

# The Supreme Court of South Carolina

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August 18, 2020

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Re: Annalee Walsh v. Boat-N-RV Megastore  
Appellate Case No. 2019-001080

Dear Counsel:

Enclosed is a memorandum from Justice Few. If any party has a question or objection relating to Justice Few's participation in this case, I would ask counsel for that party advise me of this question or objection by e-mail to

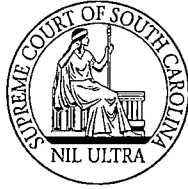
[dshearouse@sccourts.org](mailto:dshearouse@sccourts.org) by 9:00 a.m. tomorrow, August 19, 2020.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a smaller 'S' and a long horizontal stroke extending to the right.

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Enclosure



# The Supreme Court of South Carolina

JOHN CANNON FEW  
JUSTICE

1231 Gervais Street  
COLUMBIA, SOUTH CAROLINA 29201  
(803) 734-1925  
jfew@sccourts.org

To: Counsel of Record in all cases involving Womble Bond Dickinson

On October 12, 2019, I married the former Stephanie Leonard Yarbrough, now Stephanie Yarbrough Few. Stephanie is a partner in the law firm Womble Bond Dickinson, a global law firm with three offices in South Carolina. This disclosure is made as suggested by "Commentary" to Canon 3E(1) of the South Carolina Code of Judicial Conduct, Rule 501, SCACR, which provides, "A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification."

My analysis of the question leads me to the conclusion that "there is no real basis for disqualification" from any cases simply because of the relationship. My analysis begins with Canon 3B(1), which provides, "A judge *shall* hear and decide matters assigned to the judge except those in which disqualification is *required*." (emphasis added).

Disqualification is governed by Canon 3E. Commentary to Canon 3E(1)(d) provides, "The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not of itself disqualify the judge." If disqualification is required in any given case, it would be pursuant to the provisions of Canon 3E.

Turning to the provisions of the Code of Judicial Conduct that could require my disqualification, Canon 3E(1) provides, "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to" several specific instances listed in the Canon. The listed instances that could be applicable to my relationship with Stephanie are:

- Canon 3E(1)(a)—"the judge has a personal bias or prejudice . . . or personal knowledge of disputed evidentiary facts"

- Canon 3E(1)(c)—"the judge knows that . . . the judge's spouse . . . has an economic interest in the subject matter in controversy"
- Canon 3E(1)(d)(iii)—"the judge's spouse . . . is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding"

In almost all litigation handled by Womble before the Supreme Court of South Carolina, (1) Stephanie has no involvement in the representation, (2) I have no personal bias, interest, or knowledge, (3) she has no economic interest in the subject matter, and (4) she has no other interest that could be affected by the proceeding. Therefore, in almost all cases in which Womble attorneys appear before our Court, I see no requirement for my disqualification.

There will be times, however, when my analysis will not be so simple, or when litigants before the Court may see a valid reason to suggest that I reach a different conclusion. First, if I ever have any personal bias or prejudice, or if I ever have personal knowledge of disputed facts, I will disqualify myself without the need for counsel to raise the question. If counsel ever suspects I have personal bias or prejudice or knowledge of disputed facts, I welcome counsel to make that suspicion known to me. If correct, or if the circumstances give rise to a reasonable question as to my impartiality, I will disqualify myself.

Second, if I am ever aware that Stephanie's financial or other interests could be affected by the proceedings, I will disqualify myself without the need for counsel to raise the question. If I am ever aware of such a situation in which I believe there may be an appearance of impropriety, I will disqualify myself without the need for counsel to raise the question. If counsel ever suspects such a situation exists, I welcome counsel to make that suspicion known to me.

Third, Stephanie's clients are often involved in litigation. When she is asked to do so, she refers the litigation work to litigation attorneys within her firm, and sometimes outside her firm. In cases where Stephanie referred the work to members of her firm, she may receive an economic benefit from that work because she is the partner who originated the representation. In that situation, if I am aware of it, I will disqualify myself without the need for counsel to raise the question. If counsel ever suspects such a situation exists, I welcome counsel to make that suspicion known to me.

In conclusion, in most instances, it is my intention to fulfill my Canon 3B(1) obligation to "hear and decide matters assigned to [me] except those in which

disqualification is required." Unless counsel hears from the Court that I plan to disqualify myself, counsel should assume I plan to hear the case. However, if counsel has any concern over whether my disqualification is required, counsel must make those concerns known to me and to the Court.