

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
SPECIAL MEETING
POLICE, JUDICIAL & LEGAL COMMITTEE
Wednesday, November 7, 2018
10:30 a.m.
Municipal Complex, Committee Meeting Room, 3rd Floor
100 Ann Edwards Lane, Mount Pleasant, SC 29464

MINUTES

Members Present: Mayor Will Haynie, Chair, Gary Santos, Joe Bustos,
Guang Ming Whitley

Staff Present: Eric DeMoura, LeVica Kirvin

Mayor Haynie called the meeting to order at 10:30am.

Mayor Haynie stated they would call on each of the applicants to make their opening statements, and would give each applicant about 10 minutes, and if needed, the time could be extended. He explained there would be no voting today. The committee would be making a recommendation to Council in Executive Session at the next council meeting.

1. Public Comments

No public comments

2. Judicial matters

a. Conduct interviews for municipal judges

Judge Lawrence Duffy stated he started practicing law in 1967. He stated all his experience over the years has been in the courtroom or trial work. Judge Duffy stated he did that for a few years when former Mayor Dick Jones reached out to him and asked for his assistance. It was during the time when the Town had to remove some key Staff members. Judge Duffy said he would fill in as judge while an investigation was being handled by the State Law Enforcement Division (SLED). At the time Judge Duffy thought the

investigation would last six months, however it lasted two years. Judge Duffy stated he never billed the Town for his time because he knew the Town was in a crisis and he wanted to help. When SLED completed their investigation Judge Duffy resigned. Not long after Carmen Bunch called Judge Duffy and asked him to help with the court on the Isle of Palms. He explained it took one year to get the court set up to run smoothly and once that was accomplished he resigned. From there a friend of his, Louis Stith on Sullivan's Island, received a letter from the Supreme Court saying he was not seating jurors properly and asked for Judge Duffy's help. Once again Judge Duffy agreed to help and worked seven years for Sullivan's Island for free. When Louis Stith got cancer Judge Duffy continued as judge on Sullivan's Island in a paid position.

Judge Duffy stated he has always loved the law and that is how he got involved with municipals courts.

He stated he closed his law practice in 2016.

He explained he always loves to see young people and try to help them out so that they do not land back in court. Judge Duffy stated he has received many thank yous from families which to him makes everything worthwhile.

Mayor Haynie asked the committee members if they had any questions.

Ms. Whitley stated she was going to ask about Judge Duffy's judicial philosophy but stated he answered that in his response with wanting people not to come back before him in the same place.

Judge Duffy stated that is his goal. He added he is not here to raise money for any town, he is there if somebody has a problem to help them solve it when he can.

Mayor Haynie asked Judge Duffy what trends he is seeing.

Judge Duffy stated the Town has not really shifted in the last 15 years. He stated young people are smarter and they unfortunately have more things that can get them into trouble with the internet and mobile communications that did not exist 10 years ago. Judge Duffy stated there are a lot more

youth getting into wrecks and hurt due to texting. He stated he is disappointed the Legislature is not taking it more seriously. He stated a young person is not going to stop texting for a \$25.00 fine as it has no impact on them. Judge Duffy stated that is the biggest change he has seen during his tenure.

The Committee thanked Judge Duffy and Mayor Haynie called Mr. Paul Thurmond to be interviewed.

Mr. Paul Thurmond thanked the Committee Members for the opportunity. He appreciated getting to this point because he knows there are a lot of qualified capable people that would want to serve in this capacity. He stated he realized that as interviewers there are a lot of things they cannot ask but he wanted to take this opportunity to express what he stands for and the principals he believes in, in the hopes that they get to know him a little better.

Mr. Thurmond stated he is a believer in God and believes He guides and watches over him. Mr. Thurmond stated he believes he truly has been blessed in his life. He believes in the Lord and Savior, that He is putting him in a direction that is what He desires. Mr. Thurmond stated he is a member of East Cooper Baptist Church and has been in the Mount Pleasant community for the last three years. He stated he is a family man and is blessed with 5 children and a wife of 15 years. He stated his children range from ages 13 to 2-1/2, three boys and two girls. Mr. Thurmond stated he grew up in Aiken. He stated he was fortunate to be a very good tennis player and attended Vanderbilt University on a tennis scholarship. Mr. Thurmond stated he went to DC to work for a year on the Government of Affairs Committee for Fred Thompson. He stated that was a great experience for him but realized very quickly he needed more education. He returned to South Carolina and went to law school. In law school he was fortunate to be on the Honor Council and ultimately served as Chairman. Mr. Thurmond stated he practiced law as a prosecutor in Charleston County for three years and then went into private practice. Mr. Thurmond stated that was a good decision as he enjoys his job and has done well financially.

He stated the practice has grown every year with the exception of one. He added two years ago, when he got out of public service, the business grew by 30%. Mr. Thurmond stated they have expanded to three locations, Charleston, Aiken and Dorchester County and has 13 lawyers that he is managing as a managing partner as well as 16 employees.

Mr. Thurmond stated he has found himself getting involved in his community. He stated that was how he was raised, to be engaged in his community. When he first moved to Charleston, after being at the solicitor's office, he ran for public office and was elected to Charleston County Council and before leaving was elected as Vice Chairman. He stated he ran for congress unsuccessfully in 2010 and said he learned a lot from a loss. He ran in 2012 for the State Senate and served for 4 years. Mr. Thurmond explained that when he was in the State Senate he travelled back and forth to Columbia three time a week which was very difficult on his family. He ended up having two more children and his life changed drastically. Through discussions with his wife he decided not to continue in that regard and believes it was the right decision. He stated he has been out for 2-1/2 years but has still been engaged. He stated he has had the chance to serve on Trident United Way Policy Council. He stated he is also involved in Roper Hospital Innovations Center. Mr. Thurmond was recently appointed to the Aviation Authority and as his children are getting older, he is desiring to be more engaged and this is something he has the skillset for.

Mr. Thurmond stated judicial philosophy is difficult to identify as every circumstance is different. He stated from 2010-2012 he was the municipal prosecutor for the City of North Charleston. He added he has participated in cases at the municipal and magistrate level for 13+ years. He stated this is an area he is very familiar with. Mr. Thurmond stated every case is different, as is every circumstance, but as a judge what is needed is someone approachable, anxious to find resolution, that is fair and willing to work. He added that is one of the most important aspects of someone who is sitting in the position of judgement. That they are there available,

encouraging people to come in and really want to get it right. Working to make accurate decisions is a very important aspect.

Mr. Thurmond stated our system is moving away from incarceration to alternative ways of addressing the problems at hand, delving down into the issue to discern why this person is in the system and how to make sure they do not come back. He explained it is a lot about treatment and a lot about encouraging them to desire to get help and stated that is also what he does in his private practice. Mr. Thurmond stated he is proud to have been practicing for 16 years and has never had a complaint against him. He stated he is anxious to help people, and as a judge, decisions must be made but be in the position to try and encourage and help them.

Mr. Thurmond stated when he was in the legislature, he was given the award from the Fraternal Order of Police (FOP) as the legislator of the year. He stated he does penal council for FOP and Police Benevolent Association (PBA). He stated he has managed to try to be an advocate and understand the system in a larger scale to assist his clients as well as officers. He stated he has a soft spot for officers and added it is a difficult job. Mr. Thurmond stated the Town deserves a lot of credit for having an excellent prosecutor and officers who are exceedingly well trained. The fact that the Town requires officers to have a college degree is extremely important and he enjoys the interaction with them even though they may see the resolution differently, but finds the officers are well intentioned and work hard. Mr. Thurmond stated he has tried to help officers as well in his professional career.

Mayor Haynie asked the committee members if they had any questions.

Mr. Bustos stated that he has known Mr. Thurmond for 15 years and his experience is extraordinary.

Ms. Whitley asked Mr. Thurmond if he has the bandwidth to take on this job at this time with his expanding law firm.

Mr. Thurmond stated he is proud of what they have accomplished as a law firm, and believes they have very capable people in the firm. He stated he is

ready to move away from managing into just performing as a lawyer. He stated it is important to give other people an opportunity to manage and in hiring the right people they will continue to expand and give more opportunities. He stated he is going to stay busy no matter what and enjoy the opportunity he has to try and be effective not only in his personal life but in the community and in his business. Mr. Thurmond stated he would not offer if he did not believe he had the time to take it on. He added he has had discussions with his wife and he sees this as an opportunity to encourage his children to be involved in their community, to give back and care. He stated that is what he is doing on a regular basis. He added he does not sleep a lot and the result is he finds himself involved in a lot of things. Mr. Thurmond stated he has taught mock trial for the College of Charleston for two years. He opened an ice cream shop and then opened a second one and ran it while he was on County Council and had just opened a new business. He stated he can take on a lot and does not believe at this point he is full. He added he would feel fulfilled in regard to his community involvement by having this opportunity.

The Committee thanked Mr. Thurmond and Mayor Haynie called Mr. De Holl to be interviewed.

Mr. Andrew De Holl stated he was born in Greenville and grew up in Anderson. After grad school he and his wife moved to Mount Pleasant and currently live in Old Hobcaw. He stated he is here today because he believes very strongly in public service. Mr. De Holl stated he has spent most of his legal career in courts because of the love he has for the work of the court. Mr. De Holl stated this extends not only to working with judges and to ensure that the law is administered equally and fairly to all, but also to the day to day interactions with litigants and attorneys, along with court administrators, police officers, probation officers. He added there are so many components that go into the criminal justice system to make it work everyone must be rowing in the same direction. Mr. De Holl stated he views this position in a significant way of making sure this Town's tradition of excellent service in its municipal court continues with someone who is

interested in having the vigor and energy to pursue the position for a long time. Mr. De Holl stated he does not say that just to be complimentary about the Town. He stated the committee members are probably aware of the fact that South Carolina as a whole has gotten a bad report nationally for not serving its citizens in summary courts and added that is not the case with the Town of Mount Pleasant. Mr. De Holl stated this is a wonderful Town Hall with two courtrooms, attorney meeting rooms, a full-time prosecutor, a contract prosecutor and now contract public defenders. He stated he wants to be part of that by taking what he has learned working for three judges on how to apply the law, how to be efficient, how to be fair and bring that to the citizens. He stated he also wants to be an excellent example for his children. Mr. De Holl has a daughter who recently turned five whose wish was to meet Rob Fowler. He also has a son who is two years old. He stated he looks at what kind of qualities he would like to instill in his children and one, that is generally lacking in our schools and in the community, is civic engagement. He stated he can think of no better way as a father than to keep demonstrating that to them as often as he can.

Mr. De Holl stated his judicial philosophy is equal application of the law to people who are similarly situated. He stated another component, equally important, is letting people know that they have a sense of justice by making sure people feel they are heard. He stated that is a big part of reducing recidivism and making people more confident in their court system. Mr. De Holl stated he learned that by working with different judges but especially from Judge Michael Duffy who recently retired. He explained Judge Michael Duffy had a saying, we are all just one mistake away from ruin. He stated he believes that but it does not necessarily mean lenience in every case. But what he does mean is before you do something that affects someone's life, you must look hard, talk with them and make sure they are heard. He stated that instills a lot more confidence in our citizens and the integrity of the court system and he intends to do that with every single case. Mr. De Holl stated that also gives an opportunity to consider the appropriate sentence whether it be jail time, a fine, or suspended sentence for other matters that are appropriate like community service. He stated each case

should be looked at and handled on an individual basis. As an example of giving people the opportunity of being heard, he recently sat in Judge Duffy's courtroom as he was doing traffic tickets. He was struck by how many individuals come to court and do not have the means to pay. He stated in those cases you need to work with them because many are just one step away from ruin. He stated they are trying to be fair and efficient in the administration of the law, but not overly punitive. He stated if given the opportunity he would like to build on the tradition seen here and work to make sure everyone who appears in court comes out feeling like they got a fair shake and were treated with respect and courtesy no matter the outcome.

Mayor Haynie asked the committee members if they had any questions.

Mr. Bustos stated Mr. De Holl has clerked for a number of judges and graduated from law school in 2010. He asked Mr. De Holl if he is currently practicing law.

Mr. De Holl responded in the affirmative.

Mr. Bustos asked if he was practicing in Mount Pleasant.

Mr. De Holl stated his office is located right off Coleman Blvd.

Mr. Bustos asked if he has practiced in our court.

Mr. De Holl stated he has not appeared in our court other than as an observer. He added he did however appear in front of Judge Morrison in Charleston, defending his wife for an expired tag and won the case.

Ms. Whitley asked if Mr. De Holl had discussed this opportunity with his law group and would he have the time to do the job.

Mr. De Holl stated he is privileged to work with some very open minded and flexible people who are interested in making sure the job gets done. He added he is given a lot of latitude in developing his own practice and doing things he is passionate about, from serving on non-profit boards or being involved in his church and confirmed there are no problems conducting this service.

Mayor Haynie asked Mr. De Holl, based on his extensive clerkship, how that shaped him as a potential judge.

Mr. De Holl stated the three judges he worked under all had very different styles and approaches, but one common trait was they all looked to the law first and made sure that they were clear about the law and knew every aspect of it before they considered the person to whom that law was being applied. He stated he takes away the many lessons he has learned from all of them on how to read the law, how to think about new concepts and how to be fair and to the community which is served and apply that on a daily basis.

The Committee thanked Mr. De Holl for his time.

Mayor Haynie requested the minutes be prepared in time for the other Council Members to view before the next Council meeting on Tuesday November 13th.

3. Adjourn

There being no further business, the meeting was adjourned at 11:03am.

Minutes submitted by:

Laurie Wilson