12 guardian. The guardian ad litem statute
13 requires there are certain prerequisites to be
14 submitted or to be entered into evidence as a
15 guardian ad litem. First of all, you have to
16 complete the required legal education as it
17 relates to family law, or you have to get a
18 waiver. Those are two things that are required
19 by the guardian ad litem statute. So the
20 appointed guardian ad litem, Dick Whiting, and
21 of course I made multiple motions to have him
22 removed, when he was initially appointed, his
23 affidavit that said that it's supposed to --
24 they're supposed to submit an affidavit saying
25 that they complied. However, his affidavit

1 admitted he did not comply. There was no
2 waiver. He requested no waiver. He referenced
3 no waiver. That is a statutory requirement for
4 him to function as a guardian ad litem. I
5 believe that goes to competency. I believe that
6 goes to equity. I believe that goes to what
7 happens when you ask for a guardian ad litem.
8 The initial fee was set at \$5,000. He
9 extinguished that \$5,000 within 30 days.
10 However, the order that appointed him required
11 that he come before the Court or get approval by
12 the parties, or agreement by the parties, to
13 exceed that fee. He got neither. Yet, he was
14 still awarded those fees again and again and
15 again until he billed over \$100,000, and in the
16 final hearing testified that he was under no
17 obligation despite -- I'm sorry, I got out of
18 order -- South Carolina 63-38-10 that requires
19 guardians ad litem not to contribute to the
20 delinquency of a minor, 16-17-490 or to the
21 delinquency. And it outlines all those things.
22 Now that is that is actually a bill -- a '23-'24
23 bill so I don't know if it's been ratified. I
24 have no idea.

25 CHAIRMAN RANKIN: You're appealing the decision for

1 alimony. You're appealing the decision for
2 fees. And so to the degree that the complaint
3 has to deal with his fitness, his character, his
4 temperament, not his decisions that you are
5 seeking reversal on appeal. That's what we're
6 limited to here.

7 MS. MEISNER: I understand the limitations.

8 CHAIRMAN RANKIN: And respectfully, you have got
9 another complaint against Judge Hurley, which
10 will follow this one, which follows another
11 family court judge that you filed a complaint
12 against earlier this week. All of who have
13 touched your case in some degree or another.
14 I'm not apologizing for or defending what
15 decisions were made. We can't hear things that
16 are a question of law, an error of law. But all
17 we can hear, as you know, is the areas of our
18 purview to deem one qualified or unqualified.
19 So my only request is that we not stay till
20 7:30, but we will if we have to. But to tailor
21 your remarks because your complaint will be made
22 public. Judge Rankin's response will be made
23 public. So we all don't need to hear it, and
24 you say it again, and I'm not trying to deny you
25 your -- your day in court but this ain't court.

1 That's my only urging of you to help us with
2 what we can hear. That's my only prodding and
3 request, please.

4 MS. MEISNER: I'm working hard on it, but it is very
5 difficult when it is part of the job of the
6 judge to be equitably and fair because --
7 because the law requires a Court of equity to
8 come in and say this is what you're supposed to
9 do. That goes to competency. This is not --
10 this is not -- I have nothing against Judge
11 Rankin personally, and I forgive him for
12 everything that has happened in this case that
13 he has made that -- where he has harmed me and
14 my children. However, how can y'all possibly
15 not know what is going on if no one tells you?
16 And I'm here to tell you what is going on in the
17 Richland County Family Court based on what has
18 happened in my situation. It has nothing to do
19 with appeals. That's that's a different day.
20 But it does have to do with what is the next
21 person? Maybe -- maybe it's -- well, you know,
22 you're not in Richland County, but maybe it's
23 somebody that is your niece. Maybe it's your
24 nephew. Maybe it's your cousin. This is about
25 looking at judges from the standpoint of how do

1 we possibly figure out a way to make sure that
2 they're acting competently when they're not
3 following the statute. In other words, you guys
4 mean nothing if they don't follow what you say.
5 It means nothing. So I will try to keep it
6 brief, but it is important, and it is important
7 that you guys know. As I said yesterday, it's
8 beautiful outside. There's a lot of sunshine.
9 Sunshine is the best disinfectant.

10 CHAIRMAN RANKIN: All right.

11 MS. MEISNER: In any event, the guardian I had a big
12 issue with because there is a statute that you
13 guys -- and not personally, but the Legislature
14 enacted. The reason the Legislature enacted
15 that because back in the '70s or whatever '80s -
16 -

17 CHAIRMAN RANKIN: Ms. Meisner, --

18 MS. MEISNER: -- Patel versus Patel.

19 CHAIRMAN RANKIN: -- respectfully, I don't want to
20 offend you, but we're not here to get a tutorial
21 in the family law. What we're looking from you,
22 and you can lobby us about the law later.

23 MS. MEISNER: I will.

24 CHAIRMAN RANKIN: What we're looking for strictly
25 deals with the complaint, not whether the law

1 was correctly applied, but as it relates to his
2 fitness to serve. And so you're familiar with
3 how this works. What can we look at, what we
4 cannot. Please limit --

5 MS. MEISNER: Okay, I will -- I will go over the
6 things that that -- for example, a violation of
7 the order that was not enforced. So in his
8 order, he said that the guardian ad litem should
9 not retain an attorney without permission from
10 the Court. However, he subsequently -- the
11 guardian ad litem subsequently hired, although
12 he said he wasn't hired, an attorney to discuss
13 the reasonableness of his fees. Basically an
14 expert witness for his fees to say everything's
15 copacetic. You know, this is appropriate. The
16 problem with that is that not only was the
17 affidavit that was submitted inaccurate and
18 incomplete, but his own order said he couldn't
19 do that. So I mean, these things --

20 CHAIRMAN RANKIN: That is under appeal, correct?

21 MS. MEISNER: That particular one -- I'm sure it is.

22 CHAIRMAN RANKIN: So, Ms. Meisner, respectfully,
23 tenderly, lovingly, I ask. We're not going to
24 hear your appeal. We're not going to hear
25 disputes on fees, alimony, et cetera. That is

1 not within our purview to determine whether it
2 was right or wrong. A court of appeals, an
3 appellate tribunal will do that.

4 MS. MEISNER: Yes, I understand that.

5 CHAIRMAN RANKIN: And so I don't want to keep --

6 MS. MEISNER: But his fitness --

7 CHAIRMAN RANKIN: I'm not going to allow you to
8 continue to speak to the law. What I'm asking
9 you to do is speak to the -- the requirements of
10 him to serve, not making a decision that was
11 correct or incorrect, but to his fitness to
12 serve in office. That is the focus here again.

13 MS. MEISNER: I will try to limit it to that.

14 However, I think that the facts are required for
15 that.

16 CHAIRMAN RANKIN: We don't -- we don't need more
17 facts.

18 MS. MEISNER: Okay.

19 CHAIRMAN RANKIN: We got the facts. My only question
20 you is help distill for us what it is that --
21 what canons of ethics that you're saying that
22 he's violated that are not agreeing with his
23 decision or disagreeing. That's all -- all we
24 can do.

25 MS. MEISNER: For example, in that first hearing

1 before him, I had every hope that it would be
2 fair and equitable. But he brought all of the
3 attorneys in the back to have a conference.

4 CHAIRMAN RANKIN: I've read that about going to get a
5 piece of change. Is that what you're talking
6 about?

7 MS. MEISNER: Yes.

8 CHAIRMAN RANKIN: Okay.

9 MS. MEISNER: He said I was going to get a chunk of
10 change at the end of all this.

11 CHAIRMAN RANKIN: And that too is on appeal.

12 Because, again, everything that you're talking
13 to us about is not for us to hear. It is for a
14 court of appeals to hear.

15 MS. MEISNER: Well, Senator Rankin, I mean, you, of
16 course, make the rules as a chairman of this.

17 CHAIRMAN RANKIN: I do not.

18 MS. MEISNER: However, --

19 CHAIRMAN RANKIN: I do not.

20 MS. MEISNER: -- the fact of the matter is when a
21 judge goes behind closed doors, so it's not on
22 the record, that to me goes to temperament and
23 also ethics, because lots of things can happen
24 behind closed doors that's not on the record,
25 and then that is prejudicial to any side on the

1 appeal. Because if you're going back and making
2 comments --

3 CHAIRMAN RANKIN: Are you raising that in your
4 appeal?

5 MS. MEISNER: Probably.

6 CHAIRMAN RANKIN: All right.

7 MS. MEISNER: I haven't. I haven't submitted my
8 initial briefs yet.

9 CHAIRMAN RANKIN: Okay.

10 MS. MEISNER: But I mean, this is -- this is
11 absolutely a constitutional concern. And I have
12 lots of concerns about the ability of people to
13 keep keep you away from your children, all of
14 those things based on allegations during the
15 pendency. This divorce took five years. Let me
16 -- let me go on to my next point. A judge is
17 required to monitor the guardian ad litem that
18 they elect or that they appoint. There was no
19 monitoring of the guardian ad litem in this
20 case, because --

21 CHAIRMAN RANKIN: Representative Rutherford --

22 REPRESENTATIVE RUTHERFORD: Mr Chairman, please.

23 Witnesses, complainants that come in have to
24 follow the very same law that they're asking
25 judges to follow. And by continuing to state

1 grounds that you are appealing in front of
2 people like myself that don't know a thing about
3 family law, don't want to know anything about
4 family law, You have gone askew of what is
5 allowed in this process. And the chairman,
6 being a very nice guy, has allowed it. But in
7 doing so is allowing you to violate the same
8 rules that you're asking this judge to confine
9 himself to. The rules are clear. The law is
10 clear. If you are complaining about the
11 evaluative criteria that we have talked about,
12 it needs to be limited to state very succinctly
13 what this judge has done to violate one of those
14 criteria, not using facts that are on appeal
15 because you are continuously asking the chairman
16 to violate the law to allow you to violate the
17 law. The law is clear. We're not an appellate
18 court. I don't know anything about family court
19 law to be able to assist you and agree with you
20 or disagree with you. The only thing I know of
21 the nine criterion that we are given that you
22 are not speaking to. And for him to continue to
23 allow you to do so, you are asking him to do
24 exactly what you accuse this judge.

25 MS. MEISNER: Well, so this becomes a difficult issue

1 because the family courts are created to be
2 courts of equity --

3 MR. STROM: Mr. Chairman --

4 MS. MEISNER: -- and as --

5 MR. STROM: Mr. Chairman, you have asked the witness
6 at least five times to comply with the rules,
7 and she just starts back over. I would ask the
8 chair to consider setting a time limit on her
9 and if she needs five more minutes, give her
10 five minutes. But this is not -- we're not
11 making any progress. She's outside of the
12 rules, and it's just a waste of everybody's
13 time.

14 CHAIRMAN RANKIN: You do understand, Ms. Meisner,
15 that the judge is precluded by the rule from
16 commenting on anything that you're saying
17 because it is a matter under appeal. You do
18 understand that, don't you?

19 MS. MEISNER: I will try to keep my facts --

20 CHAIRMAN RANKIN: No, no. That's not -- that's not
21 my question. You understand that the rules
22 preclude him from coming up in rebuttal and
23 offering anything to this Commission because it
24 is a matter that you have filed an appeal? You
25 understand that, right?

1 MS. MEISNER: Yes.

2 CHAIRMAN RANKIN: So my final request is, is there
3 anything beyond the pages that you've written,
4 though not 1,000 but voluminous, else that we
5 need to hear from you today on Judge Rankin?

6 MS. MEISNER: I will -- I will point to some things
7 that are that are not subject of the appeal that
8 I think are important. For example, the
9 guardian ad litem in this case. He sent a
10 letter to the judge via email and made comments
11 about certain things to the judge and discussed
12 an expert witness. I did the same thing and the
13 judge admonished me for doing the very same
14 thing that the guardian ad litem two months
15 before had done. Now, that to me is is unequal
16 treatment because he was made a party of the
17 case, but a party to the case by the State. I
18 was a party to the case. So if it was wrong for
19 him to do it -- I mean, if it was wrong for me
20 to do it, then it was certainly wrong for him to
21 do it, too. But yet I was the only one that got
22 an admonition in the file. So I think that does
23 go to temperament. I think that does go to
24 equity. I think that does go to judicial
25 fairness.

1 CHAIRMAN RANKIN: Thank you. Thank you. Anything
2 else?

3 MS. MEISNER: If I can just review. As I said, it
4 was out of order so I apologize for -- and I'm
5 certainly not trying to waste your time.

6 CHAIRMAN RANKIN: We don't consider it a waste of
7 time, but we do -- are constrained by what we
8 can hear what we can't. And we do have your
9 records. We've got everything you've submitted.

10 MS. MEISNER: Another comment that I -- that I found
11 to be related to his temperament is he was -- he
12 was informing me about access to properties and
13 so forth. And, you know, I said that I needed
14 to give the tenants more time, and he recited a
15 residential lease but this was a commercial
16 lease, and it involved animals. And so you
17 can't just call somebody within 24 hours and
18 tell them to have all their horses up and, you
19 know, chickens and whatever else they have to
20 get access. And I was, you know, I said that I
21 needed to give them adequate notice for, you
22 know, surveyors and appraisers to come onto the
23 property. And he said, you know, basically, no,
24 you don't. You only have to give 24 hours
25 notice. I did not get into an argument with him

1 about, you know, that it was a commercial lease,
2 and there were animals involved because it would
3 make no difference. The fact of the matter is,
4 I have been very frustrated, and I'm not the
5 only one. People have gone to jail.

6 CHAIRMAN RANKIN: We're not talking about anybody
7 else.

8 MS. MEISNER: I understand.

9 CHAIRMAN RANKIN: To the degree that that relates to
10 his fitness to serve --

11 MS. MEISNER: I do.

12 CHAIRMAN RANKIN: -- what -- what is the area that
13 you say? Temperament?

14 MS. MEISNER: Well, I mean, I'm trying to explain to
15 him the reason that -- that --

16 CHAIRMAN RANKIN: No, no, no.

17 MS. MEISNER: -- I have to give them more time. But
18 yes, that is to his temperament.

19 CHAIRMAN RANKIN: All right. What else, Ms. Meisner?

20 MS. MEISNER: I think one of the things that was in
21 there was competency. And I think it's -- it's
22 clear that, you know, overseeing the case that
23 he, you know, he has to make decisions based on
24 what the applicable law is. And I don't believe
25 that he clearly supervised the guardian. I

1 think that's the biggest --

2 CHAIRMAN RANKIN: Okay. We've heard that. Thank
3 you.

4 MS. MEISNER: Okay.

5 CHAIRMAN RANKIN: Anything else?

6 MS. MEISNER: I did say about the billing.

7 CHAIRMAN RANKIN: We read that.

8 MS. MEISNER: Okay.

9 CHAIRMAN RANKIN: Increment of billing.

10 MS. MEISNER: And there was another issue related to
11 a hearing that he actually granted some of my
12 discovery requests. The -- and this goes to
13 competency or however you want to characterize
14 it. But in any event, the order was issued and
15 then it was not submitted to the parties. So
16 the other side requested that he actually rule
17 on the order. So it was like two months after
18 that. Of course, all of those orders for
19 discovery were -- they came in actually after
20 our final hearing because of the family court --

21 CHAIRMAN RANKIN: But he ruled in your favor in that
22 instance, you're saying?

23 MS. MEISNER: No, he ruled -- he ruled -- he split
24 the baby in that instance.

25 CHAIRMAN RANKIN: Okay.

1 MS. MEISNER: But the ruling didn't come until after
2 the final hearing. So it was -- I mean, it
3 provided no relief. So that's -- that's -- I
4 think that does go to competency because, you
5 know, when you make the ruling, you should make
6 sure that the parties get notified. But that
7 may be a court administration -- you know,
8 somebody else may need to do that.

9 CHAIRMAN RANKIN: All right, thank you so much.

10 MS. MEISNER: All right.

11 CHAIRMAN RANKIN: We'll hear from Judge Rankin. And
12 for the record -- Judge, come on up -- we are
13 not related. And before a few years ago, I
14 don't think I'd ever met you. And to your
15 credit, you gladly had never met me. Is that
16 fair?

17 JUDGE RANKIN: I plead the fifth on that one,
18 Senator.

19 CHAIRMAN RANKIN: All right, Judge. Mr. Triplett.

20 MR. TRIPLETT: Yes, sir.

21 EXAMINATION

22 BY MR. TRIPLETT:

23 **Q. Afternoon, Judge Rankin.**

24 **A. Afternoon.**

25 **Q. Are you aware of South Carolina Judicial Canon 3B(9)**

1 A. Yes. Her attorney and the plaintiff's attorney as
2 well as the guardian ad litem we met in chambers.

3 **Q. Effectively, she was represented by her lawyer in**
4 **that off the record disclosure.**

5 A. That is correct.

6 **Q. Okay. And the other issue that I gleaned from what**
7 **she was trying to say, I think, was that apparently**
8 **there was some discovery order that came down that**
9 **had no helpful effect for her because it came late.**
10 **Do you recall having any late orders or anything like**
11 **that in her -- in her case?**

12 A. I do not, Senator.

13 SENATOR GARRETT: Thank you. That's all I have with
14 regards to the complaint.

15 CHAIRMAN RANKIN: All right. If nothing else on that
16 front, Mr. Triplett, let's proceed through the
17 general qualifications.

18 MR. TRIPLETT: Yes, sir.

19 EXAMINATION

20 MR. TRIPLETT:

21 **Q. Judge Rankin, after serving for five years on the**
22 **family court, why do you want to continue serving as**
23 **a family court judge?**

24 A. It's the best job I've ever had. I enjoyed
25 practicing law. I did it for a number of years. But

1 this is been an opportunity to really have some real
2 impact, especially as it relates to our youth
3 involving DMH, DJJ, DSS. The fact that every day is
4 different. Whether I'm dealing with abuse and
5 neglect case, child support, adoption. I just love
6 what I do. I really love practicing law but I'm --
7 this is, I think, where I'm meant to be a family
8 court judge.

9 **Q. Thank you, Judge. Judge Rankin, what do you think**
10 **your reputation is among attorneys that practice**
11 **before you as well as court personnel?**

12 A. I think I've got a good reputation. I treat everyone
13 with respect. I treat, you know, litigants with
14 respect because I -- and especially as well as
15 lawyers, courthouse staff, whether they're coming to
16 clean my office, whether somebody working in the
17 canteen. I try to treat everyone I come in contact
18 with the respect that I would hope they would treat
19 me. So I think my reputation is pretty good and that
20 I'm timely in getting orders out. And I think my
21 temperament is good when it comes to holding court.

22 **Q. Thank you. Judge Rankin, the Commission received 336**
23 **ballot box surveys regarding you with 33 additional**
24 **comments. The ballot box survey, for example,**
25 **contained the following positive comments: Judge**

1 Rankin is an asset to the bench. He's known for
2 having a great courtroom demeanor. Judge Rankin is
3 friendly and approachable. He's enthusiastic about
4 his job and enjoys his work. He is fair and seeks to
5 do justice. Judge Rankin is fair, thoughtful,
6 deliberate and competent. He's proven himself to be
7 an excellent family court judge and looks for ways to
8 improve outcomes for Children and families outside
9 the courtroom. Three of the written comments
10 expressed concerns and these comments indicated that
11 you showed partiality in your courtroom. How would
12 you respond to that concern?

13 A. Well, when I heard that that was a comment, I was a
14 little taken back because -- I think the context was
15 maybe partiality towards male lawyers versus female
16 lawyers. And if I have made someone feel that way,
17 then clearly I've got to do a better job. So, you
18 know, every day for me is a learning experience. And
19 if I've made one person out of 330 feel that I was
20 not impartial, then that's something I have to work
21 on and I have to own that.

22 Q. Thank you, Judge Rankin.

23 MR. TRIPLETT: I would note that the Midland Citizens
24 Committee found Judge Rankin qualified in the
25 evaluative criteria of constitutional

1 qualifications, physical health, and mental
2 stability. The committee found him 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 that Judge
7 Rankin is, quote, an asset to the family court
8 bench, unquote.

9 **Q. A few housekeeping issues. Judge Rankin, since**
10 **submitting your letter of intent, have you contacted**
11 **any members of the commission about your candidacy?**

12 A. I have not.

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

21 A. I have not.

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

1 A. I have not.

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

5 A. Yes.

6 MR. TRIPLETT: I would just note for the record that
7 any 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: Thank you. Questions by members of
12 the commission? Mr. Strom.

13 MR. STROM: Thank you, Mr. Chairman. Judge Rankin,
14 good afternoon.

15 JUDGE RANKIN: Good afternoon.

16 MR. STROM: I've never appeared before you. But I
17 just want to say, for the record, you enjoy an
18 excellent reputation at the courthouse. What I
19 hear more about you than anything recently is
20 there are a number of lawyers who want to see
21 you run for the circuit bench. The word on you
22 is that you're a very good lawyer,
23 conscientious, smart. And I heard you say the
24 family court is your passion, but I hope one day
25 you may reconsider that because I think a lot of

1 members of this circuit bar would like to see
2 you move up.

3 JUDGE RANKIN: Thank you very much.

4 MR. STROM: Thank you.

5 CHAIRMAN RANKIN: All right, if there's nothing
6 further, Judge, you know, this concludes this
7 portion of the screening process. The record of
8 the final report of qualifications is not issued
9 until later. In the event of a violation of the
10 state ethics law, appearance of by letter or
11 spirit, you understand we could call you back
12 for further testimony. Is that correct?

13 JUDGE RANKIN: Yes, sir.

14 CHAIRMAN RANKIN: All right, again, thank you. Thank
15 your family. Thank you your wife, and your
16 assistant, and your friend. What a friend you
17 have that would want to come to court or other
18 related to that. Thank you so much.

19 JUDGE RANKIN: Thank you.

20 CHAIRMAN RANKIN: Y'all take care.

21 (Off the record)

22 CHAIRMAN RANKIN: Judge, good afternoon.

23 JUDGE HURLEY: Good afternoon.

24 CHAIRMAN RANKIN: Thank you for making great efforts
25 to get here early. And first, let me have you

1 raise your right hand.

2 MICHELLE HURLEY, having been first duly sworn,
3 was examined and testified as follows:

4 CHAIRMAN RANKIN: You have some folks that you
5 brought with you. Would you like to introduce
6 them to us?

7 JUDGE HURLEY: Sure. First, I'd like to introduce my
8 husband, George Johnson, and my assistant,
9 Tiffany Tarver.

10 CHAIRMAN RANKIN: Welcome both. Judge, you know, our
11 focus here involves multiple things, including
12 the affidavit and PDQ that you've got. Are
13 those ready to be entered into the record?

14 JUDGE HURLEY: They are.

15 (EXHIBIT NO. 31 MARKED FOR
16 IDENTIFICATION PURPOSES (22
17 pages) PDQ)

18 (EXHIBIT NO. 32 MARKED FOR
19 IDENTIFICATION PURPOSES (6 pages)
20 Sworn Statement)

21 CHAIRMAN RANKIN: If you'll hand that to Lindi,
22 they'll be part of the record. As you know, we
23 focus on the nine evaluative criteria which
24 involves a ballot box survey -- includes that
25 rather, a thorough study of your application

1 materials, verification of your compliance for
2 state ethics laws, search of newspaper articles
3 in which your name appears, a study of previous
4 screenings, and then the confirmation that no
5 economic conflicts of interest have occurred.
6 Today we have a complainant, Ms. Meisner, who
7 will come up in just a moment and we will hear
8 from her regarding the nine evaluative criteria
9 and then you will get the opportunity to come
10 back up to speak to the degree that you can. So
11 at this point, if you will have a seat.

12 JUDGE HURLEY: Okay.

13 STATEMENT OF COMPLAINANT RHONDA MEISNER

14 CHAIRMAN RANKIN: Ms. Meisner, come back up. Welcome
15 back. This is Ms. Hurley's complainant. And
16 so, Ms. Benson, if you'll take it away. Let me
17 again have you -- I'm going to put you back
18 under oath. This is effectively a new record.
19 State your name for the record.

20 MS. MEISNER: Rhonda Meisner.

21 CHAIRMAN RANKIN: Hand up, please.

22 RHONDA MEISNER, having been first duly sworn,
23 was examined and testified as follows:

24 CHAIRMAN RANKIN: Very well. All right, and so very
25 quickly, I'm going to remind you that what we're

1 looking at is the complaint which we have. Ms.
2 Benson's going to speak to that. But what we're
3 looking at is any violation that speaks to the
4 evaluative criteria that we have. Competency is
5 not one of those, okay. So my plea at the
6 outset once Ms. Benson starts is to respond to
7 the question and focus not only relitigation of
8 something that has already occurred, but that
9 speaks to Judge Hurley's fitness to serve as it
10 relates to the nine evaluative criteria. Thank
11 you for that. Do you acknowledge and understand
12 what I'm asking?

13 MS. MEISNER: I do acknowledgment -- I do acknowledge
14 it, and I do believe I understand it.

15 CHAIRMAN RANKIN: Thank you so much. Ms. Benson,
16 please.

17 MS. BENSON: Thank you, Mr Chairman. Ms. Meisner,
18 the commission has received your affidavit,
19 which is before you now and I would respectfully
20 request that it be made part of the record at
21 this time. For the record, the home addresses
22 have been removed. Ms. Meisner, as you've been
23 told, the commission has reviewed these
24 materials, and this is not a time to relitigate
25 a case because they do not have any ability to

1 change the result in the case. So Ms. Meisner,
2 is there anything that you wish to testify to in
3 addition to your affidavit that you have filed
4 concerning Judge Hurley's ethics, competency, or
5 character that's not already been covered by
6 your documents?

7 (EXHIBIT NO. 33 MARKED FOR
8 IDENTIFICATION PURPOSES (30
9 pages) Affidavit)

10 MS. MEISNER: Okay. And I just wanted to say for the
11 record that Judge Rankin said it's not about
12 competency, but you -- but that is part of the
13 competency as it -- as it relates to the judges.

14 MS. BENSON: It relates to the judge's actions, yes.

15 CHAIRMAN RANKIN: Her fitness to serve. That's what
16 we're talking about.

17 MS. MEISNER: Well, but competency in my mind is
18 applying the law in an equitable setting. So I
19 mean, we can -- we can disagree on how
20 competency is submitted, but I submit to you as
21 a complainant that competency is part of the
22 evaluative criteria. And so I addressed that in
23 my affidavit, and I wanted to address that as
24 far as other issues that -- that I believe are
25 relevant to your evaluation of this judicial

1 candidate.

2 CHAIRMAN RANKIN: As it relates to Judge Hurley?

3 MS. MEISNER: That's correct.

4 CHAIRMAN RANKIN: Is there any matter that is
5 currently under review or on appeal from Judge
6 Hurley?

7 MS. MEISNER: All of the orders in the family court
8 in my case, virtually all of them are on appeal.
9 But that -- but I want to make a comment about
10 that. Not that that I'm appealing certain
11 portions of that here. That doesn't -- it does
12 not change the fact that certain things are
13 required that you should know about as far as
14 the competency of a judge. For example, I will
15 give you the -- I will give you some facts that
16 aren't really on appeal because they're moot.
17 They matter no more with regard to the final
18 outcome of this, but they do matter as far as
19 competency and ethics and all of those things.
20 So I will attempt to confine my testimony to
21 what you're looking for. But as I see it,
22 competency is part of those ethical canons
23 because it's actually written on your documents
24 that I filled out. In any event, when I entered
25 family court in 2019, I was given 24 hours to

1 get out of my marital home of 28 years. That's
2 less than an hour for each year of marriage. I
3 don't believe that that is reasonable. And I
4 think as far as the, you know, just -- just
5 looking at fairness, I don't believe that that's
6 reasonable. Judge Hurley prevented my children
7 from attending a camp at Harvard and MIT based
8 on the request of my now ex-husband. However, -
9 -

10 REPRESENTATIVE RUTHERFORD: Mr. Chairman, again, we
11 are not an appellate panel. I don't do family
12 court. Don't know anything about it. And to be
13 clear, don't know -- don't want to know anything
14 about it. I can't address your gripes with the
15 Court, with the statute, with the way the laws
16 work. That is for a court of appeals. Period.
17 This is about the evaluative criteria. And you
18 if you're not going to restrict yourself, then
19 you're asking the chairman to continuously
20 violate while we are here. I can't help you
21 with that. Even if I agree --

22 MS. MEISNER: Well, Representative, --

23 REPRESENTATIVE RUTHERFORD: I'm still talking.

24 MS. MEISNER: I apologize.

25 REPRESENTATIVE RUTHERFORD: I don't want to tell you

1 that the family courts of South Carolina are
2 fair. I can't. Been through it. Don't want to
3 do it again. What I can tell you is that you
4 have to tell us why a judge should not be a
5 judge again. Not rulings that they made that
6 are going to the court of appeals that they can
7 say whether that judge did the right thing or
8 not. I just tried a case. I disagree with the
9 judge, so I'm going to appeal. Does not mean
10 the judge is incompetent. The court of appeals
11 may agree with everything he did. May do the
12 same thing in your case. We can't tell you
13 about the facts. Tell us why this judge, just
14 like the last judge, should not be a judge
15 again. That's it.

16 MS. MEISNER: And you can't -- respectfully,
17 Representative Rutherford, you can't evaluate
18 that without facts -- without facts that
19 happened in the case, whether they're relevant
20 to the appeal. I'm not talking about the
21 appeal. This is not about the appeal. This is
22 about a party going before a judge and that
23 judge making rulings that affect children
24 because everybody says the family court, oh, the
25 importance is on the children. It goes to the

1 competency. It says it on the criteria. So I
2 respectfully disagree with your assertion. I'm
3 not -- this fact is not in my is not going to be
4 in my appeal except as an anecdotal thing. A
5 judge should be looking at when these children
6 are -- have a trip planned to Harvard and MIT
7 and they've paid for a plane ticket, that goes
8 to temperament to say you cannot -- you child,
9 you can't go on your trip that you spent 15
10 hours preparing for. That does go to
11 temperament. I'm sorry, Representative
12 Rutherford, but I respectfully disagree with
13 you.

14 CHAIRMAN RANKIN: Did you have an attorney
15 representing you at that point regarding that
16 particular order?

17 MS. MEISNER: I did not. But I will tell you, I had
18 every hope that going in that courtroom things
19 were gonna be fair. If I would have had any
20 idea that my children were going to be denied to
21 go to that trip, I would have requested a
22 continuance and not gone on because that just
23 makes no sense to me for -- to deny a child a
24 trip that one party paid for. And then he
25 changed his mind said no, they don't get to go.

1 Even when I said I won't go. If there's a if
2 there's an issue with me going, I'll stay at
3 home. Those are facts that are important to
4 judge whether a judge should be allowed to stop
5 another trip for the child.

6 REPRESENTATIVE RUTHERFORD: Mr. Chairman, they are
7 also in her affidavit. They have been
8 considered because they were already submitted.
9 We reviewed this. We reviewed these facts in
10 the hearing for Judge Rankin. Not Chairman
11 Rankin, but Judge Rankin. We reviewed all this.
12 The request was made of her is there anything
13 that she would like to add that was not in her
14 affidavit? She has failed to do that.

15 MS. MEISNER: Respectfully, Representative
16 Rutherford, I'm not finished talking.

17 CHAIRMAN RANKIN: Well, Ms. Meisner, --

18 REPRESENTATIVE RUTHERFORD: That's up to the chair.

19 CHAIRMAN RANKIN: Ms. Meisner, this --

20 MS. MEISNER: Okay.

21 CHAIRMAN RANKIN: We're trying to be fair and I've
22 been --

23 MS. MEISNER: How can you be fair when you're not
24 accepting facts?

25 CHAIRMAN RANKIN: Your facts have already been put

1 into the record. What we're asking you is to
2 not regurgitate what we have, what the God and
3 country will see with this decision. So the
4 facts are in the record. We're respectfully
5 asking you not to --

6 MS. MEISNER: Okay, so God and country is going to
7 see all of the -- all of the -- these.

8 CHAIRMAN RANKIN: Every word that you have written,
9 which you've admitted and agreed would be
10 included in the record.

11 MS. MEISNER: That's fine with me.

12 CHAIRMAN RANKIN: We don't need you to read it. We
13 don't need it highlighted.

14 MS. MEISNER: This -- I don't believe this -- that
15 incident was in the record. If it is, I
16 apologize.

17 CHAIRMAN RANKIN: It's not timely then. If you've
18 not put it in your complaint, we can't take it.
19 We've taken your complaint. Every word, every
20 thing you wanted us to consider. We're not here
21 to add on or expound. And so I would ask you to
22 respectfully, tenderly, lovingly distill it to
23 the evaluative criteria that we have and just
24 list those -- as to not the facts. But what is
25 it that you are saying that we have the ability

1 to say yes or no, that is a temperament problem.
2 It is an ethical fitness problem. Not the facts
3 but what are those criteria that you want us to
4 say -- list the ones that you say Judge Hurley
5 has violated. In addition to what you've
6 already got on the record, that's all we need
7 from you today.

8 MS. MEISNER: In addition to the violation of
9 basically what I considered a threat by when she
10 hugged me behind --

11 CHAIRMAN RANKIN: Yeah, not -- not facts. I'm just
12 looking for -- everything that you've given us,
13 list the criteria that we have that you say
14 she's violated. Not why, but what. Not how,
15 but what? Is it ethics? Is it constitutional
16 fitness? Is it temperament? That's all we
17 really need from you today, Ms. Meisner.

18 MS. MEISNER: I understand what you're saying, and I
19 presume that we just -- that maybe I don't
20 understand what you're looking for, because I
21 think from a constitutional fitness standpoint,
22 if you're not applying the law, then you're not
23 constitutionally competent to be a family court
24 judge. That's what I'm saying.

25 CHAIRMAN RANKIN: So that's -- that's a matter for

1 another tribunal. It's not us.

2 MS. MEISNER: Okay, that's fine. But for you, I
3 think that it is an ethical violation to take a
4 person that is before you behind the door --
5 behind the --

6 CHAIRMAN RANKIN: All right, so we don't need the
7 facts. We've got it in the record. So she
8 lacks ethics.

9 MS. MEISNER: So the other thing that ethical
10 dalliance aside, I don't think it's appropriate
11 for a judge to threaten somebody before them.

12 CHAIRMAN RANKIN: So that would be temperament.

13 MS. MEISNER: Yes.

14 CHAIRMAN RANKIN: All right. Again --

15 MS. MEISNER: And I think that that was a violation
16 of her temperament and -- and her ethics
17 combined.

18 CHAIRMAN RANKIN: All right, what else? Not facts,
19 but criteria.

20 MS. MEISNER: I'm trying. I really am. I do think
21 that it is, again to competency if there is a
22 set up by which you are supposed to look at
23 child support. Something that can throw
24 somebody -- constitutional issue. Put somebody
25 in jail then you should abide by what is has

1 been created for this --

2 CHAIRMAN RANKIN: And if that violation of the law
3 was an error, we don't fix that. A court of
4 appeals does.

5 MS. MEISNER: You don't -- you don't fix the error of
6 law. That is correct.

7 CHAIRMAN RANKIN: What else?

8 MS. MEISNER: But if it's -- but if it is a
9 continuing pattern, that is something that this
10 -- that goes to constitutional fitness. If it's
11 consistently and continually violating the law
12 and the rights of the litigant, that goes to her
13 competency. And I believe that is the case.

14 CHAIRMAN RANKIN: And we won't decide that. That's
15 somebody else that will.

16 MS. MEISNER: So another thing -- another thing that
17 I believe is a constitutional issue is ordering
18 drug and alcohol tests for one person, not
19 ordering it for the other person. That is --
20 that to me is a constitutional issue. We'll
21 move on about that. Judge Hurley misrepresented
22 facts in a -- in a motion hearing where she said
23 that my ex-husband could take \$10,000 out of the
24 account of his choosing and pay me that was --
25 was to be redirected to the guardian ad litem.

1 CHAIRMAN RANKIN: Is that fact -- real quick. Is
2 that a fact that is in dispute that will be on
3 appeal?

4 MS. MEISNER: That fact will not be in dispute on
5 appeal because it's -- but the ethics of what
6 she said in a later hearing is relevant to your
7 inquiry.

8 CHAIRMAN RANKIN: Okay.

9 MS. MEISNER: In that --

10 CHAIRMAN RANKIN: I don't need to know the facts of
11 what she said.

12 MS. MEISNER: Okay.

13 CHAIRMAN RANKIN: Ethics, temperament, equity,
14 constitution, competency.

15 MS. MEISNER: In equity she ordered \$35,000 --

16 CHAIRMAN RANKIN: Don't need -- and I'm sort of --

17 MS. MEISNER: Okay.

18 CHAIRMAN RANKIN: -- trying not to get into --

19 MS. MEISNER: Okay.

20 CHAIRMAN RANKIN: -- re-litigating of a fact here.

21 MS. MEISNER: I understand that but it is -- it is
22 extremely hard to give you facts when, you know,
23 -- so therein is the chicken and the egg
24 argument. So yes, there is one path that is on
25 appeal. But how do you possibly evaluate judges

1 when you don't want the facts that are coming
2 before you when they're not applying the law?
3 That is a constitutional issue. And it is -- it
4 is extremely important for this body because
5 you're going to decide who you appoint to say,
6 okay, we're -- this judge is not applying the
7 South Carolina law. She's not doing what you,
8 legislative body, have told her to do. Okay.
9 So the other issue is in the DSS issue. And
10 this is not on appeal. In the DSS issue, I was
11 told that a hearing that I requested -- it was a
12 motion in limine that I requested was canceled.
13 That they would just hear it the day of the
14 merits hearing. However, my former spouse
15 called and told me about a dental appointment.
16 I was like, ding, ding, ding, ding, ding.
17 There's no dental appointment. They're moving
18 forward with that hearing. And that was the
19 case. But they took the effort to call me from
20 the family court and say that that hearing was
21 canceled. Judge Hurley was on that hearing.
22 Final comment about ethics and things like that.
23 During the hearing, all of the -- all of the
24 courtrooms are open to, you know, the public
25 with the exception of DSS abuse and neglect

1 cases, correct? So there was in my final
2 hearing where I successfully defended myself
3 against the court appointed or whoever the
4 DSS people, the court appointed DSS attorneys.
5 It turns out that there was no announcement that
6 my husband's attorney was watching the complete
7 testimony in trial of this hearing. There was
8 no announcement at the beginning that they had
9 let her in to watch the proceedings remotely.
10 And that, I believe, is -- is something that
11 should be looked at from the ethics. Why? Now,
12 maybe it's just a sneaky trick. But here's the
13 difference in those remote hearings for DSS,
14 because they're secret, they have to let the
15 parties in. They have to say okay, you can come
16 in, you can come in. And it would -- and I
17 believe that it makes a difference from a
18 constitutional standpoint for us to know who's
19 there and who's looking and who's, you know,
20 recording this. And it turns out that there
21 is, -- you know, they were able to reframe some
22 things because she failed to say hey, by the
23 way, I let them in remotely. They're not here
24 in the courtroom where I could physically look
25 around and see they're --

1 CHAIRMAN RANKIN: You're alleging prejudice to you in
2 the strategy that was derived at a later hearing
3 that Judge Hurley was in cahoots with,
4 effectively, to allow access to someone who
5 should not have been there.

6 MS. MEISNER: Well, she can allow anybody in her
7 courtroom.

8 CHAIRMAN RANKIN: Your husband was a part of that
9 party? He is a party, obviously?

10 MS. MEISNER: No, I was -- he accused me of abusing
11 my children.

12 CHAIRMAN RANKIN: He was present?

13 MS. MEISNER: No, he wasn't present in the courtroom.
14 I don't know who else was present because no --
15 no notice was made to me that they were allowing
16 people in remotely.

17 CHAIRMAN RANKIN: As to Judge Hurley and you're
18 specifically alleging what violation of the
19 criteria that that constitutes. And that's all
20 I need.

21 MS. MEISNER: Okay, from a constitutional standpoint,
22 --

23 CHAIRMAN RANKIN: Okay.

24 MS. MEISNER: -- I think that people that are part of
25 a courtroom -- now this is -- this is kind of an

1 interesting area because typically speaking,
2 everybody can look around the courtroom and say
3 oh, there's everybody here.

4 CHAIRMAN RANKIN: Yeah. Ms. Meisner, we're --

5 MS. MEISNER: But we don't know when there's remote
6 people watching. And, you know, that I think
7 that that is hiding that fact by not announcing
8 that they have let people in, I think is a
9 breach of ethics.

10 CHAIRMAN RANKIN: Your husband's attorney, correct?

11 MS. MEISNER: Yes.

12 CHAIRMAN RANKIN: Okay.

13 MS. MEISNER: But he he wasn't part of the -- the
14 allegation against me. It was just me that was
15 being investigated.

16 CHAIRMAN RANKIN: Okay. We're going to wrap it up.
17 Anything else? We don't need any more facts.
18 And I will assure you and the folks watching and
19 family and whomever, we are being greatly
20 deferential to running on with things that that
21 are not relevant. And we're trying to be kind
22 and cooperative and fair. But we have
23 everything -- if there's not anything new, but
24 any final remarks as to Judge Hurley's
25 qualifications to serve, that's what I'd ask you

1 to make now. And then we're going to dismiss
2 with you and let Ms. Hurley come up. So please
3 -- Judge Hurley rather.

4 MS. MEISNER: Yes.

5 CHAIRMAN RANKIN: Anything further, Ms. Meisner?

6 MS. MEISNER: I believe that from a constitutional
7 standpoint, --

8 CHAIRMAN RANKIN: We've heard that.

9 MS. MEISNER: -- that granting a court-appointed
10 guardian ad litem money without giving me access
11 to money is a is a violation of the
12 constitution. And specifically, I think, that
13 goes to ethics. I think it goes to competency -
14 -

15 CHAIRMAN RANKIN: And we heard you --

16 MS. MEISNER: -- and all of that.

17 CHAIRMAN RANKIN: -- earlier on those points.

18 MS. MEISNER: Okay.

19 CHAIRMAN RANKIN: Anything else?

20 MS. MEISNER: The final thing is, I do forgive Judge
21 Hurley for everything that has happened in this
22 case.

23 CHAIRMAN RANKIN: Very good. Thank you so much.

24 MS. MEISNER: And thank you for your time.

25 CHAIRMAN RANKIN: Yes, ma'am. Thank you. And thank

1 you for making your schedule available to be
2 here earlier. Truly. All right, Judge Hurley.
3 Now, Ms. Benson.

4 MS. BENSON: Judge Hurley, you provided the
5 Commission with a written response to the
6 complaint, which the Commission members have
7 reviewed, and which I would ask at this time, if
8 it is your intent, Judge Hurley, would you like
9 this to be part of the record?

10 JUDGE HURLEY: Yes, ma'am.

11 MR. STROM: Mr. Chairman.

12 CHAIRMAN RANKIN: Mr. Strom.

13 MR. STROM: I'm not sure what's in that but,
14 obviously, the canons don't allow her to comment
15 on any pending matter. And as I understand it,
16 most of this is on appeal. So I'm not sure it's
17 appropriate for this to go on the record.

18 REPRESENTATIVE RUTHERFORD: That was next.

19 CHAIRMAN RANKIN: That's next.

20 REPRESENTATIVE RUTHERFORD: That was next.

21 MR. STROM: Okay.

22 REPRESENTATIVE RUTHERFORD: But he's talking about for
23 the record.

24 MR. STROM: Yeah. Yeah. Yeah.

25 CHAIRMAN RANKIN: Your response effectively

1 acknowledges that you cannot talk about matters
2 that are on appeal.

3 JUDGE HURLEY: Correct.

4 MR. STROM: Okay.

5 CHAIRMAN RANKIN: Correct?

6 JUDGE HURLEY: Yes.

7 CHAIRMAN RANKIN: And there's a canon of ethics
8 judicial conduct that specifically provides that
9 you cannot comment publicly about a matter on
10 appeal, --

11 JUDGE HURLEY: Yes.

12 CHAIRMAN RANKIN: -- correct?

13 JUDGE HURLEY: Correct.

14 MS. BENSON: Judge Hurley, at this point, would you
15 does your response comply with that and would
16 you want your response to be made part of the
17 record?

18 JUDGE HURLEY: So my response addressed many of the
19 issues that she put in her complaint. So there
20 may be some information in my response that may
21 be on appeal.

22 CHAIRMAN RANKIN: Yeah. So to that degree, and no
23 one's telling you what to do but before -- this
24 record is still going to be open. We don't want
25 you to violate any rule any more than we want

1 Ms. Meisner or anyone else to violate.

2 JUDGE HURLEY: So I would prefer that not be part of
3 the record because it does directly address some
4 of her allegations against me regarding some of
5 my rulings in the case. And then so yes,
6 indeed.

7 CHAIRMAN RANKIN: We're not telling you what to do
8 but you have the ability to redact what you
9 don't want in that would violate any rule. We
10 just want to make sure that you understand that.

11 JUDGE HURLEY: I understand.

12 CHAIRMAN RANKIN: So there's no -- you don't need to
13 -- it does not need to come in today.

14 JUDGE HURLEY: No, it does not need to come in.

15 CHAIRMAN RANKIN: So you're asking us not to admit
16 your reply as is --

17 JUDGE HURLEY: Yes.

18 CHAIRMAN RANKIN: -- presently?

19 JUDGE HURLEY: I am asking you not to admit my reply
20 as is.

21 CHAIRMAN RANKIN: Okay.

22 MS. BENSON: Is there any response that you would
23 like to give at this time?

24 JUDGE HURLEY: Well, I respect Ms. Meisner, but I
25 respectfully disagree with her recitation. I

1 A. But ask the question again.

2 **Q. After your service on the court, why do you wish to**
3 **continue serving as a family court judge?**

4 A. Because I absolutely love what I do. I enjoy family
5 court. I enjoy the types of cases that come before
6 me. Family court, and I believe I said this at my
7 last hearing, is my passion. I enjoy the children
8 involved with the Department of Social Services and
9 seeing that their cases are resolved. I love happy
10 days, adoptions. I love watching the juveniles who
11 come before me. Those who actually graduate from
12 high school and will send me a notice saying I
13 graduated from high school. It just gives me a --
14 what I do is my passion, and I love it.

15 **Q. Thank you, Judge. What do you think your reputation**
16 **is among attorneys and the court personnel that**
17 **practice before you?**

18 A. I think I have a very good reputation amongst
19 attorneys as well as court personnel. I treat the
20 court personnel as my family. I believe that
21 everyone is equal. I don't -- you know, we're all
22 colleagues. And so I believe they would say that I'm
23 personable, that I'm kind, that I'm thoughtful, and
24 that I'm fair.

25 **Q. Thank you, Judge. The Commission received 371 ballot**

1 **box surveys regarding you with 43 having additional**
2 **comments. Many of these comments were very positive.**
3 A great judge, superior temperament. Everybody loves
4 her. Decisive, fair, respectful, understanding,
5 intelligent, patient, and impartial. Two of the
6 comments expressed concerns. One about your demeanor
7 in the courtroom and the other about basing your
8 decisions on your mood. Judge Hurley, what response
9 would you make to those comments?

10 A. Well, say the last two again, please.

11 **Q. About you're making decisions dependent upon your**
12 **mood.**

13 A. So I don't make my decisions depending on my mood.
14 Sometimes I may have read the documents submitted
15 prior to the hearing. And so I already have an idea
16 on how I may rule once I enter the courtroom. So it
17 may not be -- if that makes sense. And I always --

18 **Q. And the first was about your -- just basically about**
19 **your demeanor in the courtroom.**

20 A. Well, every day can't be a great day. And so I have
21 always worked to make sure that I don't show my
22 emotions on my face. And so like I said earlier, or
23 in my responses, I always try to be fair, I always
24 try to be reasonable. I think most people tell you
25 that I'm very patient. I allow people to have their

1 moment in court. And, you know, everyone doesn't
2 have a great day every day. So I'm sure there are
3 days that I've come in with not a happy face. But it
4 doesn't mean that it affects my rulings.

5 **Q. Thank you, Judge.**

6 MS. BENSON: I would note that the Midlands Citizens
7 Committee found Judge Hurley qualified in the
8 evaluative criteria of constitutional
9 qualifications, physical health, and mental
10 stability. And well qualified in the remaining
11 evaluative criteria, ethical fitness,
12 professional and academic ability, character,
13 reputation, experience, and judicial
14 temperament. The committee stated in summary,
15 "Well qualified. Committee impressed with her
16 compassion for juveniles. Can address tough
17 issues now before the family court."

18 **Q. Just some remaining housekeeping issues, Judge.**

19 Since submitting your letter of intent, have you
20 contacted any members of the Commission about your
21 candidacy?

22 A. No, ma'am.

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

1 A. I am.

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

6 A. I have not.

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

11 A. No, ma'am.

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

15 A. I have.

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

21 CHAIRMAN RANKIN: Thank you.

22 EXAMINATION

23 BY SENATOR RANKIN:

24 Q. Judge Hurley, 2013 you were first elected and again,
25 some days it seems longer, some days not. I want to

1 just commend you with what we have before us and
2 recognize the struggle that you have. The comments
3 we don't want to leave as if that's it because there
4 were only 2 out of 40 that were negative. You have
5 overwhelming kudos from those who've taken the time.
6 In our effort to be balanced, we hit the highlights,
7 hit the negative, but we don't want folks to believe
8 that the negative are the predominant because that is
9 not the case with you. I do want to go to as a
10 seasoned judge that you are, perhaps frail, perhaps
11 human, perhaps error prone, as all humans are,
12 whether they wear a black robe or pants, dress,
13 whatever, but to the struggle that you have daily,
14 the inherent tension between litigants like Ms.
15 Meisner or whoever come before your court, whoever
16 they may be. The law is preeminent, clearly, but how
17 do you approach tough choices with children's lives
18 hanging in the balance or financial security or
19 dependents or independents? How do you day in, day
20 out, kind of your North Star, how do you approach
21 this and maintain sanity and the ability to go back
22 the next day for the next hard decision that you have
23 to?

24 A. So every decision is a difficult decision. And in
25 family court, the children's interest is at heart.

1 And so I'm always -- when there are children involved
2 in the case, I'm always focused on what decision it
3 will be in the children's best interest. It does not
4 mean that that is going to be what's in the
5 children's best interest down the road. It means
6 that's what's in the children's best interest today
7 at this moment. And so I absolutely review, and any
8 attorney who comes before me will tell you, I review
9 every single document that is submitted. I believe
10 everyone has a story, their story should be heard and
11 I should listen to it and I should consider it. And
12 so once I make a decision, for my own sanity, I have
13 to put that aside because the next case is coming in
14 and that next case deserves my attention. And so at
15 the end of the day, when I go home, everything is
16 bungled up. And so I can't focus on one particular
17 case. Now I do say that cases keep me up at night,
18 particularly cases that involve children, whether
19 they're caught up in divorce, whether it's abuse and
20 neglect, whether they're juveniles, they keep me up
21 at night. And I do wonder sometimes whether the
22 decision I made that day will be the right decision
23 because families are coming into court because they
24 can't -- they're in situations where it's now out of
25 their control, that their home life is now chaotic,

1 that something has happened to break this family up
2 and they're coming to us for guidance. And so we
3 just get a snapshot of that family based on the
4 affidavits -- particularly at temporary hearings --
5 based on the affidavits and the information given to
6 us. That information, because there are two sides of
7 every story, and I always tell litigants when they
8 come to court, particularly in temporary hearings,
9 that there's the plaintiff's truth, there's the
10 defendant's truth, and then there's the real truth
11 that's somewhere in the middle. And we're not there
12 yet. We don't know what that real truth is. I can
13 only go based on what you've provided me today. So
14 it's difficult. My husband would tell you that at
15 3:00 in the morning, I'm wide awake, you know,
16 staring at the ceiling and he'll ask me what's going
17 on? I'm thinking about a case. Because we do take
18 those home with us. It's difficult.

19 **Q. We, again, we're not talking about the complaint, but**
20 **in this context of court officials, judges that this**
21 **commission screens, their ability, there's the**
22 **ability to file a complaint. And today we've heard**
23 **that only through the complaint do we get to hear the**
24 **facts of a case or a facts of someone's view of how a**
25 **court was -- or a case was conducted. I just want to**

1 -- for the three people listening, perhaps other than
2 those that are within my earshot in here, there's a
3 very thorough vetting of candidates that occurs well
4 before you make it to this stage. And that includes
5 your sitting for interview with people appointed to
6 interview and ask hard questions, correct?

7 A. Yes.

8 Q. And that that one in your instances was alluded to
9 earlier, a citizen's committee took the time not only
10 to just check the boxes, but to write well qualified,
11 committee impressed with her compassion for
12 juveniles, can address the tough issues now before
13 the court. And so that's just one level. And then
14 the interview with the bar and folks then reaching
15 out. Anonymous folks who can take potshots at you.
16 Again, another touch point. And then today. I don't
17 want anybody to think that someone's facts are the
18 facts, whether a complainant or someone listening who
19 might think something else. Like you judge, don't we
20 to have too deal with what we're given --

21 A. Absolutely.

22 Q. -- with a particular candidate?

23 A. Absolutely.

24 Q. And I'm not asking for a -- and forgive that diatribe
25 on the touch points. But for the folks paying

1 attention to how you got here, and how you've been
2 serving for the last 11 years It's not an easy task,
3 is it?

4 A. It is not.

5 Q. So why do you want to keep doing it? Why do you want
6 to wake up at 3:00 in the morning? Maybe I should
7 put your -- don't put your husband under oath. But
8 truly, what is the -- he's pleading the Fifth. I'm
9 invoking it for him. But what truly in your heart of
10 hearts, in your gut, in your -- your passion for this
11 process, why continue to do it?

12 A. Because I truly love it. I mean, I love what I do.
13 Family court has jurisdiction over so many different
14 subjects. And so in any given day, I may hear, you
15 know, a case for a simple name change to a case of
16 terrible abuse to a juvenile committing murder to --
17 to an adoption. Every day is something different.
18 And I feel like I make a difference in people's
19 lives. I'm hoping that what I do is making their
20 lives better. And it's just -- all I keep saying is
21 just my passion. For the juveniles I always say, you
22 know, there are no bad children. There are children
23 who make bad decisions and children who have had bad
24 circumstances. And how can we -- what can we do to
25 make this child's life better, to rehabilitate this

1 child so that this child, when we're done, will be a
2 contributing citizen to, you know, to the state. For
3 parents who involved in abuse and neglect. I don't
4 fault them even though I'm a judge, I don't
5 necessarily judge those parents because I don't know
6 what their life was like growing up. But our job now
7 is to show them that what you're doing is not right.
8 And how can we fix it? How can we make it so that
9 your children can return home safely? What can we
10 do? What resources do we have? So I like -- I enjoy
11 trying to put the puzzle pieces back together so that
12 families can reunite so that children can go home
13 safely. That children don't come back into the
14 system. That our juveniles don't re-offend. You
15 know, with families divorcing is how can we meet a
16 medium? How can we come to not -- everyone's not
17 going to be happy. But how can we make it so that
18 y'all can go forward and no longer be at odds with
19 each other and do what's right by your children? And
20 so I enjoy that part of my job.

21 CHAIRMAN RANKIN: Any other comments, questions by --

22 MR. STROM: Just real quick.

23 CHAIRMAN RANKIN: Mr. Strom.

24 MR. STROM: Judge Hurley, I'd like to commend you on
25 your ballot box results. You have some of the

1 highest in this whole cycle under the well
2 qualified area for professional and academic
3 ability, reputation, experience and judicial
4 temperament.

5 JUDGE HURLEY: Thank you.

6 MR. STROM: And thank you for your service.

7 JUDGE HURLEY: Thank you.

8 CHAIRMAN RANKIN: Ms. Blackley.

9 MS. BLACKLEY: Good afternoon.

10 JUDGE HURLEY: Good afternoon.

11 MS. BLACKLEY: I have never met you. I read about
12 you and in hearing your presentation, all I can
13 say is well done. Keep doing what you're doing.

14 JUDGE HURLEY: Thank you.

15 MS. BLACKLEY: To have a passion that I am -- that's
16 being demonstrated through your work and what I
17 can see for children and family, that is the
18 epitome of what a family court judge should be.

19 JUDGE HURLEY: Thank you.

20 CHAIRMAN RANKIN: All right. If no other comments or
21 questions, Judge, thank you. As you know, the
22 record is not closed until the final release of
23 the record of qualifications. In the event of a
24 violation of the letter or spirit of the ethics
25 law, you understand that we could call you back

1 for further comments.

2 JUDGE HURLEY: Yes, sir.

3 CHAIRMAN RANKIN: And so appreciate your passion and
4 your struggle and your willingness to continue
5 serving our state.

6 JUDGE HURLEY: Thank you. It's been an honor.

7 CHAIRMAN RANKIN: Thank y'all so much.

8 JUDGE HURLEY: Take care.

9 (Off the record)

10 REPRESENTATIVE JORDAN: Judge, good afternoon.

11 JUDGE SMITHDEAL: Good afternoon, sir.

12 REPRESENTATIVE JORDAN: You have your -- well, let me
13 swear you in first. Will you raise your right
14 hand?

15 JOSEPH SMITHDEAL, having been first duly sworn,
16 was examined and testified as follows:

17 REPRESENTATIVE JORDAN: You're sworn.

18 JUDGE SMITHDEAL: Thank you.

19 REPRESENTATIVE JORDAN: I believe you have a copy of
20 your PDQ as well as your sworn statement before
21 you. Is it?

22 JUDGE SMITHDEALE: Yes, sir.

23 REPRESENTATIVE JORDAN: Upon review, does it appear
24 to be complete and accurate and correct?

25 JUDGE SMITHDEAL: Yes, sir.

1 REPRESENTATIVE JORDAN: Any objection to making it
2 part of the record?

3 JUDGE SMITHDEAL: No, sir.

4 (EXHIBIT NO. 34 MARKED FOR
5 IDENTIFICATION PURPOSES (13
6 pages) PDQ)

7 (EXHIBIT NO. 35 MARKED FOR
8 IDENTIFICATION PURPOSES (6 pages)
9 Sworn Statement)

10 REPRESENTATIVE JORDAN: That being done, let me go
11 over with you our evaluative criteria for the
12 record. We use nine of those. Number one
13 ballot box survey, number two thorough study of
14 your application materials, a verification of
15 your compliance with state ethics laws, search
16 of newspaper articles in which your name
17 appears, study of previous screenings, check for
18 economic conflicts of interest. We have
19 received two affidavits filed in opposition to
20 your election. However, they were dismissed.
21 No witnesses are present to testify. You're
22 welcome to make a brief opening statement, but
23 you certainly can waive that and you'll have an
24 opportunity to give brief remarks at the end, if
25 you so choose, but it's your call.

1 JUDGE SMITHDEAL: Well, I would like to introduce my
2 wife Libby. Libby is my wife of 32 years. We
3 have 5 children, 2 grandchildren, and I asked
4 her to come down with me. I also would like to
5 thank Ms. Crawford and Ms. Crater for all their
6 help during this process.

7 REPRESENTATIVE JORDAN: Excellent. Welcome, Ms.
8 Smithdeal. You were next on my list to say did
9 you have anybody here to introduce so great job.
10 With that, Counsel, Ms. Crater. Please answer
11 any questions counsel has.

12 EXAMINATION

13 MS. CRATER:

14 **Q. Hello, Judge Smithdeal.**

15 A. Good after, Ms. Crater.

16 **Q. After serving over 11 years on the family court, why**
17 **do you want to continue serving as a family court**
18 **judge?**

19 A. I want to continue serving because it's good work.
20 The families of South Carolina are -- they're
21 critical. They're the bedrock of our society. I
22 think I -- I think I do a good job and I love it.

23 **Q. Judge Smithdeal, what do you think your reputation is**
24 **among attorneys that practice before you?**

25 A. I think I have a reputation for being fairly laid

1 back, willing to talk in chambers, willing to help
2 lawyers work things out. You know, I was a trial
3 lawyer for a long time before becoming a judge and so
4 I know what it's like to be a lawyer on a case. So
5 fairly laid back, but I guess -- I guess I might
6 occasionally have a reputation for being jealous of
7 the law. I want lawyers to be prepared when they
8 come into court because I'm prepared. And so I --
9 and so I think I think my reputation is fairly good.

10 **Q. Judge Smithdeal, the commission received 394 ballot**
11 **box surveys regarding you with 51 additional**
12 **comments. The ballot box surveys, for example,**
13 **contain the following positive comments: Prepared,**
14 **fair, and impartial. Respectful of the parties and**
15 **attorneys. And very prepared, kind demeanor, and**
16 **thorough knowledge of the law. Only 10 of the**
17 **written comments expressed concerns. Several**
18 **comments indicated your rulings were based on**
19 **religious and moral bias. What response would you**
20 **offer to these concerns?**

21 **A.** I would respond that on more than one occasion, I've
22 -- I've gotten on people that were behaving badly
23 when children were involved. I don't think that's a
24 religious position to take. I think as the judge in
25 the -- in the trial, the judge has a certain

1 obligation to let people know that that their
2 children are being hurt by their behavior. And so I
3 -- so if there's -- if there's comments or have a --
4 have some basis in truth, I would say that that could
5 be what they're talking about.

6 **Q. Judge Smithdeal, you were named as a defendant in a**
7 **United States bankruptcy court case captioned Parker**
8 **v. South Carolina that was dismissed back in 2019.**
9 **Can you please explain the nature and disposition of**
10 **that case?**

11 A. I was sued in my capacity as a state court judge in
12 bankruptcy court for an alleged violation of the
13 automatic stay which is found in the bankruptcy code.
14 The case was filed and dismissed within a period of
15 60 days. It was dismissed under Rule 12 under The
16 Rules of Civil Procedure. And as all the lawyers in
17 here know Rule 12 is decided where the judge has to
18 take the pleadings as factually true and the
19 inferences are weighted in the plaintiff's favor when
20 the defendant files a Rule 12(b)(6) motion. And
21 considering that the judge considered everything in
22 the complaint true, the case was dismissed as without
23 merit.

24 **Q. Thank you, Judge.**

25 MS. CRATER: I would note that the Piedmont Citizens

1 Committee reported Judge Smithdeal to be
2 qualified in the evaluative criteria of
3 constitutional qualifications, physical health,
4 and mental stability. And well qualified in the
5 evaluative criteria of ethical fitness,
6 professional and academic ability, character,
7 reputation, experience, and judicial
8 temperament. The committee noted Judge
9 Smithdeal is a compassionate, experienced family
10 law practitioner who brings an unparalleled work
11 ethic and deep sense of service to the family
12 court bench. The committee warmly recommends
13 him to the Commission for consideration for
14 another term.

15 **Q. I just have a few housekeeping issues. Judge**
16 **Smithdeal, since submitting your letter of intent,**
17 **have you contacted any members of the Commission**
18 **about your candidacy?**

19 A. No, ma'am.

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

23 A. Yes, ma'am.

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

1 either prior to this day or pending the outcome of
2 your screening?

3 A. No, ma'am.

4 Q. Have you asked any third parties to contact members
5 of the General Assembly on your behalf or are you
6 aware of anyone attempting to intervene in this
7 process on your behalf?

8 A. No, ma'am.

9 Q. Have you reviewed and do you understand the
10 Commission's guidelines on pledging and South
11 Carolina code section 2-19-70E?

12 A. Yes, ma'am.

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

18 REPRESENTATIVE JORDAN: Thank you, Ms. Crater.

19 Questions, comments from the Commission?

20 Senator Garrett, you're recognized.

21 SENATOR GARRETT: Thank you, Mr. Chairman. Joe,
22 thank you for coming. Thank you for agreeing
23 to, you know, what's the word? Re-up.

24 JUDGE SMITHDEAL: Run for re-election.

25 SENATOR GARRETT: Yep. And that beautiful wife of

1 yours. It's been a pleasure to work with you on
2 the family court bench as a practitioner in
3 front of your court. Always felt that I got a
4 fair shake when you ruled against me, even
5 recently. But you did it -- you did it in a
6 nice way. And actually did it in chambers.
7 These judges that we have developed in the
8 Eighth Judicial Circuit are a model. These
9 judges are friendly to lawyers, but they're
10 friendly, they're firm. You know, they make
11 lawyers work. And when they don't, they call us
12 out, and they should. And it's just a pleasure.
13 And he brings, for the community, he brings a
14 sense of justice to families. And that means so
15 much to this -- to this body. He's the epitome
16 of what a judge should be. He takes care, he
17 takes time, he listens to litigants, and he
18 really cares about the children. That's one of
19 the most important things is that he really
20 cares about the juveniles, the problems that
21 they're having, and he will get on a parent in a
22 heartbeat, in a courtroom, because they need it.
23 And some -- some -- I'm reading some of these
24 things, but he said things to people that I've
25 had in courtroom that I actually agreed with,

1 that I couldn't say, that he needed to say. It
2 needed to be said. So there are a lot more
3 positives than there will ever be negatives on
4 this judge. We know him. I'm proud to work
5 under him. I'm proud to do what we can to try
6 to help him because he is the kind of judge that
7 we need in this community. Thank you, Mr.
8 Chairman.

9 JUDGE SMITHDEAL: I appreciate that, Senator.

10 REPRESENTATIVE JORDAN: Judge, as I look across the
11 commission, it's Legislative Friday, and you're
12 the last candidate. Thank you for appearing
13 here today. Let me go over a few more details
14 with you. This concludes this portion of the
15 screening, but you've been through this process
16 before. You know that I'm required to remind
17 you that, pursuant to the Commission's
18 evaluative criteria, the Commission expects
19 candidates to follow both the spirit, as well as
20 the letter of the ethics laws that are
21 applicable. We will view violations or the
22 appearance of impropriety as serious and
23 potentially deserving of heavy weight in our
24 screening deliberations. On that note, and as
25 you know, the record will remain open until the

1 formal release of the report of qualifications,
2 and you may be called back at such a time if the
3 need arises. You understand that?

4 JUDGE SMITHDEAL: Yes, sir.

5 REPRESENTATIVE JORDAN: All right. To that end,
6 thank you for your service. Be careful going
7 back to Greenwood. I've never found an easy way
8 to get to Greenwood.

9 JUDGE SMITHDEAL: There's no easy way.

10 REPRESENTATIVE JORDAN: I wish you safe travels as you
11 return home. Thank you, Judge. Having
12 completed our agenda and fully gone through the
13 process today, we are hereby adjourned until
14 Monday at 9:00, we will return. Wish y'all safe
15 travels and safe return back. Thank you,
16 everybody.

17 (There being no further questions, the hearings
18 concluded at 3:53 p.m.)
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25

1 CERTIFICATE OF REPORTER

2
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